Muswellbrook Shire Council

ORDINARY COUNCIL MEETING

BUSINESS PAPER

TUESDAY 25 OCTOBER 2022

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
19 October, 2022

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the Loxton Room, Administration Centre, Campbell's Corner 60-82 Bridge St, Muswellbrook NSW 2333 on **Tuesday 25 October 2022** commencing at 6:00 pm.

Derek Finnigan
ACTING GENERAL MANAGER

Council Meetings

Meeting Principles

Council and committee meetings should be:

Transparent:	Decisions are made in a way that is open and accountable.
Informed:	Decisions are made based on relevant, quality information.
Inclusive:	Decisions respect the diverse needs and interests of the local community.
Principled:	Decisions are informed by the principles prescribed under Chapter 3 of the Act.
Trusted:	The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
Respectful:	Councillors, staff and meeting attendees treat each other with respect.
Effective:	Meetings are well organised, effectively run and skilfully chaired.
Orderly:	Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Public Forums

The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.

To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by no later than 9.00 am two (2) days prior to the day of the meeting before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak ‘for’ or ‘against’ the item.

Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than 3 days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.

Each speaker will be allowed 2 minutes to address the council. This time is to be strictly enforced by the chairperson.

Declarations of Interest

Statement of Ethical Obligations

Councillors are reminded of their oath or affirmation of office, made under section 233A of the NSW Local Government Act 1993, to undertake the duties of the office of Councillor in the best interests of the people of Muswellbrook Shire and Muswellbrook Shire Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them, under the Local Government Act 1993 or any other Act, to the best of their ability and judgment. Pursuant to the provisions of the Muswellbrook Shire Council Code of Meeting Practice and the Muswellbrook Shire Council Code of Conduct, Councillors are reminded of their obligations to disclose and appropriately manage conflicts of 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.

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1. Acknowledgement of Country

2. Civic Prayer

3. Apologies and Applications for a Leave of Absence or Attendance by Audio Visual Link by Councillors

4. Confirmation of Minutes

Ordinary Council Meeting held in 27 September, 2022

RECOMMENDATION

The Minutes of the Ordinary Council Meeting held on **27 September, 2022**, 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 or Non-Pecuniary Interests

6. Mayoral Minute

Nil

7. Public Participation

8. Business Arising (From Previous Meetings)

Nil

9. Business (Specific Reports)

9.1. Planning and Environment

9.1.1. DA 2002-342 - Section 4.55 Modification - Modification to Quarry and Concrete Batching Facility to Include a 30,000 tonne Per Annum Construction and Demolition Waste Recycling Facility

Attachments:

1. DA 2002-42 S4.55 Modification Recommended Conditions of Consent [**9.1.1.1** - 15 pages]
2. DA 2002-342 S4.55 Modification Development Assessment report [**9.1.1.2** - 14 pages]
3. DA 2002-342 S4.55 Statement of Environmental Effects [**9.1.1.3** - 126 pages]
4. EPA General Terms of Approval [**9.1.1.4** - 5 pages]
5. DA 2002-342 S 4.55 Submissions [**9.1.1.5** - 8 pages]
6. DA 2002-342 S4.55 - Assessing Officer Review of Submissions [**9.1.1.6** - 7 pages]
7. Quarry Audit (General) - Compliance Audit and Action Plan [**9.1.1.7** - 4 pages]

Responsible Officer: Sharon Pope - Director - Planning & Environment

Author: Hamish McTaggart, Theresa Folpp – Development Co-Ordinator

Community Plan Issue: *6 - Community Leadership*

Community Plan Goal: Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.

Community Plan Strategy: 6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

APPLICATION DETAILS

Applicant: Patrick Wild

Owner: Wild Engineering Pty Ltd

Proposal: Modification to Quarry and Concrete batching facility to include a 30,000 tone per annum construction and demolition waste recycling facility

Location: Lot 30 DP 815308 (8440 New England Highway, Muswellbrook)

Permissibility: The proposed development is permissible

PURPOSE

The report has been prepared to assist Council in the determination of a Section 4.55 Modification application proposing the modification of DA 2002/342 which relates to a quarry and concrete batching plant at 8440 New England Highway, Muswellbrook (Lot 30 DP 815308). The proposed modification seeks approval to include a 30,000 tonne per annum construction and demolition waste recycling facility at the site.

The modification has been reported to Council for determination, as determining applications involving extractive industries falls outside the authority delegated to the General Manager. The development application was assessed by an external planning consultant (SIX Hills Group). The planning consultant's report recommends the approval of the development application, and is attached as an appendix to this report.

OFFICER'S RECOMMENDATION

Council:

1. Grants consent to the Section 4.55(2) modification of DA 2002/342, involving the addition of a 30,000 tonne per annum construction and demolition waste recycling facility to an approved quarry and concrete batching plant at Lot 30 DP 815308, 8440 New England Highway, Muswellbrook, subject to the conditions recommended in Attachment A.
2. Directs the General Manager to review the non-compliances identified in relation to the current quarry operations and undertake further compliance action as appropriate, with an emphasis on addressing compliance matters related to the access road improvements and use.

Moved: _____ **Seconded:** _____

☐ Cr A. Barry	☐ Cr M. Bowditch	☐ Cr D. Douglas
☐ Cr J. Drayton	☐ Cr L. Dunn	☐ Cr J. Lecky
☐ Cr R. Mahajan	☐ Cr D. Marshall	☐ Cr G. McNeill
☐ Cr S. Reynolds	☐ Cr R. Scholes	☐ Cr B. Woodruff

BACKGROUND

This Section 4.55(2) modification was previously reported to Council for determination at the 24 May 2022 Ordinary Council Meeting. Determination of the modification was deferred by Council pending a compliance update, primarily in relation to the use of the Right of Way (ROW) shared with adjacent landholders.

This updated report provides additional information in relation to the operation of the existing development and its compliance with the development consent. However, the primary purpose

of this report remains the determination of the lodged Section 4.55 Modification.

It is recommended that compliance issues be followed up and resolved separately to the determination of the Section 4.55 modification. The matters prescribed by the Environmental Planning and Assessment Act 1979 do not extend to compliance issues or the compliance record of the operator.

REPORT

Description of the Proposed Modification

This Section 4.55(2) modification seeks consent to add 30,000 tonnes per annum (tpa) construction and demolition waste processing at the site. Waste receival, sorting, crushing, and grinding will be undertaken within a previously quarried area of the site.

The aerial images below identify the land subject to this development application in context with the wider locality and the location of key infrastructure within the site.

Image.1 (Site Location Map, RPS SEE)

Image.2 (Subject Site & Extent of Operations)

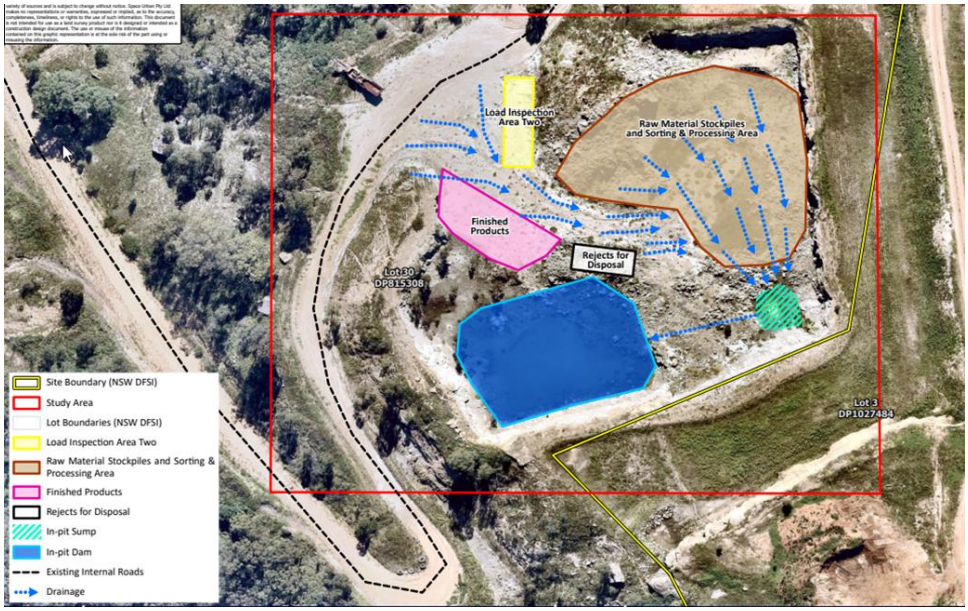

Image.3 Waste Processing Area

Assessment Summary

A Consultant Planner has completed an assessment of the proposed development against Section 4.55 and Section 4.15 of the *Environmental Planning and Assessment Act 1979* (see Attachment A).

It is recommended that the development application be approved subject to conditions.

To inform the assessment and determination of the development application, the applicant has submitted the following documentation to council:

- Statement of Environmental Effects (see attachment C)
- Air Quality Impact Assessment
- Noise Impact Assessment
- Traffic Impact Assessment

A copy of the technical reports and information referenced above can be provided to Councillors under separate cover if requested.

The proposed development was referred to the NSW Environment Protection Authority (EPA) for concurrence as the proposed facility is a type of facility requiring an Environmental Protection Licence under the *Protection of the Environment Operations Act 1993.* Final comments from the NSW EPA raised no objection to the proposed development and included recommended conditions.

The proposed development was referred to Transport for NSW (TfNSW) for concurrence pursuant to *State Environmental Planning Policy (SEPP) (Mining Petroleum Production and Extractive Industries) 2007.* Comments provided by TfNSW raised no objection to the proposed development or its impact on the Classified (State) road network.

The proposed development was referred to Council's Roads and Drainage Engineers who raised no objection to the proposed modification.

Council's Compliance Officer commenced an audit of the quarry in March 2022. The audit identified non-compliances with the consent which are referenced in the attached Assessment Report and Compliance Table. Most non-compliances relate to the submission/update of management plans and operational reports. Council's Compliance Officer is engaging with the quarry operator to action compliance matters separate to this application.

Key Assessment Report findings, issues and considerations include:

- The proposed modification has been considered against the relevant matters for consideration prescribed by Section 4.55 of the E*nvironmental Planning and Assessment Act 1979*. Detailed commentary regarding these matters is included in the attached assessment report. The Assessing Officer is satisfied that the proposed development would be compatible with the relevant criteria for a modification application.
- The proposed modification and establishment of a facility to recycle demolition waste may be considered as a type of development permissible with consent through the provisions of Clause 7(4) of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* despite any inconsistency with the *Muswellbrook Local Environmental Plan (MLEP) 2009*. The applicant has indicated that the recycling of construction and demolition waste would be used as a supplementary material to rock extracted from the quarry for the manufacturing of concrete blocks and other materials manufactured from materials extracted from the site and processed through the related cement mixing facility.
- The proposed modification remains consistent with all other relevant provisions under the MLEP 2009.
- The proposed modification would be compatible with the relevant provisions of the Muswellbrook Development Control Plan.
- Two (2) submissions were received through the public notification process. The submissions have been attached for Council's consideration and have been summarised and commented on in a table prepared by the consultant planner who assessed the application (see attachments E & F). The issues raised by the submissions do not substantiate a decision to refuse the application.

Development Compliance (General)

Council Officers undertook an inspection and audit of the quarry to identify any non-compliances. This audit identified 18 non-compliances. When reviewing and grading risks related to these non-compliances, a large proportion of the non-compliances noted were administrative and were low or moderate risk.

A summary of non-compliance recommendations relating to non-compliances and continuous improvement recommendations were provided to the development operator and are attached.

Development Compliance (Access and Right of Way)

Separate to the general audit, Council Officer's undertook a more involved review of the vehicle access approval requirements and the right of way access.

The image below provides an overview of the approved access situation for the quarry in context with the right of way.

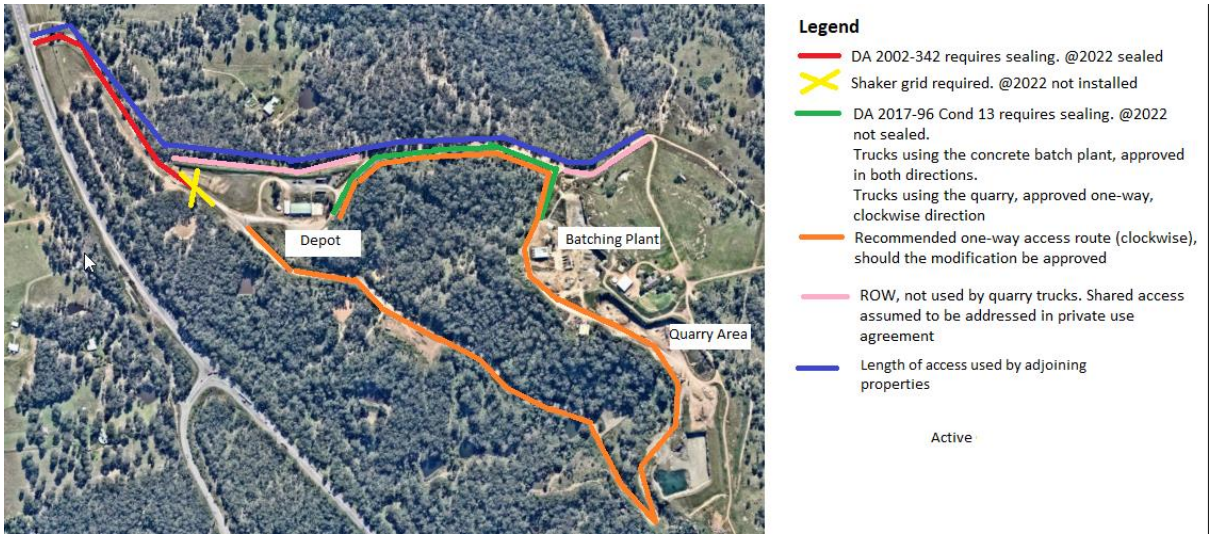

Image.4 (Approved Access Conditions)

The points below provide further context around the understanding of Council staff of the current access conditions:

→ The right of way is located on land within the quarry's ownership. The right of way permits adjoining properties to gain access to their land over the part of the quarry property that the right of way effects. The Deposited Plan for the quarry site identifies the right of carriageway as having a width of 20m and running the length of the property's northern boundary.

→ A portion of the land used by private vehicles of adjoining properties is used by vehicles accessing the quarry and concrete batching plant. The full length of the access used by private property owners can be seen in the image above marked in purple.

→ Quarry vehicles are required to access the site in a one-way movement pattern and after the turn off to the quarry may not re-enter the shared right of way area. Concrete batching plant vehicles are not encumbered by this restriction and may re-enter the shared right of way area between the site office and concrete batching plant.

→ A condition of consent imposed on DA2017/96, which approved the construction of the concrete batching plant, required a portion of the right of way between the concrete batching plant and depot area to be sealed. The October 2019 modification to this development application included the consolidation of the two approvals (quarry and concrete batch plant) and the requirement for this portion of the road to be sealed was incorporated into this Notice of Determination. This condition has not been complied with and the relevant part of the right of way remains unsealed.

→ In addition to the road improvement requirements, the October 2019 modification imposed a new condition, condition 58, which required a line marking plan to be designed and implemented to improve safety on the shared access, particularly at the intersection that connects the right of way to the quarry and concrete batching plant locations. This condition has not been complied with.

After identifying the approved quarry access arrangements Council staff have conducted a further review of the approved access situation in context with the submissions received. A summary of the key observations has been included below:

Condition	Comment	Compliance Comment
Condition 48 requires the construction of a sealed access for a specified distance from the site's New England Highway intersection.	This intersection is sealed in a manner consistent with the condition requirements.	Complied with.
Condition 49 restricts vehicles over 5 tonnes from turning right from the site onto the New England Highway.	The submitter raised the issue of vehicles making right hand turns from the site. Council Officers have raised this issue with the quarry operator who advised that they were not aware of this occurring and that vehicles were under instruction to comply with the left turn only requirement. Council staff have witnessed heavy vehicles turning right. Council Officers may request the proponent to demonstrate additional measures related to driver education and/or consider options to monitor vehicle movements from the site.	**Further investigation and compliance action required.**
Condition 50 requires the operator to install and maintain truck warning signs on both approaches to the haul road on Grasstree Ridge Road.	RPS provided a letter to Council Officers in February 2019 (DOC 956978) which states "signs were installed and have been in place at the site since the quarry was developed in 2003. The signs were required to be installed prior to the granting of an occupation certificate for the quarry". The Q1 2022 audit compliance was based on the RPS information.	**Signs will be visually inspected during Q4 2022 audit.**
Condition 51 requires the Applicant to seal the private quarry haul road, from the agreed intersection point with Grasstree Ridge Road to a point at least 10 metres	The Q1 2022 audit identified that the haul road was sealed as required. However, no shaker grid has been installed. Installation of a shaker grid	**Compliance action required.**

Condition	Comment	Compliance Comment
past the access road to the machinery shed. A shaker grid is to be installed at the end of this sealed section. The sealing shall be undertaken and maintained to Council's satisfaction.	required.	
Condition 52 requires the Applicant to erect a stop sign on the private quarry haul road at its intersection with the Grasstree Ridge Road. Grasstree Ridge Road is to remain as the priority road.	Stop sign viewed during the Q1 2022 audit. Recommendations were made in the Q1 2022 audit to update environmental management plans and driver education documentation to show site stop points and undertake refresher training for each.	**Compliance action required.**
Condition 53 requires all loading and unloading operations to be carried out wholly within the confines of the site at all times and within loading bays designated on the approved plans where relevant.	There was no indication that material was being unloaded / loaded outside allocated loading bays.	**Further review to be undertaken in Q4 2022.**
Condition 54 requires the Applicant to install, maintain and operate a weighbridge or other approved weighing device at the site to ensure proper recording of tonnages being transported.	This condition was not reviewed for the Q1 2022 audit.	**Review to be undertaken in Q4 2022.**
Condition 55 requires The Applicant to permanently close off the western access road from the Grasstree Ridge Road to the existing machinery shed, and install a 1 metre high fully landscaped bund wall parallel to the ROW from the haul road intersection to a point east of the machinery shed approved by Council.	Deemed compliant in the 2017 site inspection, not reviewed as part of the Q1 2022 audit.	**Review to be undertaken in Q4 2022.**
Condition 56 requires a 5m wide two coat bitumen seal to be applied to the access	This condition was imposed by Council in its determination of the	**Compliance action required.**

Condition	Comment	Compliance Comment
between the office/depot area and concrete batching plant.	development application for the concrete batching plant (DA 2017/96) and has not been complied with. Compliance action is required to improve this stretch of the access in line with this condition	
Condition 57 requires the maintenance of the internal access way	An inspection of the site identified that maintenance of the internal access is being carried out. However, the improvement of the stretch of the access between the concrete batching plant and office has not been completed. Compliance action is required to require this improvement.	**While road management is being carried out – action is required to deliver road upgrade specified by condition 56.**
Condition 58 requires the preparation of a plan to be approved by Council setting out additional line marking and safety measures to improve safety on the shared access, particularly at the hill crest and intersection where vehicles exit the right of way to the batching plant quarry location.	This condition was imposed as an additional requirement in October 2019 when Council approved a modification to consolidate the quarry and batching plant consents and extend the time period for the quarry operations. The condition has not been complied with.	**Compliance action required**

Council Officers recognise that further compliance action is required to:

- Ensure vehicles are complying with the requirements of the consent related to the direction of movement and turning restrictions onto the New England Highway.
- The upgrade of the vehicle access road to a 5m wide sealed standard between the part of the shared vehicle access that connect the site offices/depot building and the concrete batching plant.
- The preparation and instigation of a line marking plan to improve vehicle safety in line with condition 58.

OPTIONS

In relation to the application to modify the development application Council may:

A. Adopt the report recommendation to grant development consent to the proposed modification of DA 2002/342 subject to the recommended conditions of consent.

B. Grant development consent to the proposed modification of DA 2002/342 subject to alternate conditions of consent.

C. Refuse development consent to the proposed modification of DA 2002/342.

In relation to development compliance matters with the existing quarry operation, Council may:

A. Adopt the recommendation and issue a general instruction to the General Manager to progress compliance investigation and action in relation to the development's compliance with the development consent.

B. Adopt a modified recommendation that provides amended instruction related to the carrying out of compliance action.

C. Not move any motion related to the carrying out of compliance action. Council staff will continue to consider the compliance matters and take action where appropriate in line with existing Council policies and processes.

LEGAL IMPLICATIONS

Where the applicant is dissatisfied with the determination of the development application, they have an opportunity under the provisions of the *Environmental Planning and Assessment Act 1979* to appeal the determination at the Land and Environment Court.

CONCLUSION

An assessment of the proposed development against the provisions of Section 4.55 and Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been carried out and it is recommended that the proposed Section 4.55 modification of DA 2002/342, to include a 30,000 tonne per annum construction and demolition waste recycling facility at the site, be approved.

DA 2002-342 Section 4.55 Modification Recommended Conditions

Note: New recommended conditions and changes to existing conditions of consent have been shown in red for Council's reference. Where approved the Notice of Determination and Conditions will be issued in black font.

ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the Development.

TERMS OF CONSENT

2. The Applicant must carry out the Development in accordance with DA 342/2002, as amended by the Section 96 modification applications submitted to Council dated 2 April 2007 and 26 April 2021, and DA 96/2017.

3. The Applicant must carry out the Development in accordance with:

   a) The accompanying document titled "Proposed Gravel Quarry and Plant Hire Operation, Lot 30 DP 815308, Grasstree Ridge Road, Shire of Muswellbrook, Environmental Impact Statement" dated 25th October 2002.
   b) The document titled "Response to Submissions from the Exhibition of the Environmental Impact Statement" dated 5th May 2003.
   c) The facsimile and attached diagrams to Council from Wild Plant Hire dated 27th May 2004.
   d) The report to Council dated 8th June 2004.
   e) Boundary adjustment plan prepared by MM Hyndes Bailey dated 19 September 2016, reference 216175/2
   f) The document titled "Wild Quarries and Civil – Continued Quarry and Concrete Batching Operations and Consent Amalgamation" SEE dated 15th Oct 2018 by RPS.
   g) The document titled Erosion and Stormwater Management Plan prepared by Steve Eccles Consulting, dated 8 October 2018 and included as Attachment D to the 15 October 2018 SEE.
   h) The document titled Rehabilitation Management Plan prepared by Steve Eccles Consulting, dated 8 October 2018 and included as Attachment D to the 15 October 2018 SEE.
   i) RPS additional information letter dated 10 December 2018.
   j) The document titled Statement of Environmental Effects by Casson Planning and Development Services dated August 2016.
   k) The document titled Air Quality Assessment by Todoroski Air Sciences dated 14th December 2016.
   l) The document titled Noise Impact Assessment by Global Acoustics dated 20th December 2016.
   m) The document titled Waste Management Plan by RPS dated December 2016.
   n) The document titled Water Management Plan by RPS dated December 2016.

o) Site Plan (Batch Plant) – aerial drawn by Global Acoustics undated.
p) Site Plan (Batch Plant) by RPS undated.
q) The Traffic Impact Assessment prepared by Pavey Consulting Services dated 15 November 2018.
r) The additional conditions imposed in the Environmental Protection Licence.

4. The Applicant must carry out the Development for the addition of 30,000 tpa of Commercial and Demolition Waste sorting and processing in accordance with:

   a) The document titled Statement of Environmental Effects by RPS Group dated 17 March 2021.
   b) The document titled Air Quality Impact Assessment by Todoroski Air Sciences dated 11th March 2021.
   c) The document titled Noise Impact Assessment by Spectrum Acoustics dated March 2021.
   d) The Traffic Impact Assessment prepared by Pavey Consulting Services dated 2 March 2021.

5. If there is any inconsistency between the documents in condition 2, 3 and 4, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail over all documents in condition 2, 3 and 4 to the extent of any inconsistency.

6. The Applicant must comply with any requirement/s of the General Manager arising from the Council's assessment of:

   a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent (including any stages of these documents);
   b) any reviews to the EPL undertaken by the EPA; and
   c) the implementation of any actions or measures contained in these documents.

7. The Applicant may carry out quarrying, plant hire and concrete batching plant operations on the site until 31 January 2040. All works associated with the Development, including rehabilitation of the site, shall be completed on or before 31 January 2040.

8. The Applicant must not:

   a) produce or transport more than 100,000 tonnes of quarry materials or 30,000 tonnes of concrete products or 30,000 tonnes resource recovery waste from and to the site in any calendar year;
   b) allow more than 80 trucks movements to and from the site on any day. This includes quarry trucks, concrete trucks, and trucks making deliveries; and
   c) No truck movements are to occur during school bus pick up / set down times on the New England Highway near Pamger Drive or adjacent areas.

9. No more than 10 hectares of land shall be disturbed at any time in the quarry area.

10. While quarrying operations are being carried out, the Applicant must ensure that the extraction area boundaries are clearly marked on site at all times, in a manner that allows operating staff to clearly identify the approved limits of extraction identified in the document titled "Wild Quarries and Civil – Continued Quarry and Concrete Batching Operations and Consent Amalgamation" SEE dated 15th Oct 2018 by RPS.

The Applicant must ensure that no extraction of quarry materials takes place outside the approved limits of the extraction area.

11. Within 6 months of the date of this approval, the Applicant shall lodge a rehabilitation bond with Council to ensure that the rehabilitation of the site is implemented in accordance with the performance and completion criteria set out in the Rehabilitation Management Plan and relevant conditions of this consent in full at the conclusion of the premises operation.

    The sum of the bond must be determined by:

    a) Calculating the cost of rehabilitating all disturbed areas of the site, taking into account the likely disturbance area of the operating stages of the quarry and all likely disturbance areas over the next 3 years of operation.
    b) The information contained in the most recently approved Rehabilitation Management Plan and any cost estimation for the rehabilitation of disturbed areas prepared by a suitably qualified person or quantity surveyor, submitted to and approved by Council.
    c) The assessment of the quarry disturbance area against the Department of Planning and Environment's Rehabilitation Cost Estimate Tool, and any other informed mechanism for the estimation of rehabilitation work that may exist at the bond is reviewed.
    d) Any formerly disturbed land successfully rehabilitated in accordance with the Rehabilitation Management Plan
    e) The effect of Consumer Price Index increases (All Groups CPI for Sydney).

    Note[1]: *Based on Council's review of the current Rehabilitation Management Plan and information submitted with the Section 4.55 Modification application Council has calculated that the bond or bank guarantee payable for the operation of the Development from the 3 year period following the determination of this application to be $80,000.*

12. The Applicant must revise the sum of the rehabilitation bond to the satisfaction of Council as part of approval of a subsequent revised Rehabilitation Management Plan. The revised bond amount should account for information contained within the matters referenced by Condition 9 of this consent and the approved Rehabilitation Management Plan. The new Rehabilitation Bond shall be lodged with Council within 3 months of approval of a revised Rehabilitation Management Plan.

13. The Applicant must ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.

HOURS OF OPERATION

14. The Applicant must comply with the operating hours set out in Table 1.

Table 1: Operating Hours

Activity	***Permissible Hours***
Quarrying and concrete batching operations including loading and dispatch of laden trucks, the start-up of vehicles or attendance on site by contractors or employees.	• 7am to 5pm Monday to Friday • 7am to 1pm Saturday • At no time on Sundays or public holidays
The plant hire operation	• 7am to 3pm Monday to Friday

	• 7am to 1pm Saturday • At no time on Sundays or public holidays
Blasting	9am to 5pm Monday to Friday (except public holidays)
Maintenance	• 7am to 5pm Monday to Friday • 7am to 1pm Saturday • At no time on Sundays or public holidays
Construction and Demolition waste processing up to a volume of 30,000 tpa	• 7am to 5pm Monday to Friday • 7am to 1pm Saturday • At no time on Sundays or public holidays

SECTION 7.11 CONTRIBUTIONS

1. The Applicant is to make appropriate Development Contributions for road maintenance in accordance with Council's Contributions Plan and any agreement entered into between Council and the Applicant related to the payment of Section 7.11 Contributions. CPI is to be applied to all Section 94 Contributions commencing 31 January 2020.

2. Development contributions and the tonnage details of materials extracted from the quarry are to be provided to Council on a quarterly basis.

ENVIRONMENTAL PERFORMANCE

NOISE

15. The Applicant must:

a) implement best practice management to minimise the construction, operational and road transportation noise of the Development;
b) carry out noise monitoring at least every three months, or as otherwise agreed to by either Council or the NSW EPA and the terms of any EPL issued by that authority; and
c) regularly assess noise monitoring data and modify and/or stop operations on site, as required, to ensure compliance with the relevant conditions of this consent;

to the satisfaction of the Council.

16. Unless otherwise approved by the Environmental Protection Authority's Environmental Protection License, noise generated by the Quarry and Concrete Batch Plant must not exceed the limits outlined in the Global Acoustics Noise Impact Assessment Report, dated 20th December 2016 and Spectrum Acoustics Noise Impact Assessment Report, dated March 2021 and being:

	Day Laeq (15 minute)
R1 to R7	43
R8	36

17. Noise generated by the Development is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

18. The noise criteria above do not apply if the Applicant has an agreement with the relevant landowner to exceed the noise criteria, and the Applicant has advised Council in writing of the terms of this agreement.

19. Within twelve months of this approval, the Applicant must prepare a Noise Management Plan for the Development to the satisfaction of Council. This plan must describe the measures that would be implemented to ensure:

    a) compliance with the noise criteria in this consent or the EPL for the site;
    b) best practice noise management is being employed; and
    c) noise impacts of the Development are minimised during meteorological

    The Applicant must implement the approved Noise Management Plan as approved by Council.

20. In the event that a landowner or occupier of a property located within 2kms of the excavation site or concrete batching plant considers that noise from the Development is excessive, and Council is satisfied that an investigation is required, the Applicant shall upon the receipt of a written request:

    a) consult with the landowner or occupant affected to determine their concerns;
    b) make arrangements and bear the costs of appropriate independent noise investigations to the satisfaction of Council, to quantify the impact and noise levels of the Development at the property (i.e. a noise compliance review).
    c) Implement appropriate noise mitigation measures and conduct follow up investigations to the satisfaction of Council to quantify the noise levels following the implementation of mitigative measures;
    d) If the independent noise investigations confirm that noise from the Development is excessive and the mitigative measures proposed do not reduce noise levels to a level acceptable to Council, the operation is to cease until satisfactory noise levels are achieved.

BLASTING

21. The Applicant must ensure that blasting on site does not cause any exceedance of the criteria in Table 2, unless permitted by the terms of an EPL issued by the NSW EPA.

Table 2: Blasting Criteria

Receiver	***Airblast overpressure (dB(Lin Peak))***	***Ground vibration (mm/s)***	***Allowable exceedance***
Any residence on privately-owned land	120	10	0%
	115	5	No more than once in a calendar year

22. The Applicant may carry out a maximum of 1 blast per calendar month, and no more than 8 blasts per calendar year, unless with the prior approval of Council or an additional blast is required following a blast misfire. This condition does not apply to blasts required to ensure the safety of the quarry or workers on site.

    Note: For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the quarry.

23. During blasting operations, the Applicant must:

    a) implement best practice management to:
        - protect the safety of people and livestock in the areas surrounding blasting operations;
        - protect public or private infrastructure/property in the surrounding area from damage from blasting operations; and
        - minimise the dust and fume emissions of blasting;
    b) operate a suitable system to enable the local community within 2km of the site boundaries to get up-to-date information on the proposed blasting schedule on site. Council and occupiers of buildings located within 2km of the site boundaries are to be advised one (1) week prior to each blast event;
    c) allow use of Grasstree Ridge Road by the public; and
    d) carry out regular monitoring to determine whether the Development is complying with the relevant conditions of this consent, to the satisfaction of Council.

24. Within twelve months of this approval, the Applicant must prepare a Blast Management Plan for the Development to the satisfaction of Council. This plan must:

    a) describe the measures that would be implemented to ensure compliance with the blast criteria and operating conditions of this consent;
    b) include measures to manage flyrock;
    c) include a monitoring program for evaluating and reporting on compliance with the blasting criteria in this consent;
    d) include a protocol for investigating and responding to complaints; and
    e) include community notification procedures for blasting, particularly to occupiers of buildings on privately-owned land located within 2km of the site boundaries.

    The Applicant must implement the approved Blast Management Plan as approved by Council.

25. No explosives are to be stored on site at any time.

AIR QUALITY

26. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the Development do not cause exceedances of the criteria in Table 3 at any residence on privately-owned land, unless permitted by the terms of an EPL issued by the NSW EPA.

Table 3: Air quality criteria

Pollutant Averaging	***Period***	***Criterion***
Particulate matter < 10 µm (PM10)	Annual	[a,d] 30 µg/m^3

Particulate matter < 10 µm (PM10)	24hour	[b] 50 µg/m^3
Total suspended particulates (TSP)	Annual	[a,d] 90 µg/m^3
[c] Deposited dust	Annual	[b] 2 g/m^2/month || [a,d] 4 g/m^2/month

Notes to Table 3:
a Cumulative impact (i.e. increase in concentrations due to the Development plus background concentrations due to all other sources).
b Incremental impact (i.e. increase in concentrations due to the Development alone, with zero allowable exceedances of the criteria over the life of the Development.
c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003:Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.
d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by Council.
e "Reasonable and feasible avoidance measures" includes, but is not limited to, the operational requirements in conditions 28 and 29 to develop and implement an air quality management system that ensures operational responses to the risks of exceedance of the criteria.

27. The Applicant must:

    a) implement all best practice management to minimise dust emissions of the Development, including using water carts, water sprays or other suitable controls to minimise dust generation on haul roads, stockpiles and processing areas;
    b) ensure trucks entering and leaving the premises that are carrying loads that include dust generating materials, including gravel or soil, have their loads covered at all times, except during loading and unloading;
    c) regularly assess meteorological and air quality monitoring data and relocate, modify and/or stop operations on site to ensure compliance with the air quality criteria in this consent;
    d) minimise the air quality impacts of the Development during adverse meteorological conditions and extraordinary events (see note d under Table 3);
    e) monitor and report on compliance with the relevant air quality conditions in this consent; and
    f) minimise the surface disturbance of the site by the Development and undertake progressive rehabilitation;

    to the satisfaction of Council.

28. Within twelve months of this approval, the Applicant must prepare an Air Quality Management Plan for the Development to the satisfaction of Council. This plan must:

    a) describe the measures that would be implemented to ensure:
        - compliance with the relevant conditions of this consent;
        - best practice management is being employed; and
        - the air quality impacts of the Development are minimised during adverse meteorological
    b) conditions and extraordinary events;
    c) describe the air quality management system in detail;
    d) include an air quality monitoring program that:
        - is capable of evaluating the performance of Development;
        - includes a protocol for determining any exceedances of the relevant conditions of consent;
        - effectively supports the air quality management system; and
        - evaluates and reports on the adequacy of the air quality management system.

The Applicant must implement the approved Air Quality Management Plan as approved by Council.

SOIL AND WATER

29. The Applicant must ensure that it has sufficient water for all stages of the Development, and if necessary, adjust the scale of operations under the consent to match its available water supply, to the satisfaction of Council.

Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain all necessary water licenses for the Development.

30. The Applicant must comply with the discharge limits in any EPL, or with section 120 of the POEO Act.

31. Within three (3) years of this approval, the Applicant must prepare a revised Soil and Water Management Plan for the Development to the satisfaction of Council. This plan must include a:

a) Site Water Balance that includes details of:

- sources and security of water supply;
- water use and management on site; and
- measures that would be implemented to minimise clean water use on site;

b) Erosion and Sediment Control Plan that:

- is consistent with the requirements of the Landcom's *Managing Urban Stormwater: Soils and Construction manual (Volume 2E Mines and Quarries)*;
- identifies activities that could cause soil erosion and generate sediment;
- describes measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;
- describes the location, function and capacity of erosion and sediment control measure structures; and
- describes what measures would be implemented to maintain (and if necessary decommission) the structures over time.

c) Surface Water Management Plan that includes:

- surface water impact assessment criteria;
- a protocol for managing any exceedances of the surface water impact assessment criteria;
- a description of any water licences used to account for take from surface water sources;
  - a detailed description of the surface water management system on site including the:
  - clean water diversion system;
  - dirty water management system;
  - water storages, including their capacity to contain dirty water during 1% AEP storm events;

  - a program to monitor and report on:
  - the effectiveness of the water management system;
  - any surface water discharges, including overflows from the sediment dam;

- the quality of water discharged from the site to the environment, if any;
- surface water flows and quality in local watercourses, if required;

d) Groundwater Management Plan that includes:

- a description of water licences used to account for take from a ground water source; and
- a requirement for the Applicant to consult with DPI Water in the event of any unforeseen groundwater inflows from the quarry face or floor and if required, obtain appropriate water licence(s) to cover the volume of water take.

The Applicant must implement the approved Soil and Water Management Plan as approved from time to time by Council.

HERITAGE

32. If any item or object of Aboriginal heritage significance is identified on site, the Applicant must ensure that:
    a) all work in the immediate vicinity of the suspected Aboriginal item or object ceases immediately;
    b) a 10 m buffer area around the suspected item or object is cordoned off; and
    c) the OEH is contacted immediately.

    Work in the vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

33. If any object of non-Aboriginal heritage significance is identified on site, the Applicant must ensure that:
    a) All work in the immediate vicinity of the suspected item or object ceases immediately; and
    b) A suitably qualified and experienced heritage professional or archaeologist is engaged to assess the find and identify if it has significance and how to manage this item within the Development.

    All employees, workers and/or contractors involved in construction and/or excavation are to be made aware of this procedure as part of the site induction, including appropriate examples of what may be considered an unexpected find.

BIODIVERSITY AND REHABILITATION

34. The Applicant shall manage land within Lot 30 DP 815308, not included in the defined construction or operational activities for the Development (as detailed in the DA and EIS), for biodiversity and conservation purposes, to the satisfaction of Council.

35. The Applicant must rehabilitate the site in accordance with the document titled Rehabilitation Management Plan, prepared by Steve Eccles Consulting, dated 8 October 2018 and included as Attachment D to the 15 October 2018 SEE, and must comply with the objectives in Table 4.

Table 4: Rehabilitation Objectives

Feature	Objective
Site (as a whole)	o Safe, stable and non-polluting

	○ Final landform integrated with surrounding natural landforms as far as is reasonable and feasible, and minimising visual impacts when viewed from surrounding land
Surface Infrastructure	○ Decommissioned and removed, unless otherwise agreed by the Council; and ○ Landscaped and revegetated using native flora species.
Quarry benches and pit floor	○ Landscaped and revegetated using native flora species
Final Void	○ Final landform is not to include a void

36. The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim stabilisation measures must be implemented where reasonable and feasible to control dust emissions in disturbed areas that are not active and which are not ready for final rehabilitation.

    Note: It is accepted that parts of the site that are progressively rehabilitated may be subject to further disturbance in future.

37. Within three (3) years of this approval, the Applicant must prepare a revised Rehabilitation Management Plan for the Development to the satisfaction of Council. This plan must:

    a) provide details of the conceptual final landform and associated land uses for the site;
    b) include detailed performance and completion criteria for evaluating the performance of the
    c) rehabilitation of the site, including triggers for any necessary remedial action;
    d) describe the short, medium and long term measures that would be implemented to:
        - manage remnant vegetation and habitat on site; and
        - ensure compliance with the rehabilitation objectives and progressive rehabilitation obligations in this consent;
    e) include a detailed description of the measures that would be implemented over the next 3 years (to be updated for each 3 year period following initial approval of the plan) including the procedures to be implemented for:
        - maximising the salvage of environmental resources within the approved disturbance area,
        - including tree hollows, vegetative and soil resources, for beneficial reuse in the enhancement of the conservation area or site rehabilitation;
        - restoring and enhancing the quality of native vegetation and fauna habitat in the conservation and rehabilitation areas through assisted natural regeneration, targeted vegetation establishment and the introduction of fauna habitat features;
        - protecting native vegetation and fauna habitat outside the approved disturbance area onsite; establishing vegetation screening to minimise the visual impacts of the site on surrounding receivers;
        - controlling weeds and feral pests;

- controlling erosion;
- managing bushfire risk;

f) include a program to monitor and report on the effectiveness of these measures and progress against the performance and completion criteria; and
g) include details of who would be responsible for monitoring, reviewing and implementing the plan.

The Applicant must implement the approved Rehabilitation Management Plan as approved by Council.

38. Only clean fill is to be brought onto the site for rehabilitation purposes.

VISUAL

39. The Applicant must implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the Development to the satisfaction of Council.

40. All plants and trees used in landscaping/screening works shall be watered by a suitable irrigation system maintained in good working order at all times.

WASTE AND STORAGE OF MATERIALS

41. The Applicant must:

a) manage on-site sewage treatment and disposal in accordance with the requirements of its EPL, and to the satisfaction of Council;
b) minimise the waste generated by the Development;
c) ensure that the waste generated by the Development is appropriately stored, handled, and disposed of; and
d) report on waste management and minimisation in the Annual Report, to the satisfaction of Council.

42. Except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997* for the site, the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.

43. The Applicant must ensure that all tanks and similar storage facilities (other than for water) are protected by appropriate bunding or other containment, in accordance with the relevant Australian Standards.

44. The Applicant shall dispose of all solid waste and putrescible matter from the site in a licenced Waste Management Facility.

45. Within three months of this approval, the Applicant is to prepare a Pollution Incident Response Management Plan (PIRMP) for the premises. The PIRMP must be developed in accordance with the requirements in Part 5.7A of the POEO Act or equivalent. The Applicant must keep the PIRMP on the premises at all times. The PIRMP must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire that may occur at the premises, or may be associated with activities that occur at the premises, and which are likely to cause harm to the environment). The PIRMP must be tested at least annually or following a pollution incident.

46. The Applicant shall carry out the Development in accordance with the PIRMP.

BUSHFIRE

47. The Applicant must:

    a) ensure that the Development is suitably equipped to respond to any fires on site; and

    b) assist the RFS and emergency services as much as possible if there is a fire in the vicinity of the site.

ACCESS, TRANSPORT AND INTERNAL CIRCULATION

48. The property has a common boundary with the New England Highway (HW9) which has been declared as Controlled Access Road by notification in Government Gazette No 139 of 26/09/1980 Folio 4961. Direct access across this boundary is restricted. Access with consent has been provided at the location of the existing driveway.

49. The Applicant shall maintain a two lane sealed access road from the intersection with the New England Highway, to a point 10 metres (at a minimum) past the intersection of Grasstree Ridge Road and the private quarry haul road. A secured pedestrian access shall also be provided adjacent to the two lane sealed access Road.

50. The Applicant shall install regulatory signage banning the right turn movements out of the site onto the New England Highway for vehicles over 5 tonnes. The Applicant must take all reasonable steps to ensure that heavy vehicles do not turn right onto the highway at any time.

51. The Applicant shall install and maintain truck warning signs on both approaches to the haul road on Grasstree Ridge Road. Truck warning signs are to also be installed and maintained on the southern bound lane of the New England Highway.

52. The Applicant shall seal the private quarry haul road, from the agreed intersection point with Grasstree Ridge Road (as defined in the information submitted to Council from Wild Plant Hire dated 27th May 2004), to a point at least 10 metres past the access road to the machinery shed. A shaker grid is to be installed at the end of this sealed section. The sealing shall be undertaken and maintained to Council's satisfaction.

53. The Applicant is to erect a stop sign on the private quarry haul road at its intersection with the Grasstree Ridge Road. Grasstree Ridge Road is to remain as the priority road.

54. All loading and unloading operations shall be always carried out wholly within the confines of the site and within loading bays designated on the approved plans where relevant.

55. The Applicant is to install, maintain and operate a weighbridge or other approved weighing device at the site to ensure proper recording of tonnages being transported.

56. The Applicant shall permanently close off the western access road from the Grasstree Ridge Road to the existing machinery shed and install a 1 metre high fully landscaped

bund wall parallel to the ROW from the haul road intersection to point east of the machinery shed approved by Council.

57. A minimum 5m wide two coat bitumen seal is to be applied to the access way from the existing office to the concrete batching plant.

58. The main internal access to the quarry and concrete batching plant is to be always maintained as a sealed access bitumen access.

59. A line marking plan must be prepared detailing holding lines and give way lines and submitted to Muswellbrook Shire Council for approval within 3 months of the determination of the Section 4.55(2) modification. The line marking plan must:

    - Detail traffic safety line marking to be installed along the length of the sealed vehicle access from the New England Highway the concrete batching plant site;
    - Include holding lines to be installed at the crest of the hill where the right hand turn for vehicles toward the concrete batching plant is located; and
    - Identify any additional traffic safety and warning signs to advise drivers of hazards or driving requirements.

    All line marking shown on the approved plan is to be installed and maintained at the site.

ENVIRONMENTAL MANAGEMENT PLANS AND ENVIRONMENTAL AUDITING

60. Within three (3) years of this approval, the Applicant must prepare a revised Environmental Management Plan for the Development to the satisfaction of Council.

    The Plan must include, but not be limited to:

    a) environmental management practices to be implemented at the site, including erosion and sediment control, water management, Batch plant water management, waste water management, landscaping, dust management, noise management, visual treatments, rehabilitation, complaints procedures. Storm water management;
    b) environmental monitoring program to be developed and implemented;
    c) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
    d) a program to investigate and implement ways to improve the environmental performance of the Development over time;
    e) a protocol for managing and reporting any:
        - incidents;
        - complaints;
        - non-compliances with statutory requirements; and
        - exceedances of the impact assessment criteria and/or performance criteria.

61. The Applicant must carry out the Development in accordance with the Environmental Management Plan as approved by Council.

62. An Annual Report is to be prepared to the satisfaction of Council and submitted to Council by 31 January each year covering the preceding calendar year. The report is to, at a minimum, include:

a) Production quantities for the year;
b) The implementation and effectiveness of environmental controls;
c) Details on erosion and sediment control measures undertaken to minimise soil erosion and runoff;
d) Details on dust control measures undertaken to minimise dust generated on site, including the results of dust monitoring and weather monitoring undertaken;
e) Details of noise impacts associated with the Development, including results of noise monitoring undertaken;
f) Details on rehabilitation activities undertaken in the preceding 12 months;
g) Details of any complaints received, identifying the source of the complaints and the actions taken to rectify the situation;
h) Details of production tonnages from the concrete batching plant.

UPDATING STRATEGIES, PLANS OR PROGRAMS

63. To ensure that strategies, plans, or programs are updated on a regular basis, and that they incorporate any appropriate additional measures to improve the environmental performance of the Development, the Applicant is to submit revised strategies, plans or programs for the approval of Council within three (3) years of the date of this approval, and every 3 years thereafter, unless Council directs otherwise.

ACCESS TO INFORMATION

64. Within 6 months of this approval, the Applicant must make the following information publicly available on its website:

- the documents listed in condition 2,3 and 4;
- current statutory approvals for the Development;
- all approved strategies, plans and programs required under the conditions of this consent; and
- the Annual Report.

ENVIRONMENTAL PROTECTION AUTHORITY GENERAL TERMS OF APPROVAL AS SET-OUT IN CORRESPONDENCE DATED 20 FEBRUARY 2019

1. Activities at the premises must only be carried out between the hours of 7.00am and 5.00pm Monday to Friday, and 7.00am and 1.00pm Saturday, and at no time on Sundays and Public Holidays.

2. The licensee must not cause, permit, or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a Licence under the Protection of the Environment Operations Act 1997.

3. Activities occurring at the premises must be carried out in a manner that will minimize emissions of dust from the premises.

4. Offensive blast fume must not be emitted from the premises.

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

6. Except as expressly provided by these General Terms of Approval, works and activities must be carried out in accordance with the proposal contained in:
    - The Development application 342/2002 submitted to Muswellbrook Shire Council on 28 February 2018;
    - Statement of Environmental Effects titled *Wild Quarries Civil – Continued Quarry and Concrete Batching Operations and Consent Amalgamation* relating to the Development; and
    - Wild Quarries, proposed concrete batching plant Noise Impact Assessment prepared by Wild Quarries and Civil Pty Ltd by Global Acoustics, reference number 16356-R01 dated 20 December 2016.
    - The Development application 342/2002 (S4.55(2) Modification PAN-82331) submitted to Muswellbrook Shire Council on 26 April 2021;
    - The Statement of Environmental Effects titled Modification of DA 2002/342 Accept and Process up to 30,000tpa of Construction and Demolition Waste as an Extractive Material Substitute.
    - Wild Quarries Proposed Waste Sorting and Processing Area Noise Impact Assessment prepared by Spectrum Acoustics, Project No. 212106 dated March 2021.

ENVIRONMENTAL PROTECTION AUTHORITY GENERAL TERMS OF APPROVAL AS SET-OUT IN CORRESPONDENCE DATED 4 FEBRUARY 2022

1. The applicant will need to make a separate application to NSW EPA to vary Licence 12301 as follows:

    - Activity: Resource Recovery, Waste Storage
    - Waste type permitted to be accepted for recovery or storage: General solid waste (non-putrescible) (See proposed waste table below)

Waste	Description	Activity	Tonnes
General solid waste (non-putrescible)	Concrete, brick, ceramics, concrete washout, asphalt.	Resource Recovery, Waste Storage	See below
General solid waste (non-putrescible)	Excavated Natural Material that meets the chemical and physical requirements of the "excavated natural material order 2014"	Resource Recovery, Waste Storage	See below
General solid waste (non-putrescible)	Building and demolition waste including soils and excavated road materials that meets CT1 levels for general solid waste in Table 1 of the *Waste Classification Guidelines* (EPA 2014)	Resource Recovery, Waste Storage	See below

    - Maximum amount of total waste permitted to be received at the premises in any reporting period (i.e. per year): 30,000 tonnes

2. A weighbridge must be installed and operational at the premises before any waste is received at the premises.

Note: it is recommended the Applicant contact the EPA directly about any concerns relating to variation of the Applicant's Environment Protection Licence that may result from modification of the consent.

SECTION 4.55 (2) ASSESSMENT REPORT

ADDRESS:	LOT: 30 DP: 815308 8440 New England Highway MUSWELLBROOK
APPLICATION No:	342/2002
PROPOSAL:	S4.55(2) Modification - Addition of 30,000 tpa of Commercial and Demolition Waste sorting and processing (brick, tile, concrete, asphalt, glass). Recovered materials to be used as a substitute to quarry product for blending and concrete batching.
OWNER:	Wild Engineering Pty Ltd
APPLICANT:	Mr Patrick Wild 8440 New England Highway MUSWELLBROOK NSW 2333
NOTIFICATION:	21 Days (Integrated)
AUTHOR:	Mr H McTaggart & Six Hills Consulting
DATE LODGED:	26/04/2021
AMENDED:	2/3/2022
DATE OF REPORT:	20/4/2022

SUMMARY

SUBMISSIONS: 2

RECOMMENDATION: Approval subject to conditions

1.0 BACKGROUND

The Section 4.55(2) seeks to modify the development consent issued by Council for the operation of a quarry at Lot 30 DP 815308 (DA 342/2002, approved 8 June 2004 and modified by Section 96 applications in 2007 and 2016, and a Section 4.55(2) application approved in 2019.

The applicant is seeking to obtain approval to add 30,000 tonne per annum (tpa) Construction and Demolition Waste (C&D) processing at the site. The waste activities will be within the same disturbance footprint as the existing approved activities. Waste receival, sorting, crushing, and grinding will be undertaken within a previously quarried area of the site.

This assessment report considers the proposed development against the relevant assessment criteria of Section 4.55(2) and 4.15 of the *Environmental Planning and Assessment Act 1979*.

2.0 SITE AND LOCALITY DESCRIPTION

The subject land subject is identified as Lot 30, DP 815308, and is known as 8440 New England Highway, Muswellbrook.

The land is located approximately 9 kilometres southeast of Muswellbrook, with direct frontage to the New England Highway, a classified State Road. The site is near the Liddell and Bayswater power stations, the Maxwell mine site entry.

The subject land is zoned *E3 Environmental Management* under the *Muswellbrook Local Environmental Plan 2009 (MLEP 2009)* and adjoins land zoned *E3 Environmental Management* to the north, land zoned *RU1 Primary Production* to the east and west, and land zoned *SP2 Infrastructure* Power Station to the south.

The site is currently operating as a gravel quarry, concrete batching plant and plant hire businesses. The development consists of an existing 100,000 tpa gravel quarry and a 30,000 tpa concrete batching plant. Both activities are approved under one consent with consolidated conditions. Current operations generally occupy the north-eastern portion of the site, with haul roads connecting active pit areas with the site office and maintenance areas in the north-western portion.

Existing approvals permit the operation of the site as follows:

DA 342/2002

- Approved the operation of a gravel quarry with a maximum production capacity of 50,000 tonnes of material per annum for a 20 year period from the 8 June 2004. This consent also permitted an equipment and plant hire service at the site.

Section 96 Modifications of this application (former legislation):

6 December 2007: Increased the quarry's approved extraction rate from 50,000 tonnes per annum to 100,000 tonnes per annum, increase the number of permitted annual blasts from 4 to 8, and reduced the quarry's bond amount to $50,000.

7 January 2017: Permitted a boundary adjustment to rectify a historic encroachment of the quarry operation on adjoining land. The modification did not alter any additional conditions of consent. The Subdivision Certificate for the approved boundary adjustment has been lodged with Council.

DA 96/2017

- Approved operation of a mobile concrete batching plant at the site with a maximum production capacity of 30,000 tonnes per annum for a maximum period of 3 years from the date of consent, being 15 November 2017. The operation of the site permitted by this consent was set to conclude on **15 November 2020.**

Section 4.55(2) Modification of application DA 342/2002 (current legislation)

21 October 2019: Amalgamated the existing consents that permitted the operation of a 100,000 tpa gravel quarry (DA 342/2002), plant hire operations, and a 30,000 tpa concrete batching plant (DA 96/2017). The application also extended the operational life of the quarry and batching plant operations for an additional 20 years.

3.0 DESCRIPTION OF PROPOSAL

The section 4.55(2) application seeks Council approval for the modification of DA 342/2002 to add 30,000 tonne per annum (tpa) or up to 120 m^3 per day (maximum) construction and demolition waste (C&D) processing at the site.

The development application does not propose any significant alterations to the quarry and concrete batching plant. The waste receival and processing activities will operate during the same hours as the existing quarry operation.

The C&D waste to be received will be crushed and screened and used as a substitute to existing quarry products obtained onsite. This includes concrete, brick, tile, asphalt, and glass to be crushed and blended for use in road bases, stabilised RMS specification products, and for use in concrete batching. Non-approved or hazardous materials be found upon delivery will be rejected and the driver will be turned away.

The production capacity for the quarry and the concrete batching plant will remain unchanged.

A detailed description of the current and proposed operating parameters of the quarry have been included in Section 4 of the Statement of Environmental Effects submitted to Council in relation to the development.

4.0 REFERRALS

External Referrals

NSW Roads and Maritime Services

Under the provisions of the *State Environmental Planning Policy (SEPP) (Mining Petroleum Production and Extractive Industries) 2007*, this application requires referral to Transport for NSW (TfNSW) for comment.

The proposed development was referred 28 May 2021. TfNSW reviewed the information provided by Council and raised no objection to the proposed development indicating there will be no significant impact on the nearby classified (State) road network. This information was received 26 July 2021.

NSW Environmental Protection Authority

The development relates to an activity which requires an Environmental Protection License under the *Protection of the Environment Operations Act 1993* and is 'integrated development' under Section 4.46 of the *Environmental Planning and Assessment (EP&A) Act 1979*. This requires referral to and the issue of General Terms of Approval from the NSW Environmental Protection Authority (EPA).

The NSW EPA provided a request for further information 1 June 2021. The proponent provided a completed response to this request on 29 November 2021. This information was forwarded to the NSW EPA for review and General Terms of Approval for the development were issued 4 February 2022. In accordance with the requirements of the *EP&A Act 1979*, Council would need to impose conditions on the Consent consistent with the general terms of any approval issued by the EPA. Recommended conditions for the development are provided below:-

- Activity: Resource Recovery, Waste Storage
- Waste type permitted to be accepted for recovery or storage: General solid waste (non-putrescible) (See proposed waste table below)

Waste	Description	Activity	Tonnes
General solid waste (non-putrescible)	Concrete, brick, ceramics, concrete washout, asphalt.	Resource Recovery, Waste Storage	See below
General solid waste (non-putrescible)	Excavated Natural Material that meets the chemical and physical requirements of the "excavated natural material order 2014"	Resource Recovery, Waste Storage	See below
General solid waste (non-putrescible)	Building and demolition waste including soils and excavated road materials that meets CT1 levels for general solid waste in Table 1 of the *Waste Classification Guideline*s (EPA 2014)	Resource Recovery, Waste Storage	See below

- Maximum amount of waste permitted to be received at the premises in any reporting period (i.e. per year): 30,000 tonnes
- A weighbridge must be installed and operational at the premises before any waste is received at the premises.
- Should Council grant consent, the applicant will need to make a separate application to EPA to vary Licence 12301. Council should be aware of the conditions currently in place on Licence 12301.

Note: further details of conditions issued by NSW EPA relating to a new Environmental Protection Licence are provided in an attachment to this report.

Internal Referrals

Community Infrastructure
The proposed development was referred to Council's Community Infrastructure Department. No objection was raised regarding the proposal.

Compliance Considerations

On the 16 December 2021 Council staff raised concerns regarding non-compliance with conditions in the previous approval (DA342/2002 - Section 4.55(2) Modification). Council's Compliance Officer undertook investigations identifying several outstanding compliance issues. Outstanding matters include:

- Lodgement of a rehabilitation bond with Council to ensure that the rehabilitation of the site is implemented in accordance with the performance and completion criteria set out in the Rehabilitation Management Plan;
- Payment of development contributions for road maintenance in accordance with Council's Contributions Plan and any agreement entered between Council and the Applicant related to the payment of Section 7.11 Contributions;

- Preparation of a Noise Management Plan to the satisfaction of Council;
- Preparation of a Blast Management Plan to the satisfaction of Council;
- Preparation of an Air Quality Management Plan to the satisfaction of Council;
- Preparation of a Pollution Incident Response Management Plan (PIRMP) in accordance with the requirements in Part 5.7A of the POEO Act to the satisfaction of Council;
- Submission of a line marking plan detailing holding lines and give way lines for approval by Council;
- Submission of an Annual Report covering the following:-
  - Production quantities for the year;
  - The implementation and effectiveness of environmental controls;
  - Details on erosion and sediment control measures undertaken to minimise soil erosion and runoff;
  - Details on dust control measures undertaken to minimise dust generated on site, including the results of dust monitoring and weather monitoring undertaken;
  - Details of noise impacts associated with the Development, including results of noise monitoring undertaken;
  - Details on rehabilitation activities undertaken in the preceding 12 months;
  - Details of any complaints received, identifying the source of the complaints and the actions taken to rectify the situation;
  - Details of production tonnages from the concrete batching plant; and
- The following information must be made available on the company website to the public:
  - Documents listed in Conditions 2 and 3 of the previous consent;
  - Current statutory approvals for the development;
  - all approved strategies, plans and programs required under the conditions of the consent; and
  - the Annual Report.

The Proponent is currently working to comply with these conditions.

5.0 SECTION 4.55 CONSIDERATIONS

When considering whether to grant consent to a Section 4.55(2) modification application a consent authority must take the following matters into consideration:

4.55 (2)(a) whether it is satisfied that the development the consent as modified relates to is substantially the same development for which consent was originally granted.

Planning comment:
Council Officers are satisfied that the modification relates to an application that is substantially the same as the development for which consent was originally granted. In forming this position Council Officers have observed that:

- This application seeks approval for construction and demolition waste processing up to a volume of 30,000 tpa or up to 120 m^3 per day (maximum) within the existing quarry area.
- The proposed development does not seek any change to the footprint of the existing quarry and concrete batching plant and the operation of the site will remain generally consistent with the operation previously approved by Council.
- The concrete batching plant operating at the site has been approved by Council, is operating on the land, and is permissible with consent on land operated for the purpose of an extractive industry by virtue of the co-location of industry provisions of the *SEPP (Mining Petroleum and Extractive Industries) 2007*.

4.55(2)(b) Comments from any approval body, public authority or the Minister where any such authority is required to be notified of the development application and provide approval or concurrence in relation to that application.

Planning Comment:
The proposed development required approval from the NSW EPA under the integrated development provisions of the *EP&A Act 1979* and concurrence from the TfNSW under the provisions of the *SEPP (Mining Petroleum and Extractive Industries) 2007 and State Environmental Planning Policy (Infrastructure) 2007*.

Both raised no objection to the proposed development.

4.55(2)(c) Whether it has notified the development application in accordance with any requirements of the Regulations or a DCP.

Planning Comment:
The proposed development was placed on public notification in accordance with the notification requirements of the Muswellbrook Community Participation Plan and two submissions were received.

4.55(2)(d) Matters raised by any submissions received through the notification of the development application.

Planning Comment:
Matters raised by submissions have been considered through the assessment of this application and have been summarised and commented on in an attachment to this report.

4.55(3) General development assessment requirements referred to in Section 4.15 of the *Environmental Planning and Assessment Act 1979* so far as they are relevant to the proposed modification.

Planning Comment:
Section 4.15 of the *Environmental Planning and Assessment Act 1979* prescribes matters for consideration when determining a development application. Council Officers have completed an assessment of relevant Section 4.15 matters as they relate to the aspects of the development proposed to be modified under this application.

6.0 ASSESSMENT

This Section of the assessment reviews the proposed modification against the relevant development assessment matters prescribed by Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

S 4.15(1)(a)(i) The provisions of any environmental planning instruments

The Muswellbrook Local Environmental Plan 2009

Permissibility
The subject land is zoned E3 Environmental Management under *Muswellbrook LEP 2009*.

The land use classifications most relevant to the operation of the site are considered to be an extractive industry (quarry) and general industry (concrete batching plant).

Development for the purpose of extractive industries and general industries is prohibited in the E3 zone. As the use of the site as an extractive industry commenced prior to the commencement of the Muswellbrook LEP 2009, the use of the site is an 'existing use' in accordance with the provisions of the Regulations and may be altered, expanded or intensified with development consent. The establishment of the concrete batching plant (a general industry) is also permissible, but through the provisions of the *SEPP (Mining, Petroleum*

Production and Extractive Industries) 2007. This SEPP allows for the 'co-location of industry' which permits industrial type land uses with consent on any land on which an extractive industry is being carried out with development consent.

Muswellbrook LEP 2009

The following table considers the proposed development against the provisions of the proposed development relevant to the assessment of the proposed development.

Table 1 – Muswellbrook LEP 2009 provisions

MUSWELLBROOK LEP 2009 CLAUSE PROVISIONS	**PLANNING CONSIDERATION**	**COMPATIBLE WITH**
Part 2 Permitted or Prohibited Development		
2.3 Zone Objectives	Clause 2.3 (2) of the Muswellbrook LEP 2012 requires the following: *The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.* The zone objectives for the E3 Environmental Management land use zone are as follows: • *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.* • *To provide for a limited range of development that does not have an adverse effect on those values.* • *To maintain, or improve in the long term, the ecological values of existing remnant vegetation of significance including wooded hilltops, river valley systems, major scenic corridors and other local features of scenic attraction.* • *To limit development that is visually intrusive and ensure compatibility with the existing landscape character.* • *To allow agricultural activities that will not have an adverse impact on the environmental and scenic quality of the existing landscape.* • *To promote ecologically sustainable development.* • *To ensure that development in this zone on land that adjoins land in the land zoned E1 National Parks and Nature Reserves is compatible with the objectives for that zone.* <u>Planning Comment:</u> The recovered waste and construction materials are to be used as a substitute for the quarry product in road base and concrete batching. The proposed development would not expand the disturbance footprint of either land use or significantly alter the parameters of the current on-site operation. Furthermore, the proposed modification would allow for Council to review existing environmental conditions on the development consent and update these requirements to ensure improved environmental outcomes where required.	The Quarry is an existing use permitted SEPP (Mining, Petroleum Production and Extractive Industries) 2007
Part 4 Principle Development Standards Additional local provisions		
4.3 Height of		NA

Buildings	The proposed development does not involve the construction of any new buildings and the existing buildings on the site have previously been approved by Council and do not contravene the 12m maximum building height relevant to the site.	
4.4 Floor Space Ratio	The land subject to this development application is not affected by any maximum floor space ratio.	NA
Part 7 Additional Local Provisions		
7.1 Terrestrial Biodiversity	The property subject to this development application is identified as 'biodiversity' land on the 'terrestrial biodiversity map'. When determining applications involving 'biodiversity' land Council is required to consider the following Clause objectives: *(a) protecting the biological diversity of native fauna and flora, and* *(b) protecting ecological processes necessary for their continued existence, and* *(c) encouraging the recovery of threatened species, communities and populations and their habitats.* And, additional provisions: (a) the development is designed and will be located and managed to avoid any potential adverse environmental impact, or (b) if a potential adverse environmental impact cannot be avoided, the development: (i) is designed and located so as to have minimum adverse impact, and (ii) incorporates effective measures to remedy or mitigate any adverse impact caused. No vegetation clearance is required for this proposal.	Yes
7.6 Earthworks	Each of the relevant matters have been listed and commented on below. *(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:* *(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,* *(b) the effect of the development on the likely future use or redevelopment of the land,* *(c) the quality of the fill or the soil to be excavated, or both,* *(d) the effect of the development on the existing and likely amenity of adjoining properties,* *(e) the source of any fill material and the destination of any excavated material,* *(f) the likelihood of disturbing relics,* *(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,* The proposed development would involve minimal earthworks. The current stormwater and erosion and sediment control management plan will manage quarry impacts.	Yes

State Environmental Planning Policy (Resilience and Hazards) 2021:

This development application does not seek approval for the change to site operations by increasing its intensity or disturbance footprint. Accordingly the factors which inform the classification of the development as a hazardous or offensive development will not be subject to significant change as part of this modification. Consequently, Council Officers are satisfied that the proposed development is unlikely to comprise a hazardous or offensive development where it is carried out in accordance with existing requirements.

Under this SEPP a consent authority must not consent to the carrying out of any development on land unless:

(a) It has considered whether the land is contaminated, and
(b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
(c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

It is noted that the site has been used in an industrial capacity for a long period. However, for the duration of this operation the site has been required to comply with Environmental Protection License requirements imposed by the NSW EPA. Council Officers are satisfied that the site is unlikely to be subject to any substantial contamination which requires remediation for this application to be supported.

In view of the above considerations Council Officers are satisfied that the proposed development is unlikely to be subject to any contamination requiring remediation under this SEPP should the development application be approved.

State Environmental Planning Policy Biodiversity and Conservation) 2021:

This SEPP aims to encourage the protection of areas of natural vegetation that provide habitat for koalas and applies to development applications in the Muswellbrook LGA with involve land with an area greater than 1 hectare.

Since the granting of development consent under DA 342/2002 the site has been subject to disturbance associated with the carrying out of quarry operations on the land. It is unlikely that there has been any significant change to the distribution of flora and fauna on the site following this investigation and during this period of disturbance which would cause for the site to be classified as a core koala habitat under the provisions of this SEPP.

Accordingly, Council Officers are satisfied that the proposed development may proceed without the need for further investigations into koala populations or the preparation of a plan of management.

State Environmental Planning Policy (Resources and Energy) 2021

This SEPP specifies additional provisions relevant to the assessment of development applications involving extractive industries. The provisions of this SEPP also take precedence over the provisions of any other planning instrument where there is any inconsistency between the provisions of the relevant instrument or instruments and the SEPP. The SEPP applies to any development involving an extractive industry.

<u>Permissible Development</u>

Relevant to this development application are the permissible development provisions of the SEPP that allow for the carrying out of a range of additional development with consent on land which an extractive industry is being carried out. The provisions of this clause are as follows:

Co-location of industry

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

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

The establishment of construction and demolition waste processing at the site is viewed as a permissible development by virtue of the SEPP, as it involves processing of transported materials (concrete, brick, tile asphalt, glass etc.) for use in road bases, concrete batching, and other products.

Matters for Consideration

The SEPP prescribes a range of matters that a consent authority must take into consideration when determining a development application to which the SEPP relates. The relevant matters for consideration prescribed by Part 3 have been considered and commented on in the table below.

Table 2 – *SEPP (Resources and Energy) 2021* – Relevant matters for consideration

SEPP CLAUSE	**PLANNING CONSIDERATION**	**COMPATIBLE WITH**
12 Compatibility of proposed mine, petroleum production or extractive industry with other land uses	This Clause requires a consent authority to consider the following provisions when determining an application for an extractive industry *Before determining an application for consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must:* *(a) consider:* *(i) the existing uses and approved uses of land in the vicinity of the development, and* *(ii) whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development, and* *(iii) any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and* *(b) evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a) (i) and (ii), and* *(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).* Planning Comment: The land subject to this application adjoins rural and environmental management zoned land and the operational area of the Bayswater and Liddell Power Stations. The extractive industry subject to this modification application has been operating at the site since	Yes

	2005. During that period the current land uses of adjoining properties have continued to be carried on neighbouring properties. It is considered that the proposed development is not incompatible with adjoining land uses and that it would remain compatible with adjoining land uses where it is carried out in accordance with the conditions of consent and the EPA's Environmental Protection License requirements.	
14 Natural Resource Management	The clause specifically references a need to consider conditions related to managing impacts on significant water resources, threatened species and the minimisation of greenhouse gas emissions. <u>Planning Comment</u> The impact of the proposed development on water sources and ecology were considered by the consent authority at the time the original development application was determined. The proposed development would not have an adverse impact on either item, and there is no new evidence or information that suggests the proposed development would have a more substantial impact than previously identified. In relation to greenhouse emissions, the proposed modification would extend the operational timeframe of the extractive industry and thereby greenhouse emissions associated with that operation. The operation of the site would not cause a significant amount of greenhouse gas emissions compared to the NSW's overall greenhouse gas emissions. Accordingly, Council Officers are satisfied that the proposed development would not conflict with this clause of the SEPP and can be supported without the need for any additional conditions to be imposed.	Yes
16 Transport	The proposed development has been reviewed by the TfNSW and Council's Community Infrastructure Roads and Drainage Team. No objection was raised in relation to the proposed development. Comments provided in response to these referrals have also been considered under the referrals section of this report and incorporated into conditions of consent where appropriate.	Yes
17 Rehabilitation	This clause specifies the following: *(1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development.* *(2) In particular, the consent authority must consider whether conditions of the consent should:* *(a) require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or* *(b) require waste generated by the development or the rehabilitation to be dealt with appropriately, or* *(c) require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under clause 3*	Yes

	of Schedule 6 to the Act and the Contaminated Land Management Act 1997), or *(d) require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.* Planning comment: A rehabilitation management plan is required to be submitted for the site as part of previous approvals and will be conditioned in the approval should the proposal be supported. The proponent will be required to carry out rehabilitation of the site in accordance with this document, the EIS, SoEEs, the quarries Environmental Management Plan and Environmental Protection License requirements imposed by the NSW EPA.	

State Environmental Planning Policy (Planning Systems) 2021

The proposed development does not meet the criteria of a State Significant Development application and as a modification to an approved development does not comprise a designated development application that would require approval from the Regional Planning Panel as Regionally Significant Development.

Section 4.15(1)(a)(ii) the provisions of any draft EPI.

There are no draft EPIs relevant to the subject Application.

Section 4.15(1)(a)(iii) the provisions of any development control plan

Section 11 – Extractive industry

This section of the DCP establishes the minimum information and operational requirements for an application involving the operation of an extractive industry. This modification would not alter the quarry footprint or operational intensity. The only proposed change to the operation would be the addition of commercial and demolition waste sorting and processing (brick, tile, concrete, asphalt, glass) at a rate of 30,000 tpa. Once the material is sorted it is then used in road bases, stabilised RMS specification products, and concrete batching.

Council Officers are satisfied that the changes to the development proposed would not contravene the relevant DCP requirements.

Section 94 Contributions Plan 2001

The development consent for the establishment of the extractive industry included conditions relating to the payment of Section 94 contributions for the development.

Council's 2001 Section 94 Plan includes the provision of a Section 94 contribution on extractive industries determined on a case-by-case basis based on the impact of the development on the road network. Previously, conditions 12 and 13 required the applicant to enter into an agreement for the payment of section 94 contributions and the submission of tonnage details to inform the calculation of relevant contributions.

The agreement between Council and the applicant set the contribution for the operation of the premises at $0.30 per tonne. The proposed development was referred to Council's Community Infrastructure Roads and Drainage Team who raised no issue with the existing rate of contributions paid by the operator of the development. Council's Development Compliance Officer has recommended that CPI be applied to the rate of contributions paid to Council from March 2020. A condition will be identified in the notice of determination reflecting updated contributions required to paid.

Section 4.15(1)(a)(iiia) the provisions of any planning agreement

Council Officers are not aware of any voluntary planning agreements that relate to this development application or the subject site.

Section 4.15(1)(a)(iv) the provisions of the regulations

Part 4 of the *Environmental Planning and Assessment Regulation 2021* applies to the development. Appropriate conditions of consent are recommended.

Section 4.15(1)(b) the likely impacts of that development

In its original determination of the development applications for the extractive industry and concrete batching plant, Council considered the likely environmental impacts associated with the development, and in both cases determined these impacts to be acceptable subject to conditions. This proposed modification changes the existing operation (i.e. gravel quarry, concrete batching plant and plant hire) by introduction of commercial waste processing. The environmental impacts associated with the development will remain relatively unchanged, given that the proposed development is within the curtilage of the existing operation.

Council Officers are satisfied that the proposed development is unlikely to result in any substantive environmental impacts that warrant refusal of the development application.

It is recommended that the conditions of consent surrounding the operation of the premises for this modification be updated where appropriate and the applicant demonstrate compliance with conditions relating to the previous DAs.

Section 4.15(1)(c) the suitability of the site for the development

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

Section 4.15(1)(d) any submissions made

The proposed Section 4.55 modification was publicly notified and advertised on two occasions. The modification was originally notified from the 3 May 2021 to the 24 May 2021 for a period of twenty-one (21) days. Two (2) submissions were received during this notification period, both objecting to the proposal. The proposal was also advertised in the Muswellbrook Chronicle during the notification period.

Each of the submissions received have been considered in the assessment of the development and comments included in an attachment to this Report. Additional conditions of consent have been proposed to mitigate some of the concerns raised.

Section 4.15(1)(e) the public interest.

The proposed modification is viewed as being compatible with the public interest. The proposal will introduce reuse of construction and demolition waste and support local economic activity and employment opportunities. Conditions of consent have been updated in accordance with recommendations from Council's Development Compliance Officer to ensure the operation is

carried out in accordance with current industry best practice.

5 CONCLUSION

The section 4.55(2) modification has been assessed under the relevant provisions of Section 4.55 of the EP&A Act 1979 and the alterations to the approved development considered against the relevant considerations prescribed by Section 4.15 of the EP&A Act 1979.

It is recommended that the Development Assessment Committee grant development consent to this section 4.55(2) modification subject to the recommended conditions of consent.

STATEMENT OF ENVIRONMENTAL EFFECTS

MODIFICATION OF DA 2002/342

ACCEPT AND PROCESS UP TO 30,000TPA OF CONSTRUCTION AND DEMOLITION WASTE AS AN EXTRACTIVE MATERIAL SUBSTITUTE

Wild Quarries and Civil, 8440 New England Highway, Muswellbrook

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17 March 2021

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Document status

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Shaun Smith		18 March 2021

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1 INTRODUCTION

1.1 Background

RPS Australia East Pty Ltd (RPS) act on behalf of Wild Quarries and Civil (the 'Applicant') in preparing the subject Statement of Environmental Effects (SEE) to support an application under Section 4.55(2) of the Environmental Planning and Assessment Act 1979 (EP& A Act). The modified application seeks to add a 30,000 tonne per annum (tpa) Construction and Demolition Waste (C&D) facility at 8440 New England Highway, Muswellbrook, NSW (the 'site'). Activities occur within Lot 30 DP815308 which is part of the Muswellbrook Shire Council Local Government Area (LGA). Access to the site is via Grasstree Ridge Road. The location of the site is shown as **Figure 1** and the extent of the site encompassing existing activities shown as **Figure 2**.

The subject site is located approximately 9 kilometres (km) south-east of Muswellbrook within a rural setting. Smaller rural properties with residences, sheds and dams are located on the western side of the of the New England High. Thomas Mitchell Drive, which meets the New England Highway adjacent to the quarry, provides access to the open cut coal mining operations of Drayton (closed), and Mount Arthur North which are located 2km to the south-west.

Bayswater and Liddell Power Stations, the latter situated on the western shores of Lake Liddell, are located approximately four kilometres south of the site. Land uses associated with the power stations and mining are located to the south west of the site.

This SEE and Development Application (DA) have been prepared in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act) and is submitted to Muswellbrook Shire Council for assessment and consideration accordingly. This SEE provides the following:

- A description of the site and locality.
- A description of the development.
- Assessment of the relevant environmental planning matters for consideration under Section 4.15 of the EP&A Act, including compliance with environmental planning instruments and development control plans, environmental impacts, site suitability, submissions, and public interest.
- A conclusion with respect to the development.

1.2 Site History

The site is currently the location of an operating 100,000tpa gravel quarry and a 30,000tpa concrete batching plant. Both activities are approved under DA 2002/342 (as amended). Prior to the establishment of these activities, the site was utilised as a depot for a local transport business approved under DA 141/96 and DA 2/97. The site has also been utilised for pastoral grazing activities and some minor quarrying activities. A residential house is also located on the site which is the dwelling of the current and previous landowners.

Figure 1 Site Location

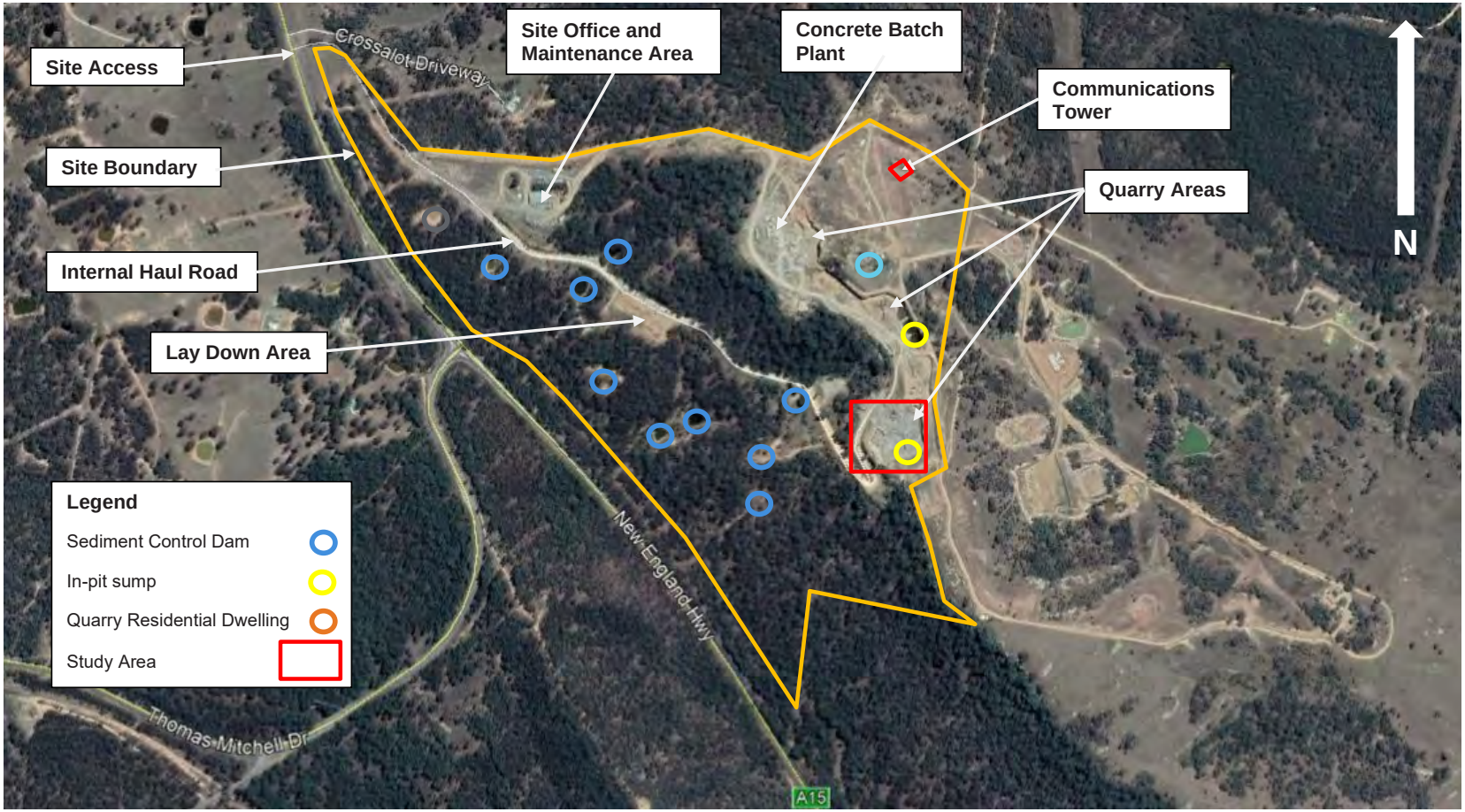

Figure 2 Extent of Operations

1.3 The Proposed Activity

The proposed modification relates to the establishment of a 30,000tpa Construction and Demolition Waste Facility (C&D) which will provide recycled aggregates to the existing approved 100,000tpa quarry operations and 30,000tpa concrete batch plant activities at the site. This application seeks to add the waste activities within the same disturbance footprint as the existing approved activities. Waste receival, sorting, crushing, and grinding will be undertaken within a previously quarried area of the site that is shielded both visually and acoustically, and drains to an existing in-pit dirty water dam. Further detail on the proposed C&D waste operations is provided in **Section 4**.

1.4 The Applicant

This SEE has been prepared on behalf of Wild Quarries and Civil Pty Ltd who own and operate both the quarry and concrete batching operations.

1.5 Site Description

The subject site is located within the Muswellbrook Shire Council Local Government Area (LGA) with a property address of 8440 New England Highway, Muswellbrook, NSW and a legal property description of Lot 30 in DP 815308 (refer **Figure 1**). Current operations generally occupy the north-eastern portion of the site, with haul roads connecting active pit areas with the site office and maintenance areas in the north-western portion.

The subject site forms an irregular shaped parcel of land with a site area of approximately 82ha. Approximately 16ha of the site is approved for disturbance as part of the current operations. The site consists of cleared grazing and disturbed woodland areas. A cliff line physically divides the property into two sections, the lower section consists of disturbed woodland with open grazing areas, dams, site office and maintenance shed, while the upper section consists of a residence, shed, open grazing areas, operational quarry pits, and concrete batching plant (refer **Figure 2**).

1.6 Existing Approvals

DA 342/2002 (as amended)

Existing quarry and concrete batching operations at the site are approved under DA 342/2002 (as modified 2007, 2016, 2018, 2019).

1.7 Permissibility

Muswellbrook Local Environment Plan 2009 (MLEP) is the principal local environment planning instrument governing development on the site. The subject site is currently zoned E3 Environmental Management under MLEP 2009 and identified in the zoning map shown as **Figure 3**.

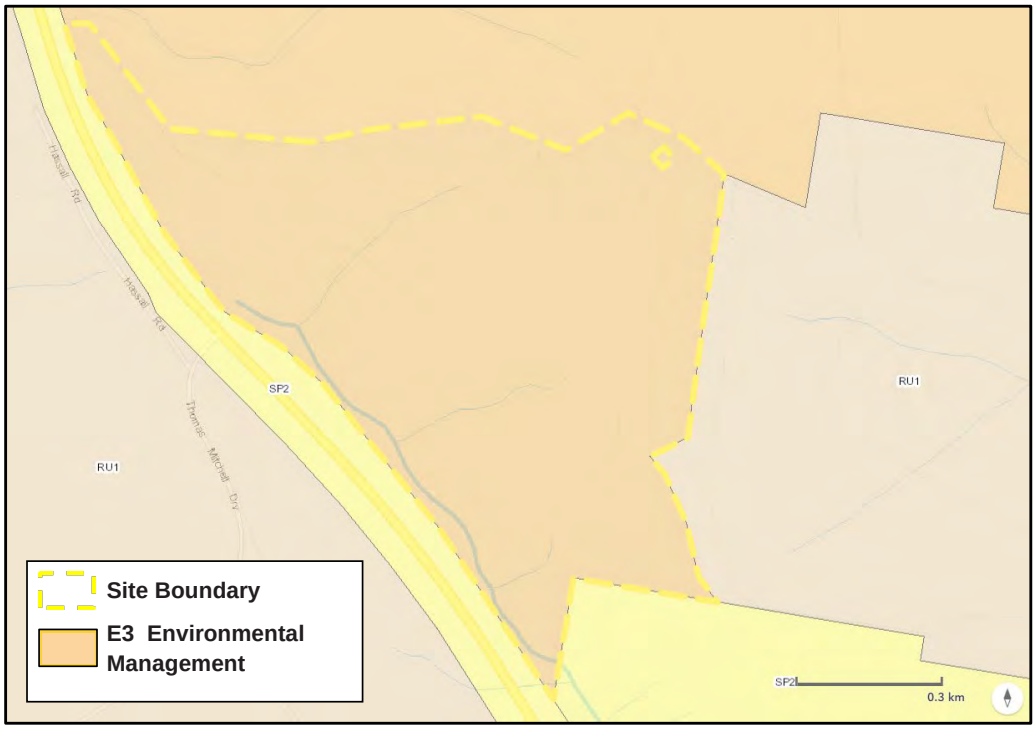

Figure 3 Land Use Zoning

Under zoning E3 extractive industries, concrete batching plants, and waste facilities are not permitted. However, prior to the implementation of MLEP in 2009 the site was zoned 1(a) Rural which did allow for the development of extractive industries on the subject site. The original approval of the quarry operations occurred in 2004 prior to the site being rezoned. Under the provisions of Section 4.65 of the EP & A Act existing use rights would apply. In this regard, Section 4.65 of the EP & A Act defines existing use as:

> *'Existing Use' means:*
>
> > *(a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and*
> >
> > *(b) the use of a building, work or land:*
> >
> > > *(i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use*

As such the provisions of 'existing use' apply due to the quarry being approved prior to the land zone changing by way of an update to the MLEP.

Approval of the proposed waste operations is permissible under the State Environmental Planning Policy (SEPP) (Mining, Petroleum Production and Extractive Industries) 2007 which allows for the '*co-location of industry*' where an approved extractive industry already exists. Part 2, clause 7, sub-clause 4 of the SEPP states:

> *(4) **Co-location of industry** If extractive industry is being carried out with development consent on any land, development for any of the following purposes may also be carried out with development consent on that land—*
>
> *(a) the processing of extractive material,*
>
> *(b) the processing of construction and demolition waste or of other material that is to be used as a substitute for extractive material,*

(c) facilities for the processing or transport of extractive material,

(d) concrete works that produce only pre-mixed concrete or bitumen pre-mix or hot-mix.

Sub-clause 4(b) allows for the processing of construction and demolition waste (or other materials) where they are to be used as a substitute for extractive materials. It is proposed to blend recycled concrete, brick, tile, and glass into the products produced from the quarry and batching plant.

1.8 Consultation

Consultation has been undertaken with Muswellbrook Shire Council prior to and during the preparation of this SEE. Consultation will continue with Council through the assessment and determination process for the subject application.

1.9 Consent Authority

Muswellbrook Shire Council is the consent authority for the proposed modification.

2 EXISTING ENVIRONMENT

2.1 Topography

The site is physically divided into two sections, the lower section generally consisting of disturbed woodland with open grazing areas and dams, and the upper section consisting of a residence, shed, open grazing areas and areas cleared for various easements. The upper section, divided from the lower by an escarpment and steeper slopes, rises to 292 metres. The lower section, near Maidswater Creek and the New England Highway, is approximately 180 metres in elevation. The steep slope dividing the two sections of the property, which forms the southwestern boundary of the quarry, is between 220 and 270 metres in elevation.

The area surrounding the site is characterised by the water bodies associated with the Liddell and Bayswater power stations, woodland areas, rural and rural residential cleared areas, and mining infrastructure. The New England Highway provides a transport corridor through the visual landscape, which rises on both sides of the highway.

2.2 Hydrology

The site flows towards Maidswater Creek, which enters Lake Liddell to the south east. There are approximately 12 existing dams on the site that are used to capture and retain any sediment laden water. Maidswater Creek only flows intermittently and during periods of excessive rainfall. All sediment laden water from the site operations is retained in existing site dams. The main dam receiving runoff from the quarry operations is used to supply dust suppression water for the onsite water cart and crushing equipment.

2.3 Flora and Fauna

Historically, the site has been used for pastoral practices, as well as some small-scale quarrying in the past, which has resulted in some areas being predominantly cleared and the vegetated areas degraded and simplified to varying degrees over. The site does, however, contain habitats known to be used by threatened species, habitats that are potentially utilised by other threatened species, and habitats of significance for local biodiversity. Previous assessments over the site have found that a total of 20 species of threatened fauna were considered to be potential subject species. Of these 20 species, 5 were positively identified during field surveys. This includes the Southern Myotis *Myotis macropus*, Large Bentwing Bat *Miniopterus schreibersii*, Speckled Warbler *Pyrrholaemus sagittatus*, Hooded Robin *Melanodryas cucullata* and Squirrel Glider *Petaurus norfolcensis*.

2.4 Transport and Access

Access to the site utilises an intersection and access road off the New England Highway. This intersection was ungraded to an Austroad C standard as part of the consent conditions for DA 342/2002 for the original quarry approval. This upgrade included a right hand turn in, deceleration and storage lane, left turn in, deceleration lane and left turn out, and acceleration lane. This intersection upgrade provided the site with more than adequate capacity to cater for both the quarry and batch plant truck movements.

2.5 Utilities and Services

The following utilities and services are currently connected to or are traversing the site:

- an electricity transmission line easement containing a 132kV line;
- a transmission line easement crossing the site, vested to the ‘Council of the Upper Hunter County District’, from which the transmission line has been removed;
- an 11kV single phase electricity line from the New England Highway to the lower shed, residence, and mobile phone tower within Lot 30 DP 815308;
- an underground telephone cable adjacent to Grasstree Ridge Road and the access track to the existing residence on Lot 30 DP 815308;
- a mobile telephone tower with transmitter, located within Lot 30 DP 815308 under a lease agreement;

- state survey marker 39234 FD; and
- television repeater station.

2.6 Surrounding Development

The subject site is located in a rural setting, with mining, industrial and agricultural uses in the vicinity. The immediate surroundings are described as follows:

- **North** – Directly north of the site is a rural residential property on Lot 2 DP258548;
- **South** – To the south of the site are 2 operating coal fired power stations owned by AGL Macquarie;
- **East** – To the east of the site is rural grazing land, of which a significant portion is owned by AGL Macquarie, and 1 rural residential property on Lot 4 DP258548; and
- **West** – To the west is the New England Highway and approximately 7 rural residences. Further west off Thomas Mitchell Drive are the previous Drayton Coal operations and the currently operating Mt Arthur Coal Mine.

3 EXISTING APPROVED DEVELOPMENT

The development consists of an existing 100,000tpa gravel quarry and a 30,000tpa concrete batching plant. Both activities are approved under one consent with consolidated conditions. Details of the existing operations are provided below.

3.1 Quarry and Plant Hire Operations

3.1.1 Description

The following components apply to the quarry and plant hire aspects of the development:

- Existing site office, maintenance shed, staff amenities, and associated hard stand areas for equipment maintenance;
- Existing upgraded intersection of Grasstree Ridge Road with the New England Highway;
- Existing haul road from Grasstree Ridge Road near the intersection with the New England Highway to the quarry area;
- Existing equipment and plant hire operations;
- Crushing and screening of up to 100,000tpa of extracted material over a 20 year period;
- Stockpiling of material on site;
- Haulage of material from the site by 12 to 30 tonne highway trucks;
- Water management and erosion and sediment control structures including dams, culverts, pipes, and pits; and
- Progressive rehabilitation of quarried areas.

The site layout is shown on **Figure 2**. **Plates 1** to **8** show the various existing components of the site operations.

Plate 1 Site Access and Upgraded Intersection

Plate 2 Existing Maintenance Shed and Site Offices

Plate 3 Haul Road Entrance from New England Highway

Plate 4 Existing Concrete Batching Plant

Plate 5 Crushing and Screening Equipment

Plate 6 Quarry Face and Raw Material for Processing

Plate 7 Erosion and Sediment Control Dam

Plate 8 Existing Site Rehabilitation

3.1.2 Market Assessment

Wild Quarries and Civil will continue to market the gravel material for road base and other construction purposes, particularly in the local road building and mining industries. The proponent's plant hire operation also has an ongoing need for gravel material for the supply to road and local infrastructure projects.

The demand for aggregate material in the Muswellbrook, Singleton, Denman, and Scone areas is high due to road and infrastructure projects and also the ongoing development of open-cut and underground coal mines in the region. Road maintenance and rail upgrade works are also ongoing in the area, and the proponent is strategically placed to service this market, having a long association in the local area providing plant and equipment for construction projects.

The operations are only 9 kilometres from Muswellbrook and is also well placed to service coal mines south of the site, off Thomas Mitchell Drive and towards Singleton.

3.1.3 Resource Estimate and Extended Operational Life

To date, resource has been quarried from several areas of the development, including Stages 1, 2, 3 and 4 (refer Figure 4 - 7 for stages). The majority of material has been extracted from Stage 1 with the remainder extracted from the western areas of Stages 2-4. Based on the extraction to date it has been estimated that approximately 900,000 tonnes have been extracted since the original approval was granted in 2004. Revised resource estimates for the site suggested that there were in excess 2,900,000 tonnes of material within the original approved quarry footprint. On this basis it is estimated that there are 2,000,000 tonnes of material remaining in situ. This remaining resource will allow for the continued operations of the quarry at 100,000tpa for an additional 20 years and beyond.

3.1.4 Staging and Quarrying

The staged quarry plans (refer Figure 4 - 7) show that the design adopted for the pit orientates the quarry face in a south east - north west direction, moving the mine face in a northerly direction. This provides the best acoustic and visual screening to the closest northern neighbour. This orientation assists in projecting

noise and overpressure towards the south, where there are no near neighbours, and visually screening operations.

Due to the strength of the conglomerate material, each stage requires an initial drill and blast to fragment the rock. An excavator then loads the blasted rock into a mobile crusher that crushes to required sizes. A front-end loader is then used to move stockpiles and load highway trucks to haul the material off site.

The benefit of the mobile crusher is the flexibility of the location of the equipment and stockpiles. Equipment is situated such as to minimise the noise impacts on all surrounding residents. Crushing operations occur as close to the blasted face as possible to reduce double handling of material.

Stockpiles are situated on the quarry floor adjacent to crushing equipment to allow for easy loading. And are no more than 4 metres in height to avoid any visual intrusion.

3.1.5 Equipment

The following equipment is currently utilised for quarry activities at the site:

- 1 x Drill rig;
- 1 x Excavator;
- 1 x Mobile crusher;
- 1 x Mobile screen;
- 1 x Front end loader;
- 1 x Dozer; and
- Highway trucks (12 to 30 tonne capacity).

3.1.6 Truck Movements

As is detailed in the original quarry EIS, the maximum predicted truck movements from the site peak at 60 movements per day (60 inbound and 60 outbound) at full extraction capacity of 100,000tpa. Over the 16 years that the quarry has been operating the site has only produced, on average, 50,000tpa and as such the peak truck movements have never been achieved. It is anticipated that there will be no increase to the predicted traffic movements to and from the development.

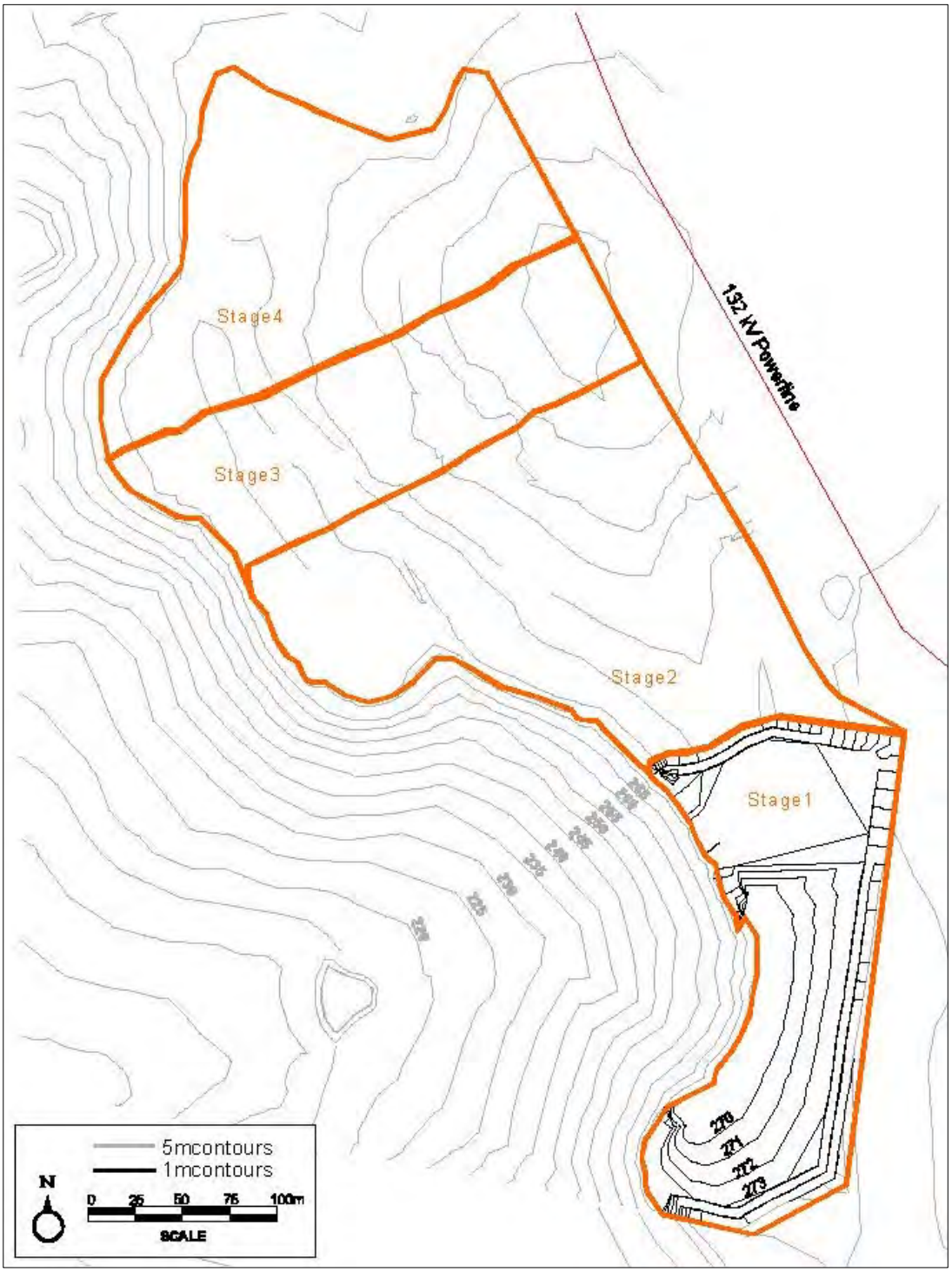

Figure 4 Quarry Plan Stage 1

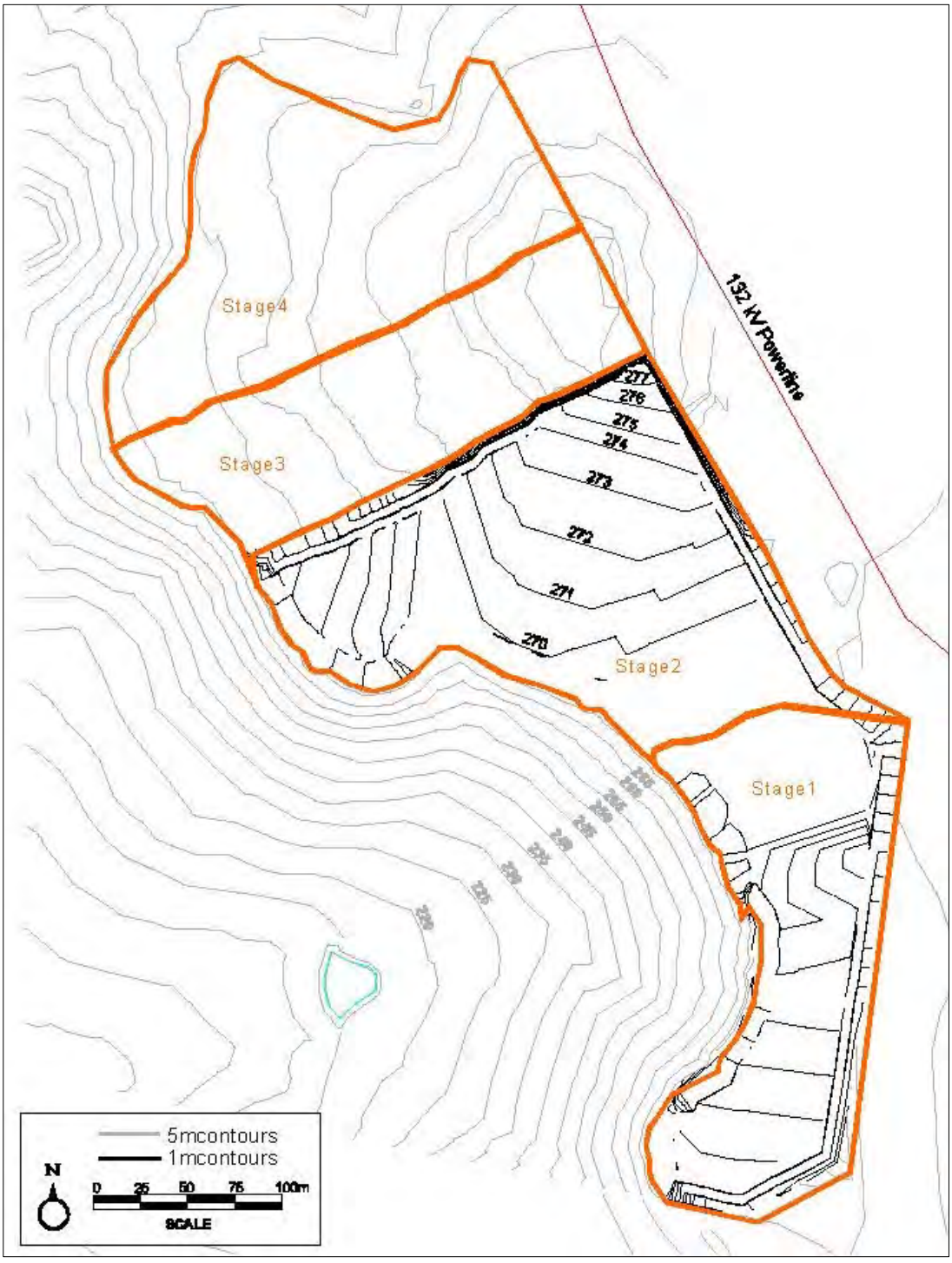

Figure 5 Quarry Plan Stage 2

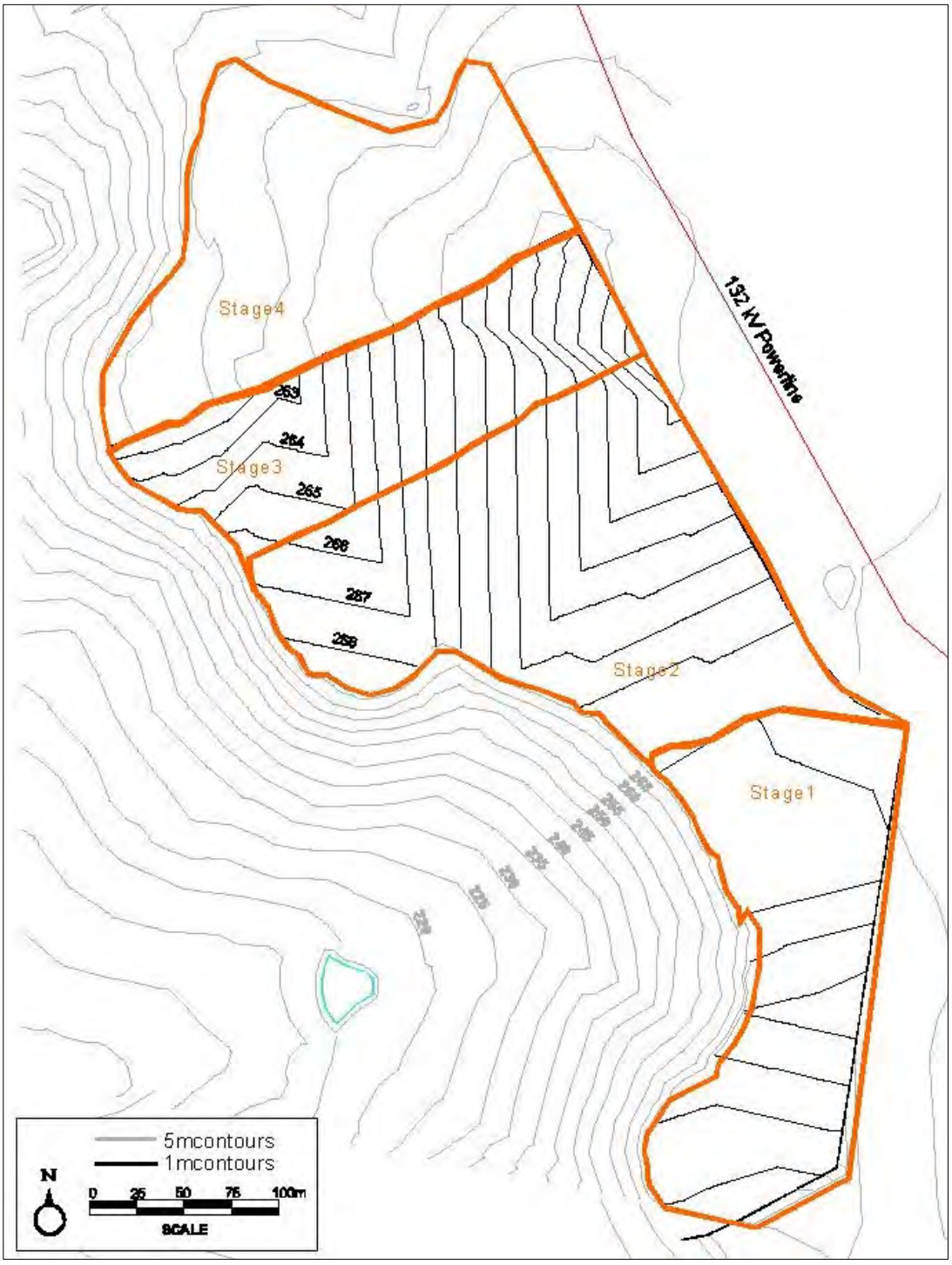

Figure 6 Quarry Plan Stage 3

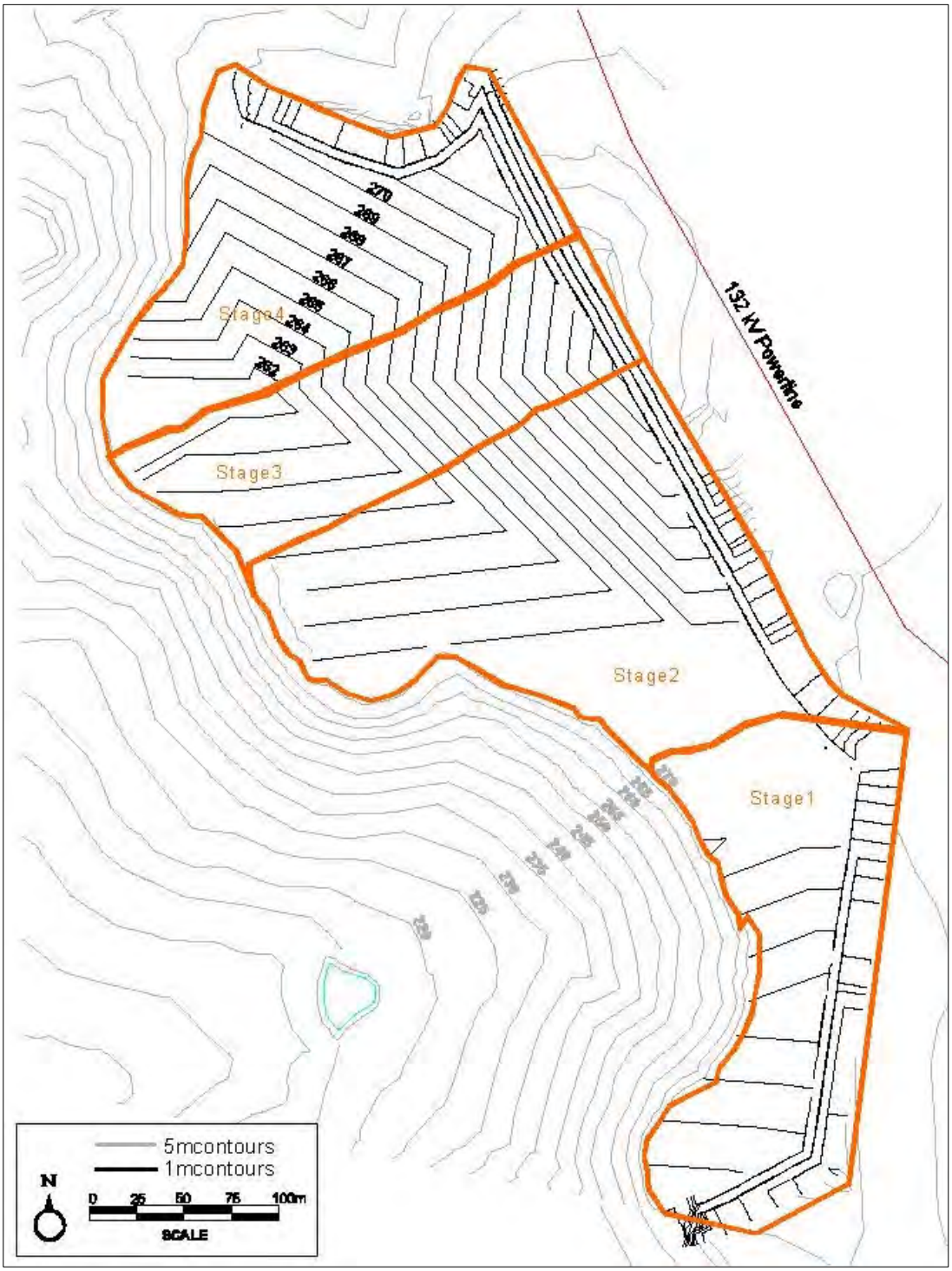

Figure 7 Quarry Plan Stage 4

3.1.7 Plant Hire Operations

The plant hire operations consist of the following plant and equipment:

- 1 x Float truck;
- 4 x Trucks;
- 4 x Excavators;
- 2 x Dozers;
- 3 x Water carts;
- 8 x Tipper trucks;
- 2 x Rollers; and
- 2 x Graders.

Due to the nature of the hire operation not all equipment is stored on site at the same time. Plant is often hired for long-term projects and it is the aim of the operation to have plant constantly in use. Therefore, some plant may only return to the site once every few weeks for maintenance. The float truck generally exits the site once or twice per day as it is used to transfer equipment between sites.

Maintenance is carried out on the site include such activities as grease and oil changes, engine maintenance, tyre changes and other vehicle maintenance activities. These are conducted within the large maintenance shed.

A wash down bay is located directly adjacent to the maintenance shed for the cleaning of plant and equipment. An oil/water separator treats oily water generated from this area.

3.1.8 Work Force

The existing workforce for the gravel quarry, plant hire operation, and batch plant is up to 40 persons. Some contract staff are utilised as required for both campaign work and also for rail shut down works.

3.1.9 Hours of Operation

Current hours of operation for the quarry are:

- Monday to Friday 7am to 5pm;
- Saturday 7am to 1pm; and
- Sunday and Public Holidays no operations.

The above hours of operation are for quarrying and general operations. Haulage would be within the same hours.

Current hours of operation for the plant hire operation are:

- Monday to Friday 7am to 3pm;
- Saturday 7am to 1pm; and
- Sunday and Public Holidays no operations.

There will be no change to current operating hours for either the quarry or plant hire.

3.2 Concrete Batching Operations

3.2.1 Description

The operations consist of a mobile concrete batching plant that utilises the raw materials produced from the co-located quarry. The main components of the batching plant and associated infrastructure include:

- Cement silo, including cement auger;

- Transit mixer loading area;
- Raw product storage bins;
- Water storage tank;
- 2 x recycling pits; and
- Loading apron.

The concrete plant is established in an area of the quarry that has previously been subject to extraction, therefore there is no additional disturbance from its establishment. In addition, as mobile plant is being utilised there has been minimal erection of permanent infrastructure. This allows the plant to be transported to other sites where onsite concrete production is required.

Water for the operations is sourced from storage dams utilised for the existing quarry, with wash down water recycled and re-used as part of the batching process.

The volume of concrete produced is up to 30,000tpa or up to 120 tonnes per day. The layout of the batch plant operation is shown on Figure 8. There are no proposed alterations to the existing batching operations as part of this application.

3.2.2 Plant and Equipment

The following mobile plant and equipment are utilised for the concrete batching operations and will continue to be utilised:

- Front end loader
- Rigid and articulated tip trucks;
- Agitator trucks; and
- Water trucks.

3.2.3 Site Facilities and Work Area

The work area and site facilities include:

- Site office;
- Amenities;
- Light vehicle parking; and
- Material and equipment storage/lay-down areas.

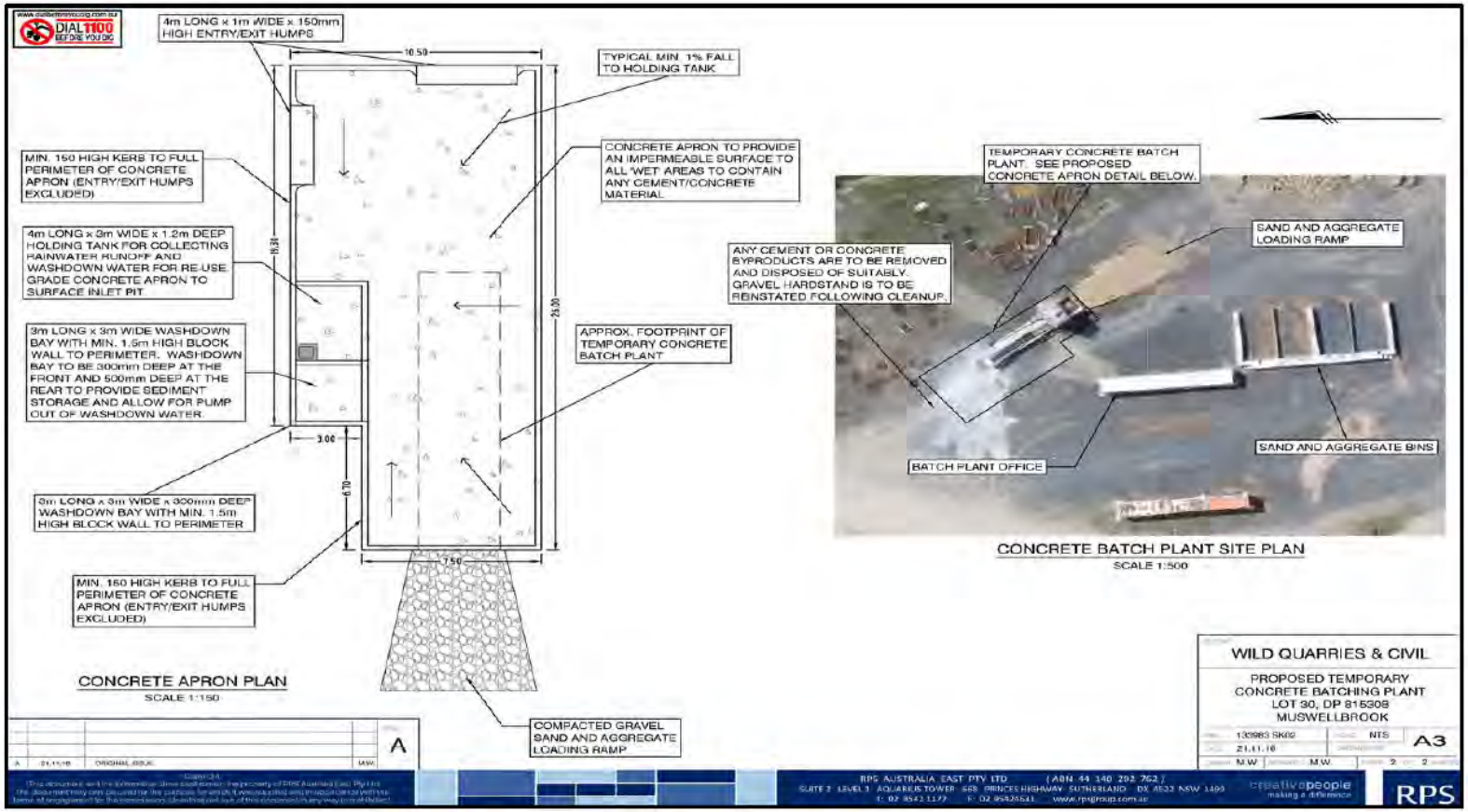

Figure 8 Concrete Batch Plant Layout

3.2.4 Truck Movements

The batch plant operations produce in order of 20 truck movements per day as a worst-case scenario. The existing intersection into the site and the New England Highway have adequate capacity to accommodate both the quarry and batch plant truck movements. The intersection upgrade that was undertaken for the original quarry approval was designed to cater for 60 truck movements.

3.2.5 Hours of Operation

The batching plant operates during the same hours as the quarry, which are:

- Monday to Friday 7am to 5pm; and
- Saturday 7am to 1pm.
- Sunday and Public Holidays no operations

4 PROPOSED DEVELOPMENT

The proposed development consists of the addition of Construction and Demolition waste processing (C&D) up to a volume of 30,000tpa. C&D waste proposed to be received would be crushed and screened and used as a substitute to existing quarry products won onsite. This would include concrete, brick, tile, asphalt, and glass to be crushed and blended for use in road bases, stabilised RMS specification products, and for use in concrete batching. Further details of the proposed waste operations are described below.

4.1 Construction and Demolition Waste Processing

4.1.1 Description

The C&D waste processing area is proposed to be established in an area of the quarry that has previously been subject to extraction, therefore there is no additional disturbance required. In addition, as mobile plant is being utilised there will be no installation of permanent infrastructure. This allows the plant to be transported to other sites where onsite crushing may be required for other activities.

Water for dust suppression is proposed to be sourced from existing onsite storage dams and from an in-pit storage within the processing area. The floor of the processing area will be graded back to base of the highwall of the disused extraction area, with an in-pit sump created to manage dirty water generation. Water from this sump will flow to an existing in-pit dam. Water can then be pumped directly from the in-pit dam for use as a dust suppressant or for product washing where required.

Generally, waste material will arrive at the site and be inspected at the weighbridge office prior to being sent to the processing area. Should any non-approved or hazardous materials be found the load will be rejected and the driver will be turned away. Once weighed and inspected, loads will proceed to the waste processing area of the site where the load will be dumped and inspected again. If the load is contaminated it will be rejected, reloaded, and sent off-site with the driver.

Once the load is accepted after dumping and inspecting, the materials will be sorted to remove any rubbish such as steel, timber, or any other rubbish that is not accepted. Reject materials will be separated and taken offsite for further recycling or disposal at a licenced waste facility.

Stockpiles of unprocessed materials will be established adjacent to the processing area. Materials will then be loaded into crushing equipment to produce various products as substitutes for quarry product. Depending on the use, materials may also be screened to remove oversize.

Materials will then be loaded and stockpiled with other quarry products onsite where they will either be blended or used as substitutes for the onsite concrete batching activities.

The maximum volume of waste to be received is up to 30,000tpa tonnes per annum or up to 120 m^3/day. The layout of the waste receival and processing area is shown as **Figure 9**.

4.1.2 Plant and Equipment

The following mobile plant and equipment will be utilised for the C&D waste processing onsite:

- 1 x Excavator;
- 1 x Mobile crusher;
- 1 x Mobile screen;
- 1 x Front end loader;
- Highway trucks (12 to 30 tonne capacity); and
- 1 x Water truck.

4.1.3 Truck Movements

The C&D operations will produce in order of 5 truck movements per day as a worst-case scenario. The existing intersection into the site and the New England Highway have adequate capacity to accommodate

both the quarry and batch plant truck movements. The intersection upgrade that was undertaken for the original quarry approval was designed to cater for 60 truck movements.

4.1.4 Hours of Operation

The waste receival and processing activities will operate during the same hours as the quarry, which are:

- Monday to Friday 7am to 5pm; and
- Saturday 7am to 1pm.
- Sunday and Public Holidays no operations.

Figure 9 Waste Processing Area and Operations

5 PLANNING AND STATUTORY CONSIDERATIONS

This section identifies the relevant planning provisions that apply to the site.

5.1 Environmental Planning and Assessment Act 1979

The EP&A Act establishes the planning and approvals process in NSW. The EP&A Act provides for the making of Environmental Planning Instruments (EPIs) including Local Environmental Plans (LEPs) and State Environmental Planning Policies (SEPPs), which set out requirements for particular localities and/or particular types of development. The applicable EPIs and the Regulations made under the EP&A Act determine the relevant planning approval pathway and the associated environmental assessment requirements for proposed development activities.

The modification of the development is being assessed under the provisions of the EP&A Act. The proposal will be determined under Part 4 of the EP&A Act with Muswellbrook Shire Council being the consent authority.

The EP&A Act allows for the modification of an approved development under Section 4.55. Under this section there are four categories of modification depending on the level of change and environmental impact. These include:

- modification involving minor error, misdescription or miscalculation – Section 4.55(1) of the Act;
- modification involving minimal environmental impact – Section 4.55(1A);
- other modifications – Section 4.55(2); and
- modifications of consents granted by the Court – Section 4.56.

It is proposed to modify DA 2002/342 under the provisions of Section 4.55(2) – Other modifications. Section 4.55(2) – Other modifications provides for the following:

> "*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—*
>
> *(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
>
> *(b) it has consulted with the relevant Minister, public authority, or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
>
> *(c) it has notified the application in accordance with—*
>
> *(i) the regulations, if the regulations so require, or*
>
> *(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
>
> *(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be*."

5.2 State Environmental Planning Policies

5.2.1 Mining, Petroleum Production and Extractive Industries SEPP 2007

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (NSW) applies to the activity. In recognition of the importance to NSW of mining, petroleum production and extractive industries, the Mining SEPP aims to:

- Provide for the proper management and development of mineral, petroleum, and extractive material resources for the purpose of promoting the social and economic welfare of the State;
- Facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources; and
- Establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum, and extractive material resources.

Part 2, clause 7, sub-clause 4 of the Mining SEPP allows for the establishment of additional development on lands where extractive industry is already being carried out with development consent. The Mining SEPP refers to this as the 'Co-location of Industry'. Specifically, Part 2, clause 7, sub-clause 4 of the SEPP states:

> *(4)* ***Co-location of industry*** *If extractive industry is being carried out with development consent on any land, development for any of the following purposes may also be carried out with development consent on that land—*
>
> *(a) the processing of extractive material,*
>
> *(b) the processing of construction and demolition waste or of other material that is to be used as a substitute for extractive material,*
>
> *(c) facilities for the processing or transport of extractive material,*
>
> *(d) concrete works that produce only pre-mixed concrete or bitumen pre-mix or hot-mix.*

Sub-clause 4(b) allows for the processing of construction and demolition waste (or other materials) where they are to be used as a substitute for extractive materials. It is proposed to blend recycled concrete, brick, tile, and glass with the products produced from the quarry and batching plant.

Under the '***Co-location of Industry***' provisions the processing of construction and demolition waste as a substitute for extractive material is permissible due to the quarry being an existing and approved operation.

5.2.2 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

SEPP 33 provides definitions for hazardous industry and offensive industry, as well as potentially hazardous industry and potentially offensive industry. An application to carry out a potentially hazardous or offensive industry is required to be accompanied by a preliminary hazard analysis (PHA).

The potential for hazard and/or offence as a result of the proposed development is considered in the original EIS for the quarry development. It considers the potential risks of transporting, storing, and using dangerous goods such as fuels and explosives, and concludes that as the quantities of materials are small and will be stored in accordance with relevant standards for the storage of flammable and combustible liquids and in accordance with Dangerous Goods licencing requirements, they are not considered to present any significant hazard or risk beyond the site boundary.

The addition of 30,000tpa of C&D waste per year is also considered to be a low-risk activity as there will be no additional hazardous materials stored or transport to the site. All waste to be received will be inert building waste that will be suitably handled, sorted, processed, and recycled.

Offensiveness is considered to be minimal given that an EPA licence is required, and such operations must comply with the licence conditions. It is concluded that there is no significant risk associated with the transport, storage or use of hazardous material.

5.2.3 State Environmental Planning Policy (Koala Habitat Protection) 2020

State Environmental Planning Policy (Koala Habitat Protection) 2020 (or Koala SEPP 2020) encourages the conservation and management of koala habitats to ensure that permanent free-living koala populations will be maintained over their present range. The policy applies to specific LGAs including Muswellbrook Shire. Development cannot be approved in the areas listed in Koala SEPP 2020 without investigation of the presence of core koala habitat.

The potential for koala habitat to exist on the site was considered in the original project EIS under SEPP 44. It was found that the disturbance area for the operations does not constitute core koala habitat, and therefore a koala management plan is not required. There is proposed to be no additional disturbance to lands as part of this application.

5.3 Muswellbrook Local Environmental Plan 2009

5.3.1 Zoning and Permissibility

Muswellbrook Local Environment Plan 2009 (MLEP) is the principal local environment planning instrument governing development on the site. The subject site is currently zoned E3 Environmental Management under MLEP 2009. Under the E3 zone the following land uses are permitted with and without consent or prohibited:

> ***2 Permitted without consent***
>
> *Extensive agriculture; Home occupations*
>
> ***3 Permitted with consent***
>
> *Air transport facilities; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Camping grounds; Caravan parks; Cellar door premises; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive plant agriculture; Recreation areas; Recreation facilities (outdoor); Research stations; Roads; Rural worker's dwellings; Secondary dwellings; Sewerage systems; Water supply systems*
>
> ***4 Prohibited***
>
> *Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3*

Within the E3 zoning 'Industries', including extractive industries and concrete batching plants (ie. general industry), are prohibited.

However, prior to the implementation of MLEP in 2009 the site was zoned 1(a) Rural which did allow for the development of extractive industries on the subject site. The original approval of the quarry operations occurred in 2004 prior to the site being rezoned. Under the provisions of Section 4.65 of the EP & A Act existing use rights would apply. In this regard, Section 4.65 of the EP & A Act defines existing use as,

> *'Existing Use' means:*
>
> *(a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and*
>
> *(b) the use of a building, work or land:*
>
> *(i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use*

As such the provisions of 'existing use' apply due to the quarry being approved prior to the land zone changing by way of an update to the MLEP.

The approval of the C&D waste operations is permissible under the State Environmental Planning Policy (SEPP) (Mining, Petroleum Production and Extractive Industries) 2007 which allows for the '*co-location of industry*' where an approved extractive industry already exists. Activities that are described as 'co-location' include '*the processing of construction and demolition waste or of other material that is to be used as a*

substitute for extractive material'. Accordingly, the receival and processing of C&D waste at the site is permissible under SEPP Mining 2007.

5.4 Muswellbrook Development Control Plan 2009

Muswellbrook Development Control Plan 2009 (MDCP) supplements the MLEP 2009 and provides additional information that should be considered when preparing a Development Application.

The purpose of the MDCP is to provide guidance to proponents carrying out development in the LGA and to promote development that is consistent with Council's overarching vision for the LGA. MDCP also seeks to ensure development incorporates principles of ecologically sustainable development and foster development that responds appropriately to both the natural and built environments.

Muswellbrook Shire Council has a land use specific DCP for extractive industry within its LGA. **Section 11 – Extractive Industry** of MDCP represents Council's commitment to Ecological Sustainable Development (ESD) by establishing a framework in which the industry, community, state government and Council all work together to achieve sustainable outcomes.

The Section 11 of the MDCP sets out land use specific requirements for the development and operation of extractive industries. Specific requirements relate to Application Assessment, Community Consultation, Transport, Visual Amenity, Flora and Fauna, Noise, Blasting, Air Quality, Erosion and Sediment Control, Socio -economic, Rehabilitation, and Environmental Management. These DCP requirements were addressed as part of the original EIS prepared for the quarry in 2002 and also through post consent approvals. Additional studies have been undertaken as part of this modification in relation to noise, traffic, and air quality.

5.5 Other Relevant Environmental Legislation

5.5.1 *Protection of the Environment Operations Act 1997*

The Protection of the Environment Operations Act 1997 (POEO Act) establishes the State's environmental regulatory framework and includes licensing requirements for certain activities. As the site is an operation processing 100,000tpa of gravel material it is deemed to be a land-based extractive activity under Clause 19(1), Schedule 1 of the POEO Act and as such requires an Environmental Protection Licence (or EPL) under Section 43(b) of the Act. The site currently operates under EPL12301 which will be amended to include C&D waste.

5.5.2 Section 4.46 of the EP&A Act, 1979

The proposed development is also *Integrated Development* under Section 4.46 of the EP&A Act, 1979, requiring approvals from other consent authorities including the NSW Environment Protection Authority (EPA). The EPA will be consulted with regard to a variation of EPL12301.

6 IMPACT ASSESSMENT

6.1 Environment

The following sections provide an assessment of the potential environmental impacts resulting from the proposed activities.

6.1.1 Traffic

6.1.1.1 Overview

A revised Traffic Impact Assessment has been prepared for the proposed modified development by Pavey Consulting Pty Ltd. A Traffic Impact Assessment was also prepared in 2002 as part of the EIS for the original development which assessed existing traffic conditions, including the road network, traffic flows, site access and accident history, and intersection requirements. A further traffic study was undertaken in 2016 in support of the 30,000tpa concrete batching operations. The full Traffic Impact Assessment is attached as **Appendix A**.

6.1.1.2 Existing Environment

6.1.1.2.1 Site Access

Access to the site utilises an intersection and access road off the New England Highway. This intersection was ungraded to an Austroad C (CHR/AUL) standard as part of the consent conditions for DA 342/2002 for the original quarry approval. The intersection provides:

- a right turn in;
- deacceleration and storage lane for right turn in;
- a left turn in;
- a deacceleration lane for the left turn in; and
- and an extending acceleration and climbing lane for left turn out movements.

The sight distances for traffic approaching this intersection along New England Highway are very good, as the road is straight and level in both directions and drivers can clearly see for at least 300 m both north and south of the intersection. The speed limit on the New England Highway at the site access is 100 km/hr.

6.1.1.2.2 Truck Movements

As is detailed in the original quarry EIS, the maximum predicted truck movements from the site peak at 60 movements per day (60 inbound and 60 outbound) at full extraction capacity of 100,000tpa. Over the 16 years that the quarry has been operating the site has only produced, on average, 50,000tpa and as such the peak truck movements have never been achieved. It is anticipated that there will be no increase to the predicted traffic movements to and from the development.

The existing batch plant operations produce in order of 20 truck movements per day as a worst-case scenario.

As demonstrated and accepted by the issue of the latest Development Consent for the combined operation (quarry and batching plant), the existing intersection into the site and the New England Highway has adequate capacity to accommodate both the quarry and batch plant truck movements. That is 80 inbound and outbound movements a day.

6.1.1.2.3 Traffic Volumes

The latest traffic volumes available for the site have primarily been determined from published RMS daily traffic surveys last carried out in 2020. Daily traffic movements and peak hour movements along the New England Highway in the vicinity of the existing intersection are provided in **Table 1**.

Table 1 Existing Traffic Volumes New England Highway

Road	Vehicles Numbers	% Heavy Vehicles
RMS 2020 AADT Traffic Volumes		
– New England Highway North Bound	4337	23
– New England Highway South Bound	4372	22
– New England Highway Combined	8709	22
RMS 2020 AM Peak Hour Traffic Volumes		
– New England Highway North Bound	236	26
– New England Highway South Bound	175	21
– New England Highway Combined	411	23
RMS 2020 PM Peak Hour Traffic Volumes		
– New England Highway North Bound	332	19
– New England Highway South Bound	276	17
– New England Highway Combined	608	18

6.1.1.3 Impact Assessment

6.1.1.3.1 Proposed Additional Truck Movements

The maximum volume of waste to be received is up to 30,000 tonnes per annum or up to 120 m^3/day. This equates to, on average, 4 to 5 vehicle (assume truck and dog) movements a day or one additional movement in the peak hour. There is no anticipated increase in operational movements at the quarry and or concrete batching plant as the additional waste will be used as a substitute for natural products for these operations.

6.1.1.3.2 Hours of Operation

The waste receival and processing activities will operate during the same hours as the quarry and concrete bay facilities therefore there is no change to hours of operations Base on the analysis of traffic data from TfNSW permanent traffic counting station 6164 and the hours of operation, the morning peak hour (7am to 10 am) will have the greatest interaction between traffic flow along the New England Highway and vehicles entering and leaving the site (all operations).

6.1.1.3.3 Traffic Demand – Existing Operations

As is detailed in the original quarry EIS, and the subsequent consolidation approval (quarry and concrete batching), the maximum predicted truck movements from the site peak at 80 movements per day (80 inbound and 80 outbound) at full extraction capacity of up to 100,000 tonnes of quarry materials and 30,000 tonnes of concrete products from and to the site per year.

Over the 14 years that the quarry has been operating the quarrying operations the site has only produced, on average, 50,000tpa due to changing RMS standards and specifications for road base resulting in a reduced market for the material produced by the quarry and as such the peak truck movements have never been achieved.

The concrete batch plant operations produce in order of 20 truck movements per day based on plant capacity (based on a campaign demand), typically the total number per day is between 4 and 5 deliveries.

Traffic movements associated with the current operations (both quarry and concrete batching plant were found to be on average around 40 vehicles per day, i.e. 40 inbound and 40 outbound.

6.1.1.3.4 Traffic Demand – C&D Waste Operations

The maximum volume of waste to be received is up to 30,000 tonnes per annum or up to 120 m^3/day. This equates to, on average, 4 to 5 vehicle (assume truck and dog) movements a day or one additional movement in the peak hour. In assessing the intersection, it has been (conservatively) modelled that an additional truck movement has been allocated to all turning movements in the peak hours (i.e. assuming 4 vehicles arrive at the same time).

6.1.1.3.5 Traffic Demand – Existing and Proposed

Based on the traffic generation from the proposed C&D operations detailed above, the total traffic generation for the current site together with the proposed traffic indicated for the additional processing is below the maximum predicted truck movements from the site peak at 60 movements per day (60 inbound and 60 outbound) as detailed in the original quarry EIS.

6.1.1.3.6 Traffic Distribution – All Operations

It is anticipated that for all developments (existing and proposed) the distribution has been assumed as follows:

- Finished product is generally distributed in a directional split (due to conditions imposed in Development Consent 85/2016 to restrict vehicles over 5 Tonnes to left out only) will be 10% right and 90% left; and
- Incoming material will be approx. 50% from the north and 50% from the south due to locations of clients.

Consequently, the distribution of traffic used in this assessment (AM peak hour) for campaign delivery (i.e., worst case) is as follows:

- Peak Movements of truck of trucks turning right into site from New England Highway is 41 vehicle per hour (QR);
- Peak Movements of truck of trucks turning left into site from New England Highway is 41 vehicle per hour (QL.);
- New England Highway Traffic Volume (QM) is 527 vehicle per hour; and
- Peak Movements of trucks turning right into New England Highway from development is 9 vehicle per hour.

6.1.1.3.7 Capacity Standards

Rural intersection operations are assessed from the combination of the peak hourly through and turning traffic volumes occurring at the intersection. This determines the need for additional intersection turning lanes in accordance with Austroads warrants design charts. **Figure 10** shows the design charts for rural intersections on roads at speeds of 100km/hr or greater.

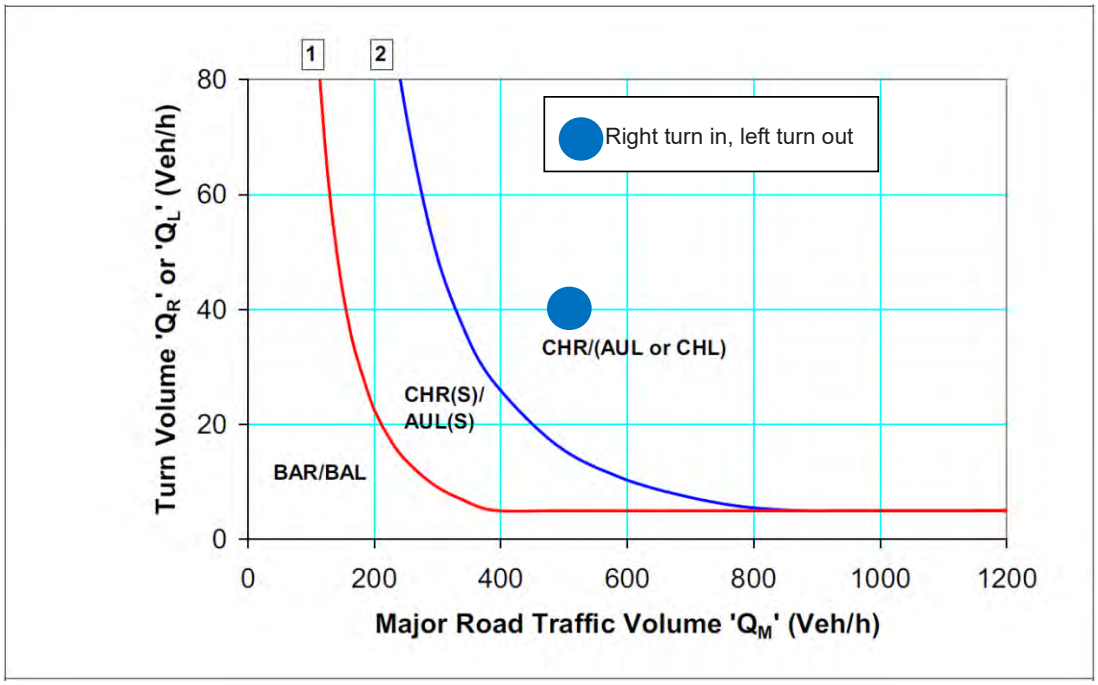

Figure 10 Austroads Warrants Design Charts for Rural Intersections

The assessment of Austroads Warrant Design Charts for Additional Turning Lanes at Rural Intersections indicates the current intersection meets the requirements set out in this standard and as such that additional intersection works are not required at the intersection New England Highway.

6.1.1.3.8 Intersection Performance

The available sight distances on all legs of the intersection comply with the requirements specified in the RTA's Road Design Guidelines.

Accident history was reviewed which indicated that there were no particular safety concerns relating to intersection operation. It was considered that the existing intersection safety would not be adversely affected by the continued development.

Utilising the above demands for turning movements, and the current traffic volumes along the New England Highway, the existing upgraded intersection and the New England Highway have adequate capacity to accommodate the quarry, batch plant and waste processing truck movements.

6.1.1.4 Conclusions

Traffic impacts from the proposed C&D operations have been assessed and the following key findings apply:

- The available sight distances of the existing site access with New England Highway are adequate for the speed environment;
- The intersection has straight and level approaches and more than adequate for the road speed limit which is 100 km/hr;
- Total traffic generation for the current site together with the proposed traffic indicated for the additional processing is below the, the maximum predicted truck movements from the site peak at 60 movements per day (60 inbound and 60 outbound) as detailed in the original quarry EIS; and
- The assessment of Austroads Warrant Design Charts for Additional Turning Lanes at Rural Intersections indicates the current intersection meets the requirements set out in this standard and as such that additional intersection works are not required at the intersection New England Highway.

The full Traffic Impact Assessment is attached as **Appendix A**.

6.1.2 Noise

6.1.2.1 Overview

A revised Noise Impact Assessment has been prepared for the proposed modified development by Spectrum Acoustics. A Noise Impact Assessment was also prepared in 2002 as part of the EIS for the original development, and again in 2016 when consent was modified to add the 30,000tpa concrete batching operations. The full Noise Impact Assessment is attached as **Appendix B**.

The assessment has been prepared in consideration of the *NSW Noise Policy for Industry* (NPI), EPA (2017) and *NSW Road Noise Policy* (RNP), OEH (2011). Noise criteria for the assessment have been adopted from the previous noise assessment undertaken in 2016 for the consolidation application (Global Acoustics, 2016).

6.1.2.2 Existing Environment

6.1.2.2.1 Acoustic Environment and Receivers

The area around the project site is rural in nature with some potential noise from agricultural activities but contains significant road traffic and industrial noise sources. The site is situated on the boundary of the New England Highway and is within a 5km radius of several industrial noise sources such as mines and power stations.

Landowners surrounding the project site are identified on **Figure 11**. Representative private residences considered in this assessment are shown in **Table 2**.

Figure 11 Project Site and Residential Receivers (Source: Global Acoustics 2016)

Table 2 Assessed Residential Receivers

Receiver	Property Name	Distance from Project Footprint
R02	Sharman	1050m
R07	Cross	980m
R08	Smith	860m

6.1.2.2.2 Meteorology

An AGL Macquarie Meteorological Station on the Mount Arthur Coal site was the principal station used to assess meteorological conditions. That station is located approximately 7km west-northwest of the subject site, so its data is considered relevant to conditions likely to be experienced at the site. Over a year, prevailing winds tend to be aligned along a NW-SE axis which is common for most sites in the Upper Hunter valley. Summer winds are generally from the south-east, while in winter north-west winds are more common. Average annual wind speeds of 3-4 m/s were recorded, depending on elevation. Both of these wind directions have been adopted in the noise modelling. A wind rose for the meteorological site is provided as **Figure 12**.

6.1.2.2.3 Construction Noise Goals

This project will not require the construction of any new infrastructure, haul roads or the use of any additional machinery in comparison to current operating conditions.

6.1.2.2.4 Project Noise Goals

The daytime noise limit in the current Project Approval for receivers R1 – R7 near the site is 43 dB(A), Leq (15min) and 36 dB(A), Leq (15min) at R8. These criteria will be adopted as the noise emission criterion for all existing and proposed activities.

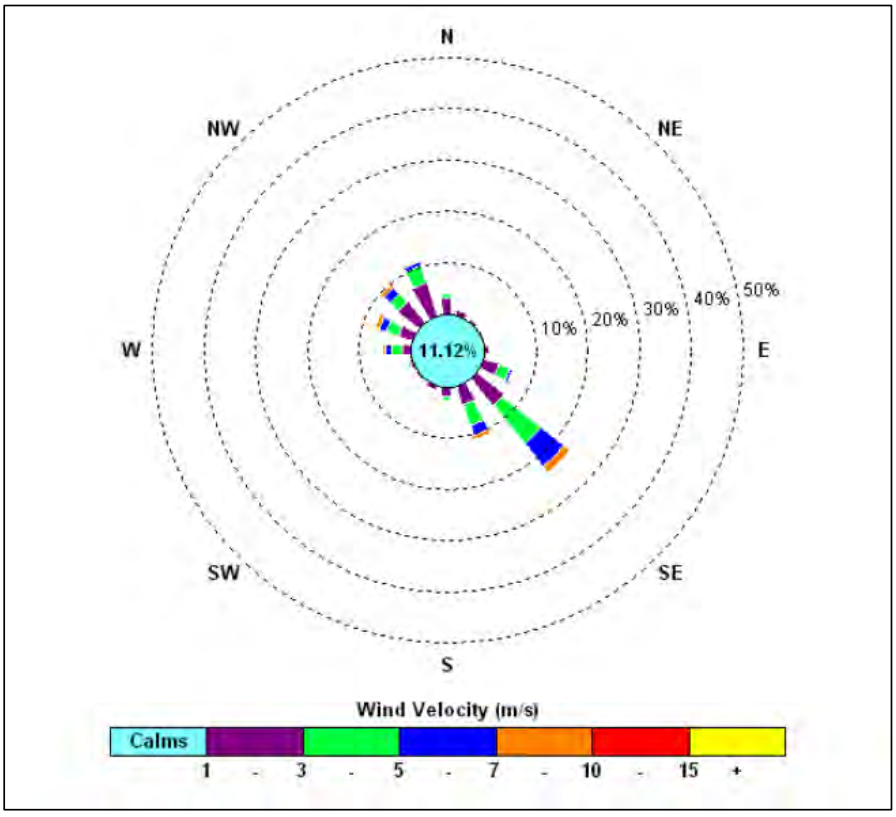

Figure 12 Wind Rose - Mt Arthur Coal Mine 2002

6.1.2.2.5 Sleep Disturbance

As the extraction process and product transport will only operate after 7 am (i.e. during the day) the sleep disturbance criterion does not apply.

6.1.2.2.6 Vehicle Noise

In NSW, noise from vehicle movements associated with an industrial source is assessed in terms of the INP if the vehicles are not on a public road. If the vehicles are on a public road, the NSW *Road Noise Policy* (RNP) applies. Noise from the proposal must, therefore, be assessed against the project specific noise goals of the INP and also the criteria in the RNP.

The RNP recommends various criteria based on the functional categories of roads applied by the Roads and Traffic Authority (RTA). **Table 3** below shows the noise criteria from the RNP relevant to traffic on various road types.

Table 3 Road Traffic Noise Criteria

Situation	Recommended Criteria	
3. Existing residences affected by additional traffic on existing freeways/arterial/sub-arterial roads generated by land use developments	Day (7am to 10pm)	Night* (10pm to 7am)
	Leq (1hr) 60 (external)	Leq (1hr) 55 (external)

* It is not proposed to haul product at night, so only the daytime criteria are applicable.

The proposal would introduce an additional 20 – 30% truck numbers above the currently approved numbers at maximum production. This would present a negligible increase in existing heavy vehicle numbers on the New England Highway and full quantitative assessment of traffic noise impacts from the proposal is not warranted.

6.1.2.3 Impact Assessment

6.1.2.3.1 Plant Sound Power Levels

The sound power level of 117 dB(A) has been adopted from the 2016 noise assessment conducted by Global Acoustics for a mobile crushing and screening plant associated with the proposed construction and demolition waste processing.

6.1.2.3.2 Noise Impact Prediction

The Environmental Noise Model (ENM, v3.06) was used in point calculation model to calculate noise levels at the three assessed receivers (R02, R07, and R08) under the neutral and adverse meteorological conditions as described above.

6.1.2.3.3 Predicted Operational Noise Levels

Noise levels were modelled using ENM for each of the atmospheric scenarios as described above. Point calculations were performed for receivers in **Table 2**. Predicted noise levels are provided in **Table 4**.

Table 4 Calculated Noise Levels dB(A), $L_{eq\ (15\ min)}$

Receiver	Meteorological Condition			Criterion
	Neutral	NW Wind	SE Wind	
R02	<20	<25	<25	43

R07	<20	<25	<25	43
R08	<20	<25	<25	36

The calculated noise levels in **Table 4** are well below the existing noise criteria.

6.1.2.3.4 Cumulative Noise Levels

Worst case noise emission levels for the representative receivers and meteorological conditions are summarised in **Table 5**. Previously modelled noise levels from the 2016 assessment of quarry operations and the concrete batching plant are added to the results for the proposed construction and demolition waste processing from **Table 4**.

Table 5 Calculated Cumulative Noise Levels dB(A), $L_{eq\ (15\ min)}$

Receiver	Contributing Sources			Criterion
	2016	C&D Waste	Total	
R02	41	<25	41	43
R07	43	<25	43	43
R08	34	<25	<35	36

The results in **Table 5** confirm that with the addition of the proposed construction and demolition waste processing, noise emission will not increase significantly from existing levels and will not exceed the existing noise impact criteria.

6.1.2.4 Conclusions

A noise and vibration impact assessment has been conducted for the proposed addition of a C&D waste sorting and processing facility at a site, located approximately 9km south-east of Muswellbrook, on the eastern side of the New England Highway.

The assessment considered noise emissions from:

- Operational Noise;
- Road Traffic Noise; and
- Cumulative Noise.

The results of the assessment have shown that there will be no adverse impacts as a result of the modelled operational scenarios and meteorological conditions.

The full **Noise Impact Assessment** is attached as **Appendix B**.

6.1.3 Air Quality

6.1.3.1 Overview

A revised Air Quality Impact Assessment (AQIA) has been prepared for the proposed modified development by Todoroski Air Sciences. An AQIA was also prepared in 2002 as part of the EIS for the original development, with a further revised AQIA prepared in 2016 for the concrete batching plant.

The AQIA has been prepared in general accordance with the NSW Environment Protection Authority (EPA) document *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (NSW EPA, 2017).

To assess the potential air quality impacts associated with the proposed project, the following aspects were considered:

- A background to the project and description of the proposed site and operations;
- A review of the existing meteorological and air quality environment surrounding the site;

- A description of the dispersion modelling approach and emission estimation used to assess potential air quality impacts; and
- Presentation of the predicted results and discussion of the potential air quality impacts and associated mitigation and management measures.

The full Air Quality Impact Assessment is attached as **Appendix C**.

6.1.3.2 Existing Environment

6.1.3.2.1 Climate

Long-term climatic data from the Bureau of Meteorology (BoM) weather station at Jerrys Plains Post Office (Site No. 061086) were analysed to characterise the local climate in the proximity of the Project. The weather station at Jerrys Plains Post Office is located approximately 18km southwest of the Project and has since closed on 17 April 2014.

The data indicates that, on average, January is the hottest month with a mean maximum temperature of 31.8ºC, and July is the coldest month with a mean minimum temperature of 3.8ºC.

Rainfall peaks during the summer months and declines during the winter months, with an annual average rainfall of 645.9 mm over 67.5 days. The data show January is the wettest month with an average rainfall of 77.1 mm over 6.4 days, and August is the driest month with an average rainfall of 36.1 mm over 5.2 days.

Humidity levels exhibit variability over the day and seasonal fluctuations. Mean 9am humidity levels range from 59% in October to 80% in June. Mean 3pm humidity levels vary from 42% in October, November, and December to 54% in June.

As expected, wind speeds during the warmer months have a greater spread between the 9am and 3pm conditions compared to the colder months. The mean 9am wind speeds range from 8.6 km/h in April to 11.7 km/h in September. The mean 3pm wind speeds vary from 11.0 km/h in May to 14.7 km/h in September.

6.1.3.2.2 Meteorological

The 2015 calendar year was selected as the meteorological year for the dispersion modelling based on an analysis of long-term data trends in meteorological data recorded for the area and air quality levels as outlined in Appendix A of **Appendix C**.

On an annual basis, winds typically occur along a southeast to northwest axis with the highest portion of winds from the southeast. In summer, strong winds are typically from the southeast. The autumn and spring distributions are similar to the annual distribution with dominant winds from southeast and south-southeast. In winter, the distribution is varied with a high proportion of winds originating from the west-northwest and northwest.

6.1.3.2.3 Local Air Quality Monitoring

The main sources of air pollutants in the wider area surrounding the Project include mining, agriculture, commercial and industrial (including power generation) activities, urban activity and emissions from local anthropogenic activities such as motor vehicle exhaust and domestic wood heaters.

Ambient air quality monitoring data sourced from the NSW DPIE-operated Upper Hunter Air Quality Monitoring Network (UHAQMN), and from the air quality monitoring network for the Maxwell Project, have been reviewed. The DPIE air quality monitoring stations at Muswellbrook and Muswellbrook NW are located approximately 8km and approximately 10km respectively from the site, and the Maxwell Project air quality monitoring stations are located approximately 0.8-3.5km from the site. The air quality monitoring data from these monitors have been used to quantify the existing ambient background levels for this study.

PM_{10} Monitoring

A review of the data from each station indicates that the annual average PM_{10} concentrations for each monitoring station were below the relevant criterion of 25µg/m³ except for Muswellbrook in 2018 and both Muswellbrook and Muswellbrook NW in 2019. The maximum 24-hour average PM_{10} concentrations recorded at these stations were found to exceed the relevant criterion of 50µg/m³ on occasion during the review period.

Examination of the potential cause of the elevated PM_{10} levels indicates that they typically coincide with regional dust events and bushfires which affect a wide area, for example as indicated by other air quality monitoring stations in the surrounding region also recording elevated levels on such days. At other times, potential sources including local agriculture, open cut mining activity and localised fires may have contributed to the periods of elevated PM_{10} levels.

$PM_{2.5}$ Monitoring

A review of data indicates that the annual average $PM_{2.5}$ concentrations at Muswellbrook were above the criterion of 8µg/m³ for the review period. The maximum 24-hour average $PM_{2.5}$ concentrations also exceeded the relevant criterion of 25µg/m³ on occasion during the review period.

A seasonal trend in 24-hour average $PM_{2.5}$ concentrations for the Muswellbrook monitoring station can be seen, with elevated levels occurring in the cooler months. Ambient $PM_{2.5}$ levels at the Muswellbrook monitoring station are likely to be governed by local background sources such as wood heaters and motor vehicles.

TSP Monitoring

A review of data indicates that the annual average TSP concentrations at the Maxwell Infrastructure monitor were below the criterion of 90µg/m³ for the review period and that the TSP monitoring data show relatively similar interannual levels.

Deposited Dust Monitoring

A review of data indicates that the annual average deposited dust levels at the Maxwell Infrastructure monitors were below the criterion of 4g/m²/month for the review period.

Estimated Background Levels

As there are no readily available site-specific monitoring data, therefore the background dust levels around the project site were estimated to be similar to those recorded at the nearby monitoring sites for the 2015 calendar period.

The annual average PM_{10} levels from the Muswellbrook monitoring station and TSP and deposited dust levels from the Maxwell Infrastructure monitoring stations are used to represent the background levels for the project.

Background Dust Levels

The annual average background air quality levels applied to the assessment are as follows:

- PM2.5 concentrations – 4.5µg/m³;
- PM10 concentrations – 19.1µg/m³;
- TSP concentrations – 47.6µg/m³; and
- Deposited dust levels – 1.9g/m²/month.

Background Dust from Mining

The predicted dust levels in the *Maxwell Project Air Quality and Greenhouse Gas Assessment* (Todoroski Air Sciences, 2019) were used to infer the potential background dust contribution from the coal mining operations. Modelling for the Maxwell Project indicates that the dust contribution from the coal mining operations would be approximately <20µg/m³ for the project area.

6.1.3.3 Impact Assessment

6.1.3.3.1 Dispersion Modelling

Modelling was undertaken using a combination of the CALPUFF Modelling System and The Air Pollution Model (TAPM). The CALPUFF Modelling System includes three main components: CALMET, CALPUFF and CALPOST and a large set of pre-processing programs designed to interface the model to standard, routinely available meteorological and geophysical datasets.

6.1.3.3.2 Emissions Estimations

The significant dust generating activities associated with operation of the project are identified as drilling and blasting rock, loading/unloading of material, vehicles travelling on-site and off-site, crushing, screening, and windblown dust from exposed areas and stockpiles. The on-site and off-site vehicle and plant equipment also have the potential to generate particulate emissions from the diesel exhaust. The emissions rate provided in **Table 6** were applied to the modelling.

Table 6 Estimated TSP Emission Rate for the Project (kg/year)

Operation	Annual Average	Peak 24 hour
Gravel Quarry	53,688	68,384
Concrete Batching	2,767	6,054
C&D Waste Processing	5,400	13,269
Total	**61,855**	**87,707**

6.1.3.3.3 Dust Concentration Results

The dispersion model predictions presented in this section include those for the operation of the project in isolation (incremental impact) and the operation of the project with consideration of other sources (total cumulative impact). The results show the predicted:

- Maximum 24-hour average $PM_{2.5}$ and PM_{10} concentrations;
- Annual average $PM_{2.5}$, PM_{10} and TSP concentrations; and
- Annual average dust (insoluble solids) deposition rates.

Table 7 presents the predicted incremental particulate dispersion modelling results at each of the assessed receptor locations. The results show that minimal incremental effects would arise at the receptor locations due to the project.

Table 7 Particulate Dispersion Modelling Results for Assessed Receptors – Incremental Impact

Receptor ID	$PM_{2.5}$ (µg/m³)		PM_{10} (µg/m³)		TSP (µg/m³)	DD^ (g/m²/month)
	24-hour average	Annual average	24-hour average	Annual average	Annual average	Annual average
	Air quality impact criteria					
	-	-	-	-	-	2
R1	1.2	0.2	7.0	0.9	2.3	0.1
R2	0.4	<0.1	2.3	0.1	0.2	<0.1
R3	0.9	<0.1	4.5	0.2	0.5	<0.1
R4	0.9	<0.1	4.0	0.1	0.4	<0.1
R5	0.9	0.1	3.9	0.3	0.6	<0.1
R6	0.4	<0.1	1.4	<0.1	0.1	<0.1

^Deposited dust

The predicted cumulative annual average $PM_{2.5}$, PM_{10}, TSP and dust deposition levels due to the project with the estimated background levels are presented in **Table 8**. The results in **Table 8** indicate that all of the assessed receptors are predicted to experience levels below the relevant criteria for each of the assessed dust metrics.

Table 8 Particulate Dispersion Modelling Results for Assessed Receptors – Cumulative Impact

Receptor ID	$PM_{2.5}$ ($\mu g/m^3$)	PM_{10} ($\mu g/m^3$)	TSP ($\mu g/m^3$)	DD (g/m^2/month)
	Annual average			
	Air quality impact criteria			
	8	25	90	4
R1	4.7	20.0	49.9	2.0
R2	4.5	19.2	47.8	1.9
R3	4.5	19.3	48.1	1.9
R4	4.5	19.2	48.0	1.9
R5	4.6	19.4	48.2	1.9
R6	4.5	19.1	47.7	1.9

6.1.3.3.4 Total (Cumulative) 24 hour Average $PM_{2.5}$ and PM_{10} Concentrations

As shown in **Section 6.1.3.2.3**, the maximum measured 24-hour concentrations of $PM_{2.5}$ and PM_{10} have in the past exceeded or come close to the relevant criterion level on occasion.

As a result, the NSW EPA Level 1 contemporaneous assessment approach of adding maximum background levels to maximum predicted levels from the Project would show levels above the criterion whether or not the Project was operating. In such situations, the NSW EPA applies a Level 2 contemporaneous assessment approach where the measured background levels are added to the day's corresponding predicted dust level from the project.

Ambient (background) $PM_{2.5}$ and PM_{10} concentration data corresponding with the year of modelling (2015) from the NSW DPIE monitoring site at Muswellbrook have been applied in this case to represent the prevailing background levels in the vicinity of the project and applied for representative receptor locations (R1 and R5) surrounding the project likely to experience the highest impact.

The Level 2 assessment at the representative receptor locations for both $PM_{2.5}$ and PM_{10} indicate that the project does not increase the number of days above the 24-hour average criterion. Detailed tables of the contemporaneous assessment results are provided in Appendix D of **Appendix C**.

6.1.3.4 Conclusions

It is predicted that all the assessed air pollutants generated by the operation of the project would comply with the applicable assessment criteria at the receptors and therefore would not lead to any unacceptable level of environmental harm or impact in the surrounding area.

The following mitigation measures are to be applied to the operations:

- Activities to be assessed during adverse weather conditions and modified as required (e.g. cease activity where reasonable levels of dust cannot be maintained using the available means).
- Weather forecast to be checked prior to undertaking material handling or processing.
- Engines of on-site vehicles and plant to be switched off when not in use.
- Vehicles and plant are to be fitted with pollution reduction devices where practicable.
- Vehicles are to be maintained and serviced according to manufacturer's specifications.
- Visual monitoring of activities is to be undertaken to identify dust generation.
- The extent of exposed surfaces and stockpiles is to be kept to a minimum.
- Exposed areas and stockpiles are either to be covered or are to be dampened with water as far as is practicable if dust emissions are visible, or there is potential for dust emissions outside operating hours.
- Reduce drop heights from loading and handling equipment where practical.
- Dampen material when excessively dusty during handling.

- Use dust suppression for crushing and screening activity.
- Haul roads should be watered using water carts such that the road surface has sufficient moisture to minimise on-road dust generation but not so much as to cause dirt track out to occur.
- Vehicle traffic is to be restricted to designated routes.
- Speed limits are to be enforced.
- Vehicle loads are to be covered when travelling off-site.

Overall, the assessment demonstrates that even using conservative assumptions, the project can operate without causing any significant air quality impact at receptors in the surrounding environment.

The full Air Quality Impact Assessment is attached as **Appendix C**.

6.1.4 Visual

A Visual Impact Assessment was prepared in 2002 as part of the EIS for the original development.

The site is physically divided into 2 sections, the lower section generally consisting of disturbed woodland with open grazing areas and dams, and the upper section consisting of a residence, shed, open grazing areas and areas cleared for various easements. The upper section, divided from the lower by an escarpment and steeper slopes, rises to 292 metres. The lower section, near Maidswater Creek and the New England Highway, is approximately 180 metres in elevation. The steep slope dividing the 2 sections of the property, which forms the southwestern boundary of the quarry, is between 220 and 270 metres in elevation. The conglomerate resource comprises the top 10m or so of this slope.

A small natural wooded amphitheatre which slopes down towards the intermittent creek line forms the western boundary.

The area surrounding the site is characterised by the water bodies associated with the Liddell and Bayswater power stations, woodland areas, rural and rural residential cleared areas, and mining infrastructure. The New England Highway provides a transport corridor through the visual landscape, which rises on both sides of the highway.

The partly cleared lower hills closer to the highway are backed in the distance by the higher and steeper, mostly forested hills that form the backdrop to the Hunter Valley towards the east and west. The visual landscape created is therefore diverse, with its varied combination of natural and man-made features and activities.

Due to the higher elevation of the quarry area above the surrounding landscape, sections of the quarry are visible from the New England Highway however, these impacts are minimal as these views are filtered by existing trees, distance, and the speed at which the vehicles travel.

Views from surrounding residences are generally be screened by existing vegetation. Views from residences to the north west and west will generally be of Stage 3 and 4 as the pit face is progressing. As operations progress deeper and the pit is developed in this these areas operations will be screened. As the quarry face is orientated away from the north and north west, the benches are not visible from this direction. The most noticeable visual change will most likely occur from the relocation of the mobile phone tower during Stage 4, as this is an easily identifiable landmark on the ridgetop.

Views from the residence to the east of the site are filtered by existing vegetation and the active quarry floor are not able to be viewed from this direction. As Stages 1 and 2 have been developed there is now no view of these stages, however during initial operations on the ridge some filtered views through trees were visible. During Stages 3 and 4 initial operations on the ridge will be viewed until a quarry face is developed.

Although no trucks will use Grasstree Ridge Road, the visual amenity of the shed area from this direction has been enhanced over the past 17 years by the provision of 1 m high planted bunds on the northern side of the maintenance shed.

The C&D processing area is proposed to be located in a previously quarried area that is totally shielded by vegetation and the quarry pit walls. Accordingly, it is considered that there will be no additional visual impacts from the proposed activity.

6.1.5 Flora and Fauna

A Flora and Fauna Impact Assessment was prepared in 2002 as part of the EIS for the original development. The flora and fauna impact assessment addressed the potential adverse impacts on threatened species and local biodiversity.

The general aims of the assessment were to:

- describe the existing biological environment of the study area in relation to flora and fauna;
- discuss the potential impacts of the proposal for any threatened species that occur or would be likely to occur in the subject site; and
- provide discussion on measures to mitigate impacts.

The assessment included:

- a review of available literature pertaining to the site and surrounding locality and preliminary habitat assessment of the subject site; and
- the completion of targeted field surveys for threatened species regarded as potential subject species, and surveys to investigate the inherent biological attributes of the site.

The site has been used for pastoral practices, as well as some small-scale quarrying in the past, which has resulted in some areas being predominantly cleared and the vegetated areas degraded and simplified to varying degrees. The site does, however, contain habitats known to be used by threatened species, habitats that are potentially utilised by other threatened species, and habitats of significance for local biodiversity.

The assessment determined that a total of 20 of threatened fauna were considered to be potential subject species. Of these 20 species, 5 were positively identified during the field surveys. These included the Southern Myotis *Myotis macropus*, Large Bentwing Bat *Miniopterus schreibersii*, Speckled Warbler *Pyrrholaemus sagittatus*, Hooded Robin *Melanodryas cucullata* and Squirrel Glider *Petaurus norfolcensis*.

In addition, the Large-eared Pied Bat *Chalinolobus dwyeri* was identified from a probable ultrasonic call and the Eastern False Pipistrelle *Falsistrellus tasmaniensis* and East Coast Freetail-bat *Mormopterus norfolkensis* were identified by possible ultrasonic calls.

The remaining 12 species considered as potential subject species included the Square-tailed Kite, Black-chinned Honeyeater, Barking Owl, Greycrowned Babbler, Diamond Firetail, Regent Honeyeater, Swift Parrot, Greyheaded Flying-fox, Spotted-tailed Quoll, Koala and Green and Golden Bell Frog.

No threatened flora species were recorded in any part of the study area during the field surveys, and none are considered likely to occur.

In terms of threatened species, the results indicated that any impacts from the quarry development were likely to be minimal. With the possible exception of the Large-eared Pied Bat, such impacts were not considered likely to significantly affect the life-cycles of local populations. This conclusion is based largely on the presence of extensive areas of equal quality habitat throughout the wider locality and within this particular portion of the bio-region. Therefore, the habitat that occurs on the site is not likely to be essential for the life-cycles of these threatened subject species.

The assessment also investigated the requirements of the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), and the State Environmental Planning Policy No. 44 - Koala Habitat Protection (SEPP 44) (and subsequent amendments) to these and concluded that the proposed did not require reference to the Commonwealth under the EPBC Act nor did it require a Koala Plan of Management under SEPP 44.

The C&D processing area is proposed to be located in a previously quarried area that is fully disturbed and totally devoid of any vegetation. Accordingly, it is considered that there will be no additional impacts from the proposed activity to flora and fauna.

6.1.6 Aboriginal Heritage

An Aboriginal Heritage Assessment was prepared in 2002 as part of the EIS for the original development. A field survey was also undertaken at that time with the Wonnarua Local Aboriginal Land Council and the Upper Hunter Wonnarua Council.

The survey of the site located three sites comprising two isolated finds and one site of two artefacts (refer to 2002 EIS for locations). The sites were considered of low significance and the potential for further material was deemed limited. The soils on the site are generally thin and there is little potential for stratified deposit.

Due to the low volume of material was found on the ridge, in spite of good visibility (80 or 90 % of 25% of the area proposed for the quarry footprint), it was interpreted as an area that was not a focus of Aboriginal activities. Evidence is there for passing use by small bands of hunters and gatherers moving through the area but not as a camp.

A thorough investigation was made of the eroded overhangs on the boulders forming the side of the ridgetop. There was no evidence of human occupation, and the shelters are obviously well used by wallabies local to the area. It is possible that these shelters are significantly larger than they were at the time of Aboriginal occupation of the area. The stone is quite coarse grained and not suitable for engravings or art. The floor was uneven and sloped at >10 deg to the rear of the shelter and appears to have been subject to quite rapid deposition from the roof. The shelters are generally too small (in depth and height) for human occupation.

The drip lines of the overhangs were carefully inspected to ensure that material was not buried. The shelters did not have potential stratified archaeological deposit on the floors due to the sharp slope of floor deposit and the shallowness of deposit over the base of the boulder.

The footprint of the quarry impacted on the first site which was an isolated artefact on the ridge top. There was no evidence to suggest that this isolated piece is an indication of further material in the soil on the ridge top. The exposure was adequate to indicate the low potential that this artefact is part of a larger more complex site. No further artefacts have been discovered to date. The other two artefact sites, near Maidswater Creek, will not be disturbed by current or future development.

The C&D processing area is proposed to be located in a previously quarried area that has been fully disturbed. Accordingly, it is considered that there will be no additional impacts from the proposed activity to Aboriginal heritage items.

In the event that Aboriginal items are encountered the following measures would be implemented:

- All relevant staff and contractors must be made aware of their statutory obligations for heritage under the National Parks and Wildlife Act 1974, which may be implemented as a heritage induction.
- In the unlikely event that disturbed Aboriginal objects are identified during the development then they are to be collected and recorded in accordance with Heritage NSW guidelines and in consultation with the Registered Aboriginal Parties.
- With regard to Aboriginal heritage - if unrecorded Aboriginal sites or object/s are identified in the project area during works, then all works in the immediate area must cease and the area cordoned off. Heritage NSW must be notified via the Enviroline 131 555 so that the site can be adequately assessed and managed.

6.1.7 Erosion and Stormwater Management

A Hydrological Assessment was prepared in 2002 as part of the EIS for the original development. Further to this assessment a revised Erosion and Stormwater Management Plan has been prepared for the subject application.

The site has a number of existing erosion and sediment control devices, including a network of dams and gully erosion control devices. Existing site dams are shown on **Figure 2**.

During the construction of the original haul road a diversion drain was located on the high side of the road to capture clean water and divert it to existing watercourses via stormwater culverts. This was designed to limit erosion potential of the road.

Sediment loading generated from the exposed rock surface during quarrying is quite coarse and therefore has a relatively fast settling time. Grass swales built during the original quarry development extract the majority of sediment particles prior to the water entering the main site sediment dam. As the main dam is used to supply water to the crusher and water cart, this dam remains at a relatively low levels and therefore reduces the amount of sediment laden water entering the drainage channel and downstream dam on the site.

Dams and drainage channels on the site have been stabilised for erosion in the past are inspected on a regular basis to determine any works that may be required to prevent further erosion. Any works are undertaken in consultation with the NSW EPA, Local Land Services, and DPIE Water.

The floor of the processing area will be graded back to base of the highwall of the disused quarry area, with an in-pit sump created to manage dirty water generation. Water from this sump will flow to an existing in-pit dam. Water can then be pumped directly from the in-pit dam for use as a dust suppressant or for product washing where required.

The C&D processing area is proposed to be located in a previously quarried area that will have a graded floor sloping towards the highwall. This area will be a close system, having no connection to clean water areas outside of the disturbed areas. Accordingly, it is considered that there will be no additional impacts to erosion or stormwater across the site from the proposed activity.

The following safeguards and management measures will be implemented to ensure any impacts are suitably managed:

- Erosion and sediment control measures are to be implemented and maintained to prevent sediment moving offsite.
- Erosion controls are to be regularly inspected for their functionality and cleared if required, especially after rainfall.
- There is to be no release of dirty water into drainage lines/waterways.
- All fuel/chemicals are to be stored either in self-bunded containers or in a bunded facility.
- An emergency spill kit is to be kept in the work area where equipment is being used.
- Surface water across the activity area will be managed in accordance with *Landcom Managing Urban*
- *Stormwater – Soils and Construction* (the Blue Book) to ensure any impacts to surface water are minimised.

6.1.8 Socio-Economic

An assessment of socio-economic impacts was prepared in 2002 as part of the EIS for the original development.

All approved activities at the site employ up to 40 permanent staff. In addition to this there are contractors who supply support services to the operations. The quarry, plant hire, and batching operations provide material for road, civil, mining, and other industries in the area that assist in continued employment within these industries.

Local amenity and health issues arising from any potential changes in air quality, noise and vibration, and safety on roads, as well as visual impact, have been discussed in this document and the EIS prepared for the original quarry operations. It is considered that any identified potential adverse impacts from the existing operations are suitably mitigated and managed through post-consent management plans.

The proposed C&D waste activities will not result in an increase in the workforce numbers for the development. Existing quarry staff will sort, crush, and blend the recycled C&D materials as part of their regular daily activities.

The C&D waste sorting will result in the diversion of waste from landfill and the re-use of materials as a substitute to quarried materials. This will extend not only the life of the quarry resource, but it will make use of materials that would otherwise be buried to landfill.

6.1.9 Waste Management

Any waste and reject materials from the C&D recycling will be disposed of in accordance with the *NSW Waste Avoidance and Resource Recovery Strategy 2014-2021*.

Waste Hierarchy

Waste management at the site across all operations will be undertaken consistent with the waste management hierarchy in the following order of priority from most desirable to least desirable:

- Avoid: Waste avoidance by reducing the quantity of waste being generated. This is the simplest and most cost-effective way to minimise waste. It is the most preferred option in the waste management hierarchy.
- Re-use: Reuse occurs when a product is used again for the same or similar use with no reprocessing. Reusing a product more than once in its original form reduces the waste generated and the energy consumed, which would have been required to recycle.
- Recycle: Recycling involves processing waste into a similar non-waste product consuming less energy than production from raw materials. Recycling spares the environment from further degradation, saves landfill space, and saves resources.
- Dispose: Removing waste from worksites and dumping on a licensed landfill site, or other appropriately licensed facility.

Waste Streams

Any wastes generated during operations are to be classified in accordance with the NSW EPA Waste Classification Guidelines (2014), which classifies wastes into the following streams:

- Special waste (e.g. clinical and related waste, asbestos, waste tyres).
- Liquid waste (e.g. fuels, oils, chemicals, and pesticides).
- Hazardous waste (e.g. lead-acid batteries and lead paint).
- Restricted solid waste (currently no wastes pre-classified as restricted by EPA).
- General solid waste (putrescible) (e.g. general litter and food waste).
- General solid waste (non-putrescible) (e.g. glass, paper, plastic, building demolition waste, concrete).

Waste Classification

Waste that cannot be avoided, re-used, or recycled will be classified in accordance with the *Waste Classification Guidelines* (EPA, 2014) and disposed of at appropriately licensed facilities. The guidelines detail how to assess and classify waste and management options for disposal of the classified waste. A summary of the waste classification steps is provided below:

- Establish if the waste should be classified as special waste.
- If not special waste, establish whether the waste should be classified as liquid waste.
- If not special waste or liquid waste, establish whether the waste is of a type that has already been classified. Note EPA has ‘pre-classified’ a number of commonly generated wastes.
- If the waste is not special waste, liquid waste, or pre-classified waste, establish if it has certain hazardous characteristics and can therefore be classified as hazardous waste.
- If the waste does not possess hazardous characteristics, it needs to be chemically assessed to determine what class of waste it is. If the waste is not chemically assessed, it should be treated as hazardous waste.
- If the waste is chemically assessed as general solid waste, a further test is available to determine whether the waste is putrescible or non-putrescible. This test determines whether the waste is capable of significant biological transformation. If the waste is not tested, it should be managed as general solid waste (putrescibles).

Mitigation and Management

Mitigation measures and responsibilities associated with waste management on the site are outlined below and will be developed to ensure consistency with industry best practice:

- Ensure that all waste is managed in accordance with waste hierarchy (avoid, reuse, recycle, dispose) to reduce adverse impact on the environment.

- Manage and reduce consumption and use of natural resources and promote the use of alternative environmentally friendly materials where practical.
- Waste is to be collected, transported, and disposed of at a licensed off-site facility in accordance with waste regulations.
- Waste will be appropriately stored away from any drainage paths.
- No burning of waste or vegetation is allowed under any circumstances.
- General and putrescible waste and recyclables such as metal, plastic, glass, paper, cardboard will be segregated and appropriately disposed.
- Soil materials will be stored in stockpiles away from drainage lines and drip lines of trees with appropriate run-off controls.
- All waste bins will have secure lids in place to prevent water ingress and access for animals.
- Quantities of waste kept on-site will be kept to a minimum.
- Excavated soil will be re-used on-site within the test pits.
- Should any Asbestos Containing Materials (ACM) be identified duration construction activities it will be suitably contained and disposed off-site at a licensed facility in accordance with waste classification guidelines.

7 JUSTIFICATION AND CONCLUSIONS

This Statement of Environmental Effects has been prepared by RPS Australia East Pty Ltd (RPS) on behalf of Wild Quarries and Civil (the 'Applicant') to support an application under Section 4.55(2) of the Environmental Planning and Assessment Act 1979 (EP& A Act). The modified application seeks to add a 30,000tpa Construction and Demolition Waste (C&D) facility at 8440 New England Highway, Muswellbrook, NSW (the 'site'). Activities occur within Lot 30 DP815308 which is part of the Muswellbrook Shire Council Local Government Area (LGA). Access to the site is via Grasstree Ridge Road.

The site is currently the location of an operating 100,000tpa gravel quarry and a 30,000tpa concrete batching plant. Both activities are approved under DA 2002/342 (as amended). Prior to the establishment of these activities, the site was utilised as a depot for a local transport business approved under DA 141/96 and DA 2/97. The site has also been utilised for pastoral grazing activities and some minor quarrying activities. A residential house is also located on the site which is the dwelling of the current and previous landowners.

The proposed modification relates to the establishment of a 30,000tpa Construction and Demolition Waste Facility (C&D) which will provide recycled aggregates to the existing approved 100,000tpa quarry operations and 30,000tpa concrete batch plant activities at the site. This application seeks to add the waste activities within the same disturbance footprint as the existing approved activities. Waste receival, sorting, crushing, and grinding will be undertaken within a previously quarried area of the site that is shielded both visually and acoustically, and drains to an existing in-pit dirty water dam.

Following a review and assessment of the potential environmental impacts of the proposed activity (including noise, dust, and traffic), it has been determined that with the implementation of existing and additional mitigation measures (refer **Section 6**), the C&D recycling operations can occur with minimal additional environmental impacts.

The proposed C&D waste recycling activities are permitted with consent at the site under SEPP (Mining) 2007 as a *'co-location of industry*' activity which is ancillary to the existing quarry operations. The proposed waste recycling will have minimal social, economic, or environmental impacts. The proposed development also complies with the relevant state and local environmental planning controls. The proposal is reasonable and appropriate and satisfies the relevant provisions of Section 4.15 (1) of the EP&A Act.

Accordingly, it is requested that Muswellbrook Shire Council approve the subject modification.

Appendix A

Traffic Impact Assessment

David Pavey Pty Ltd trading as
Pavey Consulting Services
Traffic Studies and Transportation Planning
Road Safety Reviews
Project Management and Contract Administration
Mediation and Government Relations
Civil and Structural Design

Traffic Impact Assessment

MODIFICATION OF DA 2002/342

ACCEPT AND PROCESS UP TO 30,000 TONNE PER ANNUM (tpa) OF CONSTRUCTION AND DEMOLITION WASTE AS AN EXTRACTIVE MATERIAL SUBSTITUTE

Wild Quarries and Civil,
8440 New England Highway, Muswellbrook

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1. INTRODUCTION

1.1 Overview

Pavey Consulting Services has been requested by Wild Quarries and Civil to prepare a Traffic Impact Statement to support an application under Section 4.55 of the Environmental Planning and Assessment Act 1979 (EP& A Act). The modified application seeks to add a 30,000 tonne per annum (tpa) Construction and Demolition Waste (C&D) facility at 8440 New England Highway, Muswellbrook, NSW (the 'site'). Activities occur within Lot 30 DP815308 which is part of the Muswellbrook Shire Council Local Government Area (LGA). Access to the site is via Grasstree Ridge Road off New England Highway.

The location of the site is shown as **Figure 1**

The subject site is located approximately 9 kilometres (km) south-east of Muswellbrook within a rural setting.

Figure 1 Site Location

The proposed modification relates to the establishment of a 30,000tpa Construction and Demolition Waste Facility (C&D) which will provide recycled aggregates to the existing approved 100,000tpa quarry operations and 30,000tpa concrete batch plant activities at the site. This application seeks to add the waste activities within the same disturbance footprint as the existing approved activities. Waste receival, sorting, crushing, and grinding will be undertaken within a previously quarried area of the site that is shielded both visually and acoustically, and drains to an existing in-pit dirty water dam. Further detail on the continuation of operations is provided below.

1.2 Basis of Traffic Impact Assessment

This Traffic Impact Assessment (TIA) has been prepared in accordance with the relevant governmental assessment requirements, guidelines and policies, and in consultation with the relevant Government Agencies.

The TMP has been developed in accordance with:

- Austroads Guide to Traffic Management Part 3 Traffic Studies and Analysis;

- Austroads Guide to Traffic Management Part 12 Traffic Impacts of Developments; and
- NSW Roads and Maritime Services (RMS) Guide to Traffic Generating Developments (2002).

The assessment is based on the following general scope for matters to consider in a TMP which is defined by the NSW Roads and Maritime Services (RMS) Guide to Traffic Generating Developments (RTA 2002):

- The existing locality and surrounding land uses;
- The existing road network;
- Traffic generation characteristics;
- Traffic impacts; and
- A summary of assessed traffic impacts and any traffic mitigation measures proposed.

2 Existing Condition

2.1 Existing Approvals

The subject site is located within the Muswellbrook Shire Council Local Government Area (LGA) with a property address of 8440 New England Highway, Muswellbrook, NSW and a legal property description of Lot 30 in DP 815308 (refer **Figure 1**). Current operations generally occupy the north-eastern portion of the site, with haul roads connecting active pit areas with the site office and maintenance areas in the north-western portion.

Existing quarry and concrete batching operations at the site are approved under DA 342/2002 (as modified 2007, 2016, 2018, 2019).

The existing development is approved to produce or transport up to 100,000 tonnes of quarry materials and 30,000 tonnes of concrete products from and to the site per year. Both activities are approved under one consent with consolidated conditions. Details of the operations for both activities are provided below.

2.2 Quarry, Plant Hire and Concrete Batching Plant Operations

The following components apply to the quarry and plant hire aspects of the development:

- Existing site office, maintenance shed, staff amenities, and associated hard stand areas for equipment maintenance;
- Existing upgraded intersection of Grasstree Ridge Road with the New England Highway;
- Existing haul road from Grasstree Ridge Road near the intersection with the New England Highway to the quarry area;
- Existing equipment and plant hire operations;
- Crushing and screening of up to 100,000tpa of extracted material over a 20 year period;
- Stockpiling of material on site;
- Haulage of material from the site by 12 to 30 tonne trucks;
- Water management and erosion and sediment control structures including dams, culverts, pipes, and pits;
- Progressive rehabilitation of quarried areas.
- Loading apron. Cement silo, including cement auger;
- Transit mixer loading area;
- Raw product storage bins;
- Water storage tank;
- 2 x recycling pits;

2.3 Existing Hours of Operation

The current hours of operations are as follows:

- Monday to Friday 7am to 5pm;
- Saturday 7am to 1pm; and
- Sunday and Public Holidays no operations.

The above hours of operation are for quarrying and general operations. Haulage would be within the same hours.

2.4 Network and Transport Routes

Access to the site utilises an intersection and access road off the New England Highway. This intersection was ungraded to an Austroad C (CHR/AUL) standard as part of the consent conditions for DA 342/2002 for the original quarry approval.

This intersection (see Figure 2) provides

- a right turn in;
- deacceleration and storage lane for right turn in;
- a left turn in;
- a deacceleration lane for the left turn in; and
- and an extending acceleration and climbing lane for left turn out movements.

Figure 2 Existing Intersection

The speed limit on the New England Highway is 100 km/hr near the site.

2.5 Site Access

As detailed above the principal access to the site is via the existing intersection on New England Highway which was design and construction and approved by the Roads and Maritime Services.

The sight distances for traffic approaching this intersection along New England Highway are very good, as the road is straight and level in both directions and drivers can clearly see for at least 300 m both north and south of the intersection.

2.6 Existing Traffic Volumes

2.6.1 New England Highway

The latest traffic volumes available for the site have primarily been determined from published RMS daily traffic surveys last carried out in 2021. Tables 1, 2 and 3 provide daily traffic movements and peak hour movements along the New England Highway in the vicinity of the existing intersection.

Road	AADT	% heavy vehicles
New England Highway North Bound	4337	23%
New England Highway South Bound	4372	22%
New England Highway Combined	8709	22%

Table 1 RMS 2020 AADT Traffic Volumes New England Highway[1]

Road	AM Peak hr	% heavy vehicles
New England Highway North Bound	236	26%
New England Highway South Bound	175	21%
New England Highway Combined	411	23%

Table 2 RMS 2020 AM Peak Hr Traffic Volumes New England Highway

Road	PM Peak hr	% heavy vehicles
New England Highway North Bound	332	19%
New England Highway South Bound	276	17%
New England Highway Combined	608	18%

Table 3 RMS 2020 PM Peak Hr Traffic Volumes New England Highway

2.6.2 Existing Truck Movements

As is detailed in the original quarry EIS, the maximum predicted truck movements from the site peak at 60 movements per day (60 inbound and 60 outbound) at full extraction capacity of 100,000tpa. Over the 16 years that the quarry has been operating the site has only produced, on average, 50,000tpa and as such the peak truck movements have never been achieved. It is anticipated that there will be no increase to the predicted traffic movements to and from the development.

The existing batch plant operations produce in order of 20 truck movements per day as a worst-case scenario.

As demonstrated and accepted by the issue of the latest Development Consent for the combined operation (quarry and batching plant), the existing intersection into the site and the New England Highway has adequate capacity to accommodate both the quarry and batch plant truck movements. That is 80 inbound and outbound movements a day.

3 Proposed Development

The proposed development consists of the addition of Construction and Demolition waste processing (C&D) up to a volume of 30,000 tpa. C&D waste proposed to be received would be sorted, crushed and screened and used as a substitute to existing quarry products won onsite. This would include concrete, brick, tile, asphalt, and glass to be crushed and blended for use in road bases, stabilised RMS specification products, and for use in concrete batching.

[1] RMS Traffic Volume Viewer Site Station Id: 6154 Location 1.64km South of Muscle Creek Road, Muswellbrook 2333

3.1 Construction and Demolition Waste Processing

The C&D waste processing area is proposed to be established in an area of the quarry that has previously been subject to extraction, therefore there is no additional disturbance required. In addition, as mobile plant is being utilised there will be no installation of permanent infrastructure. This allows the plant to be transported to other sites where onsite crushing may be required for other activities.

Generally, waste material will arrive at the site and be inspected at the weighbridge office prior to being sent to the processing area. Once the load is accepted after dumping and inspecting, the materials will be sorted to remove any rubbish such as steel, timber, or any other rubbish that is not accepted. Reject materials will be separated and taken offsite for further recycling or disposal at a licenced waste facility.

Stockpiles of unprocessed materials will be established adjacent to the processing area. Materials will then be loaded into crushing equipment to produce various products as substitutes for quarry product. Depending on the use, materials may also be screened to remove oversize.

Materials will then be loaded and stockpiled with other quarry products onsite where they will either be blended or used as substitutes for the onsite concrete batching activities.

3.2 Proposed Additional Truck Movements

The maximum volume of waste to be received is up to 30,000 tonnes per annum or up to 120 m^3/day. This equates to, on average, 4 to 5 vehicle (assume truck and dog) movements a day or one additional movement in the peak hour.

There is no anticipated increase in operational movements at the quarry and or concrete batching plant as the additional waste will be used as a substitute for natural products for these operations.

3.3 Hours of Operation

The waste receival and processing activities will operate during the same hours as the quarry and concrete bay facilities therefore there is no change to hours of operations

Base on the analysis of traffic data from TfNSW permanent traffic counting station 6164 and the hours of operation, the morning peak hour (7am to 10 am) will have the greatest interaction between traffic flow along the New England Highway and vehicles entering and leaving the site (all operations).

4 Traffic Demands

4.1 Traffic Demand for Existing Operations

As is detailed in the original quarry EIS and its subsequent approval, the maximum predicted truck movements from the site peak at 80 movements per day (80 inbound and 80 outbound) at full extraction capacity of up to 100,000 tonnes of quarry materials and 30,000 tonnes of concrete products from and to the site per year.

Over the 14 years that the quarry has been operating the quarrying operations the site has only produced, on average, 50,000 tpa due to changing RMS standards and specifications for road base resulting in a reduced market for the material produced by the quarry and as such the peak truck movements have never been achieved.

The concrete batch plant operations produce in order of 20 truck movements per day based on plant capacity (based on a campaign demand), typically the total number per day is between 4 and 5 deliveries.

Traffic movements associated with the current operations (both quarry and concrete batching plant were found to be on average around 40 vehicles per day, i.e. 40 inbound and 40 outbound.

4.2 Traffic Demand for New Construction and Demolition waste facility

The maximum volume of waste to be received is up to 30,000 tonnes per annum or up to 120 m3/day. This equates to, on average, 4 to 5 vehicle (assume truck and dog) movements a day or one additional movement in the peak hour. In assessing the intersection, it has been (conservatively) modelled that an additional truck movement has been allocated to all turning movements in the peak hours (i.e., assuming 4 vehicles arrive at the same time).

4.3 Total Traffic Demand for Current and proposed operations

Based on the traffic generation outlined in section 4.2 above, the total traffic generation for the current site together with the proposed traffic indicated for the additional processing is below the maximum predicted truck movements from the site peak at 60 movements per day (60 inbound and 60 outbound) as detailed in the original quarry EIS.

4.4 Traffic Distribution All Operations

It is anticipated that for all developments (existing and proposed) the distribution has been assumed as follows:

- Finished product is generally distributed in a directional split (due to conditions imposed in Development Consent 85/2016 to restrict vehicles over 5 Tonnes to left out only) will be 10% right and 90% left.
- Incoming material will be approx. 50% from the north and 50% from the south due to locations of clients.

Consequently, the distribution of traffic used in this assessment (AM peak hour) for campaign delivery (i.e., worst case) is as follows:

- Peak Movements of truck of trucks turning right into site from New England Highway is 41 vehicle per hour (Q_R).
- Peak Movements of truck of trucks turning left into site from New England Highway is 41 vehicle per hour ($Q_{L.}$)
- New England Highway Traffic Volume (Q_M) is 527 vehicle per hour.
- Peak Movements of trucks turning right into New England Highway from development is 9 vehicle per hour.

4.5 Capacity Standards

Rural intersection operations are assessed from the combination of the peak hourly through and turning traffic volumes, which are occurring at the intersection. This determines the need for additional intersection turning lanes for which the current Austroads design standards are shown in Figure 2.

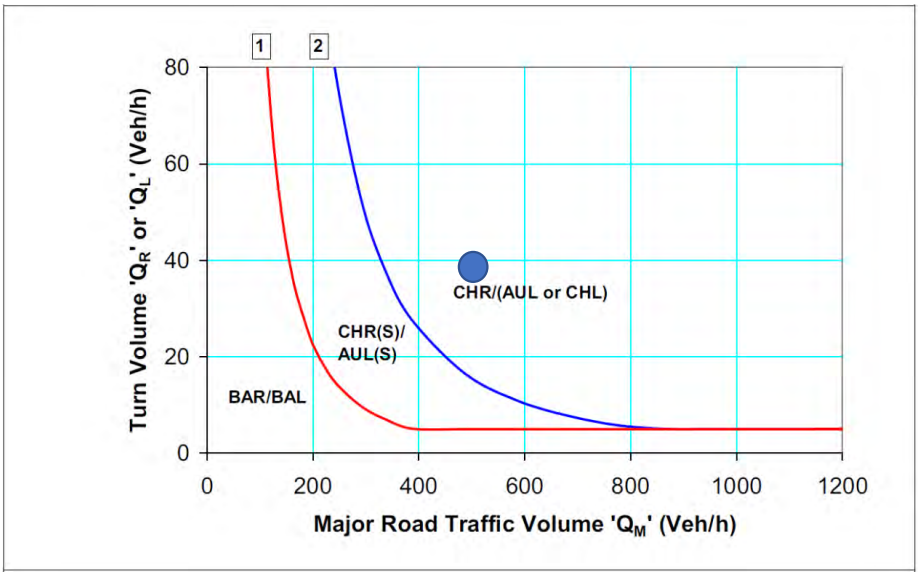

Figure 3 Austroads warrants design charts for rural intersection turn lanes
Warrant Chart for additional turn lanes for traffic volumes for design speeds 100 km/hr or greater.

right turn in, left Turn in

5 Traffic Impact at Intersections

The available sight distances on all legs of the intersection comply with the requirements specified in the RTA's Road Design Guidelines.

Accident history was reviewed which indicated that there were no particular safety concerns relating to intersection operation. It was considered that the existing intersection safety would not be adversely affected by the continued development.

Utilising the above demands for turning movements, and the current traffic volumes along the New England Highway, the existing upgraded intersection and the New England Highway have adequate capacity to accommodate the quarry, batch plant and waste processing truck movements.

6 Summary

The traffic impacts from the combined development have been assessed and the key findings are as follows:

- The available sight distances of the existing site access with New England Highway are adequate for the speed environment.
- The intersection has straight and level approaches and more than adequate for the road speed limit which is 100 km/hr;

- Total traffic generation for the current site together with the proposed traffic indicated for the additional processing is below the, the maximum predicted truck movements from the site peak at 60 movements per day (60 inbound and 60 outbound) as detailed in the original quarry EIS.
- The assessment of Austroads Warrant Design Charts for Additional Turning Lanes at Rural Intersections indicates the current intersection meets the requirements set out in this standard and as such that additional intersection works are not required at the intersection New England Highway.

Based on the findings of this report, Pavey Consulting Services is of the opinion that there are no traffic engineering related matters that should preclude approval of this Development Application.

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David Pavey Pty Ltd © 2021

Appendix B

Noise Impact Assessment

Pro ect No 212106

Noise Impact Assessment
Wild Quarries Proposed Waste Sorting and Processing Area
Muswellbrook, NSW

Prepared or

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March 2021

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EXECUTIVE SUMMARY

A noise and vibration impact assessment has been conducted for the proposed addition of a construction and demolition waste sorting and processing facility at a Site located approximately 9 kilometres (km) south-east of Muswellbrook, on the eastern side of the New England Highway. The proposed operating hours are as follows.

Proposed Hours of Operation

Activity	Monday to Friday	Saturdays	Sundays or Public Holidays
Quarrying and General Activities	7:00am to 5:00pm	7:00am to 1:00pm	Nil
Truck Haulage	7:00am to 5:00pm	7:00am to 1:00pm	Nil
Plant Hire	7:00am to 3:00pm	7:00am to 3:00pm	Nil

Documents referred to in conducting the assessment include:

- NSW Noise Policy for Industry (NPI), EPA (2017);
- NSW Road Noise Policy (RNP), OEH (2011);

Noise criteria for the proposal have been adopted from the noise assessment conducted in 2016 for the consolidation application (Global Acoustics, 2016) as sourced from Condition 46a of the Project Approval.

Noise modelling for the proposed activities were added to predicted levels from currently approved activities on site and found to result in total noise emissions which do not exceed the existing noise criteria.

Accordingly, the assessment has shown that there will be no additional noise impacts from the proposed and cumulative operations.

1.0 INTRODUCTION

1.1 The Proposal

Wild Quarries and Civil Pty Ltd (the "Applicant"), proposes to add a 30,000 tonne per annum (tpa) Construction and Demolition Waste (C&D) facility at 8440 New England Highway, Muswellbrook, NSW. Operations occur within Lot 30 DP815308 which is part of the Muswellbrook Shire Council Local Government Area (LGA). Access to the site is via Grasstree Ridge Road. The location of the site is shown as **Figure 1** and the extent of the site encompassing existing operations shown as **Figure 2**.

This noise impact assessment has been prepared in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act) and is submitted to Muswellbrook Shire Council for assessment and consideration accordingly.

1.2 Receiver Locations

Land owners around the Project Site are identified in **Figure 3**. Representative private residences considered in this assessment are shown in **Table 1**.

TABLE 1
ASSESSED RESIDENTIAL RECEIVERS

Receiver	Property Name	Distance from project footprint
R02	Sharman	1050 m
R07	Cross	980 m
R08	Smith	860 m

Figure 1. Project Site – Local Area

Figure 2. Existing Project Site Layout.

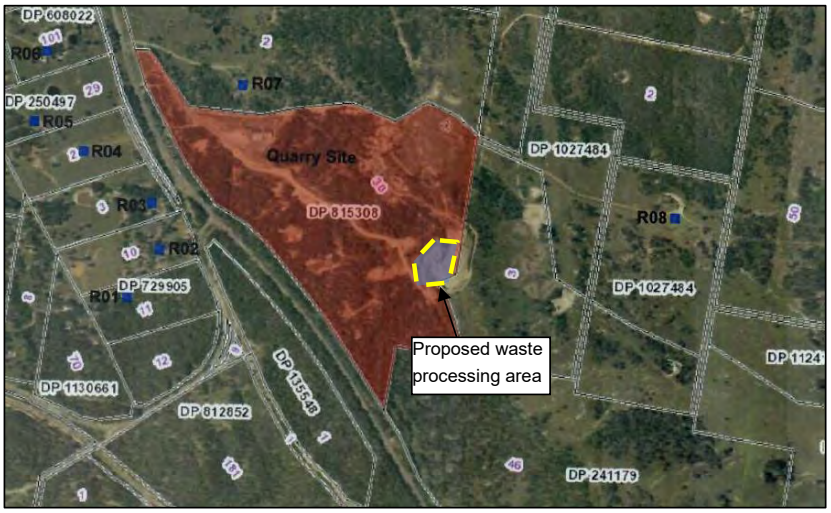


Figure 3. Project Site and Residential Receivers (Source: Global Acoustics 2016)

2.0 THE PROPOSAL

2.1 Quarry Operations Modification

The proposed activities relate to the existing approved 100,000tpa quarry operations and 30,000tpa concrete batch plant activities at the site and the proposed addition of construction and demolition waste processing at a maximum rate of 30,000tpa. This application seeks to continue the current operations at the same intensity and within the same disturbance footprint and incorporate the additional construction and demolition waste processing.

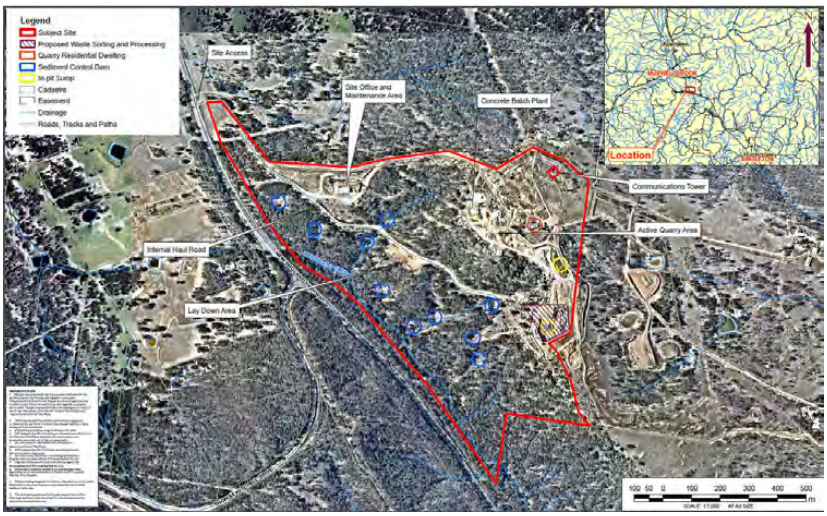


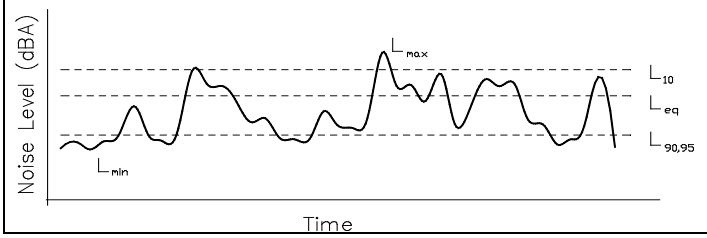
Figure 4. Proposed site layout

3.0 DESCRIPTION OF TERMS

Table 2 contains the definitions of commonly used acoustical terms and is presented as an aid to understanding this report.

TABLE 2
DEFINITION OF ACOUSTICAL TERMS

Term	Description
dB A	The uantitati e measure o sound heard the human ear measured the A-Sca e Weighting Net or o a sound e e meter expressed in deci e s dB
SPL	Sound Pressure Le e The incrementa ariation o sound pressure a o e and e o atmospheric pressure and expressed in deci e s The human ear responds to pressure uctuations resu ting in sound eing heard
STL	Sound Transmission Loss The a i it o a partition to attenuate sound in dB
L	Sound Po er Le e radiated a noise source per unit time re 1pW
Le	E ui a ent Continuous Noise Le e - ta ing into account the uctuations o noise o er time The time- ar ing e e is computed to gi e an e ui a ent dB A e e that is e ua to the energ content and time period
L1	A erage Pea Noise Le e - the e e exceeded or 1 o the monitoring period
L10	A erage Maximum Noise Le e - the e e exceeded or 10 o the monitoring period
L90	A erage Minimum Noise Le e - the e e exceeded or 90 o the monitoring period and recognised as the Bac ground Noise Le e In this instance the L90 percenti e e e is representati e o the noise e e generated the surrounds o the residentia area



4.0 EXISTING ENVIRONMENT AND NOISE CRITERIA

The existing meteorological and acoustical environments of the site have been studied to determine prevailing conditions and to allow noise goals to be set.

4.1 Meteorology

The atmospheric conditions most relevant to noise assessments are temperature inversions, gentle winds (indicative of possible wind shear) and relative humidity. The NSW Noise Policy for Industry (NPI, 2017) states that wind effects need to be assessed where source to receiver winds (at 10m height) of 3m/s or below occur for 30% or more of the time in any season in any assessment period.

An AGL Macquarie Meteorological Station on the Mount Arthur Coal site was the principal station used to assess meteorological conditions. That station is located approximately 7 km west-northwest of the subject site, so its data is considered relevant to conditions likely to be experienced at the site. Over a year, prevailing winds tend to be aligned along a NW-SE axis which is common for most sites in the Upper Hunter valley. Summer winds are generally from the south-east, while in winter north-west winds are more common. Average annual wind speeds of 3-4 m/s were recorded, depending on elevation. Both of these wind directions have been adopted in the noise modelling.

The NPI also requires assessment of temperature inversions if the project is to operate at night time during winter months. As a daytime-only operation, inversions are not required to be considered.

In addition to the two prevailing wind directions, noise modelling for the proposal also considers neutral daytime conditions of 20^0C air temperature and 70% relative humidity with no vertical temperature gradient.

4.2 Existing Acoustic Environment

The area around the Project Site is rural in nature with some potential noise from agricultural activities, but contains significant road traffic and industrial noise sources. The site is situated on the boundary of the New England Highway and is within a 5km radius of several industrial noise sources such as mines and power stations.

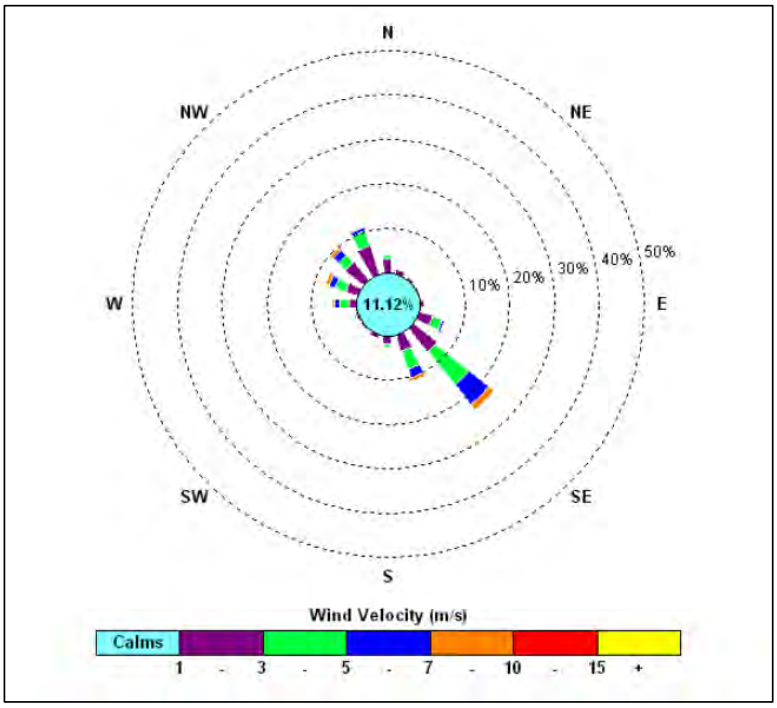


Figure 5. Wind rose, Mt Arthur Coal Mine 2002

4.3 Construction Noise Goals

This project will not require the construction of any new infrastructure, haul roads or the use of any additional machinery in comparison to current operating conditions.

4.4 Project Noise Goals

The daytime noise limit in the current Project Approval for receivers R1 – R7 near the site is 43 dB(A),Leq(15min) and 36 dB(A),Leq(15min) at R8. These criteria will be adopted as the noise emission criterion for all existing and proposed activities.

4.5 Sleep Disturbance

As the extraction process and product transport will only operate after 7 am (i.e. during the day) the sleep disturbance criterion does not apply.

4.6 Vehicle Noise

In NSW, noise from vehicle movements associated with an industrial source is assessed in terms of the INP if the vehicles are not on a public road. If the vehicles are on a public road, the NSW *Road Noise Policy* (RNP) applies. Noise from the proposal must, therefore, be assessed against the project specific noise goals of the INP and also the criteria in the RNP.

The RNP recommends various criteria based on the functional categories of roads applied by the Roads and Traffic Authority (RTA). The RTA differentiates roads based on a number of factors including traffic volume, heavy vehicle use, through or local traffic, vehicle speeds and applicable traffic management options.

Vehicles accessing the site will do so via the New England Highway.

Table 3 below shows the noise criteria relevant to traffic on various road types extracted from Table 1 of the RNP. For the assessment of traffic noise, the day time period is from 7am to 10pm, whilst night is from 10pm to 7am.

TABLE 3 ROAD TRAFFIC NOISE CRITERIA		
Situation	Recommended Criteria	
	Day (7am to 10pm)	Night* (10pm to 7am)
3 Existing residences a ected additiona tra ic on existing ree a s arteria su -arteria roads generated and use de e opments	Le 1hr 60 externa	Le 1hr 55 externa

It is not proposed to hau product at night so on the da time criteria are app ica e

The proposal would introduce an additional 20 – 30% truck numbers above the currently approved numbers at maximum production. This would present a negligible increase in existing heavy vehicle numbers on the New England Highway and full quantitative assessment of traffic noise impacts from the proposal is not warranted.

5.0 ASSESSMENT METHODOLOGY

5.1 Plant sound power levels

The sound power level of 117 dB(A) has been adopted from the 2016 noise assessment conducted by Global Acoustics for a mobile crushing and screening plant associated with the proposed construction and demolition waste processing.

5.2 Noise impact prediction

The Environmental Noise Model (ENM, v3.06) was used in point calculation model to calculate noise levels at the three assessed receivers under the neutral and adverse meteorological conditions described in Section 4.1.

6.0 RESULTS AND DISCUSSION

6.1 Predicted operational noise levels

Noise levels were modelled using ENM for each of the atmospheric scenarios described in Section 4.1. Point calculations were performed for receivers in **Table 1**. Predicted noise levels **Tables 4**.

TABLE 4 CALCULATED NOISE LEVELS dB(A),$L_{eq\ (15\ min)}$				
	Meteorological condition			
Receiver	Neutra	NW ind	SE ind	Criterion
R02	20	25	25	43
R07	20	25	25	43
R08	20	25	25	36

The calculated noise levels in **Table 4** are well below the existing noise criteria.

6.2 Cumulative noise levels

Worst case noise emission levels for the representative receivers and meteorological conditions are summarised in **Table 5**. Previously modelled noise levels from the 2016 assessment of quarry operations and the concrete batching plant are added to the results for the proposed construction and demolition waste processing from **Table 4**.

TABLE 5 CALCULATED CUMULATIVE NOISE LEVELS dB(A),$L_{eq\ (15\ min)}$				
	Contributing sources			
Receiver	2016	C D Waste	TOTAL	Criterion
R02	41	25	41	43
R07	43	25	43	43
R08	34	25	35	36

The results in **Table 5** confirm that with the addition of the proposed construction and demolition waste processing, noise emission will not increase significantly from existing levels and will not exceed the existing noise impact criteria.

7.0 SUMMARY

A noise and vibration impact assessment has been conducted for the proposed addition of a construction and demolition waste sorting and processing facility at a Site located approximately 9 kilometres (km) south-east of Muswellbrook, on the eastern side of the New England Highway.

The assessment considered noise emissions from;

- Operational Noise;
- Road Traffic Noise;
- Cumulative Noise;

The results of the assessment have shown that there will be no adverse impacts as a result of the modelled operational scenarios and meteorological conditions.

Appendix C

Air Quality Impact Assessment

AIR QUALITY IMPACT ASSESSMENT

WILD QUARRIES AND CIVIL MUSWELLBROOK

RPS Australia East Pty Ltd

11 March 2021

Job Number 20121217

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Air Quality Impact Assessment
Wild Quarries and Civil Muswellbrook

DOCUMENT CONTROL

Report Version	Date	Prepared by	Reviewed by
DRAFT - 001	08/03/2021	P Henschke	D Kjellberg
FINAL - 001	11/03/2021	P Henschke	

This report has been prepared in accordance with the scope of works between Todoroski Air Sciences Pty Ltd (TAS) and the client. TAS relies on and presumes accurate the information (or lack thereof) made available to it to conduct the work. If this is not the case, the findings of the report may change. TAS has applied the usual care and diligence of the profession prevailing at the time of preparing this report and commensurate with the information available. No other warranty or guarantee is implied in regard to the content and findings of the report. The report has been prepared exclusively for the use of the client, for the stated purpose and must be read in full. No responsibility is accepted for the use of the report or part thereof in any other context or by any third party.

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1 INTRODUCTION

Todoroski Air Sciences has prepared this report for RPS Australia East Pty Ltd on behalf of Wild Quarries and Civil Pty Ltd. The report presents an assessment of potential air quality impacts associated with the proposed acceptance and processing of up to 30,000 cubic metre (m^3) of construction and demolition (C&D) waste at the Wild Quarries and Civil site at Muswellbrook, New South Wales (NSW) (hereafter referred to as the Project).

The existing operations include a gravel quarry with a maximum production rate of 100,000 tonnes per annum (tpa) and a concrete batching plant with a maximum production rate of 30,000tpa. The Project seeks to allow for the importation and processing of up to 30,000tpa of C&D waste at the site.

This air quality impact assessment has been prepared in general accordance with the NSW Environment Protection Authority (EPA) document *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (**NSW EPA, 2017**). The assessment forms part of the environmental assessment prepared to accompany the application for the Project.

To assess the potential air quality impacts associated with the proposed Project, this report incorporates the following aspects:

- A background to the Project and description of the proposed site and operations;
- A review of the existing meteorological and air quality environment surrounding the site;
- A description of the dispersion modelling approach and emission estimation used to assess potential air quality impacts; and
- Presentation of the predicted results and discussion of the potential air quality impacts and associated mitigation and management measures.

2 PROJECT BACKGROUND

2.1 Project setting

The Project site is located at 8440 New England Highway, Muswellbrook, approximately 9 kilometres (km) southeast of Muswellbrook town centre and approximately 33km northwest of Singleton. The local land use surrounding the site is rural comprising various agricultural activities with scattered rural residences and open cut coal mining operations.

The nearest identified residential receptor is located approximately 800 metres (m) from the active quarry area. **Figure 2-1** presents the location of the residential receptors assessed as discrete receptors in this assessment.

Figure 2-2 presents a pseudo three-dimensional visualisation of the topography in the general vicinity of the Project. The Project area is located on a ridgeline and flattens to the east and west of the site.

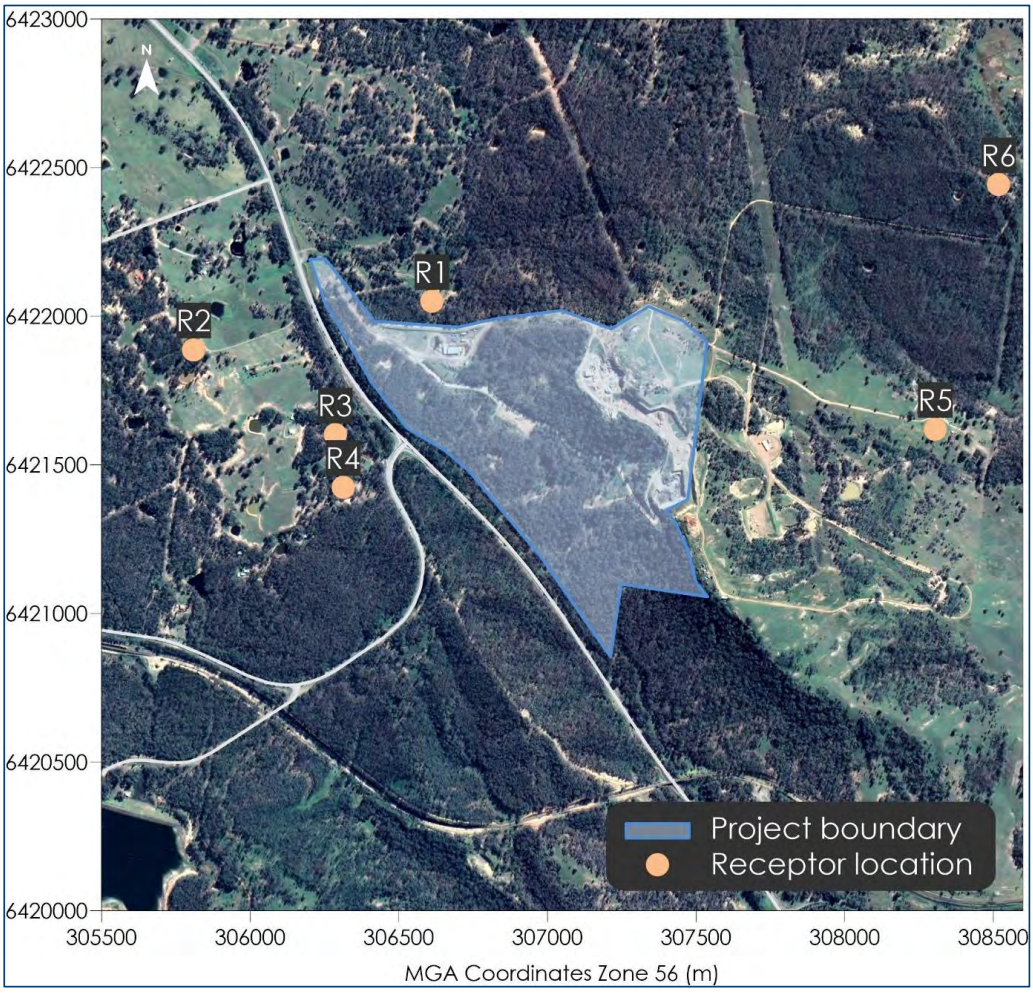


Figure 2-1: Project setting

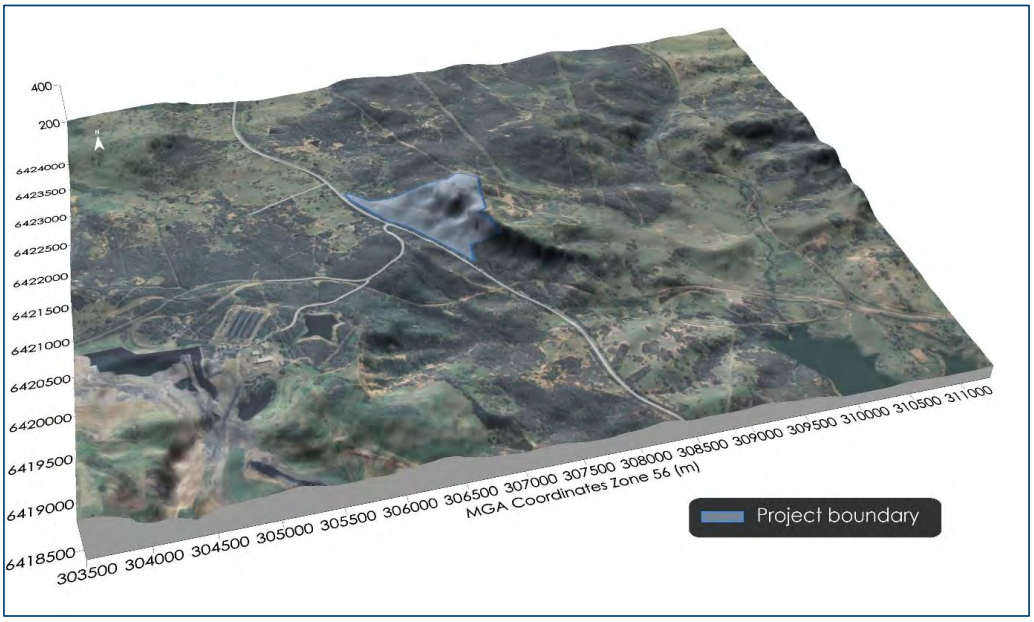


Figure 2-2: Representative visualisation of topography in the area surrounding the Project

2.2 Project description

The existing activities at the site include gravel quarrying and concrete batching. The gravel quarrying activities are as follows; rock is fractured using drill and blast methods with excavators used to extract the material and transfer for processing on-site. Crushing and screening of the extracted materials produce a variety of processed material for sale. The produced materials are stockpiled on-site, then transported to various customers. The concrete batching activities consist of a mobile concrete batching plant which utilises raw materials produced from the quarry. The volume of concrete produced is up to 30,000tpa with a peak rate of 120 tonnes per day (tpd). The site also includes a plant hire operation that consists of equipment storage and maintenance. This activity would produce negligible air emissions in comparison to the gravel quarrying and concrete batching operations and have not been considered further in this assessment.

The Project seeks to incorporate C&D waste processing at the site of up to 30,000tpa. The C&D waste processing would occur in an established area of the existing quarry and include sorting, crushing, screening and stockpiling of the material. The processed materials would be used as a substitute to the existing quarry products won at the site.

The Project would produce in the order of an additional 20 truck movements per day at the site as a worst-case scenario. The operating hours for the C&D waste process would be the same as the gravel quarrying and concrete batching activities, which are currently Monday to Friday from 7:00am to 5:00pm, Saturday from 7:00am to 1:00pm with no activity conducted on Sundays or public holidays.

3 AIR QUALITY CRITERIA

3.1 Particulate matter

Particulate matter consists of dust particles of varying size and composition. Air quality goals refer to measures of the total mass of all particles suspended in air defined as the Total Suspended Particulate matter (TSP). The upper size range for TSP is nominally taken to be 30 micrometres (µm) as in practice particles larger than 30 to 50µm will settle out of the atmosphere too quickly to be regarded as air pollutants.

Two sub-classes of TSP are also included in the air quality goals, namely PM_{10}, particulate matter with equivalent aerodynamic diameters of 10µm or less, and $PM_{2.5}$, particulate matter with equivalent aerodynamic diameters of 2.5µm or less.

Particulate matter, typically in the upper size range, that settles from the atmosphere and deposits on surfaces is characterised as deposited dust. The deposition of dust on surfaces may be considered a nuisance and can adversely affect the amenity of an area by soiling property in the vicinity.

3.1.1 NSW EPA impact assessment criteria

Table 3-1 summarises the air quality goals that are relevant to this assessment as outlined in the NSW EPA document *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (**NSW EPA, 2017**).

The air quality goals for total impact relate to the total dust burden in the air and not just the dust from the Project. Consideration of background dust levels needs to be made when using these goals to assess potential impacts.

Table 3-1: NSW EPA air quality impact assessment criteria

Pollutant	Averaging Period	Impact	Criterion
TSP	Annual	Total	90µg/m³
PM_{10}	Annual	Total	25µg/m³
	24 hour	Total	50µg/m³
$PM_{2.5}$	Annual	Total	8µg/m³
	24 hour	Total	25µg/m³
Deposited dust	Annual	Incremental	2g/m²/month
		Total	4g/m²/month

Source: NSW EPA, 2017

µg/m³ = micrograms per cubic metre

g/m²/month = grams per square metre per month

4 EXISTING ENVIRONMENT

This section describes the existing environment including the climate and ambient air quality in the area surrounding the Project.

4.1 Local climatic conditions

Long-term climatic data from the Bureau of Meteorology (BoM) weather station at Jerrys Plains Post Office (Site No. 061086) were analysed to characterise the local climate in the proximity of the Project. The weather station at Jerrys Plains Post Office is located approximately 18km southwest of the Project and has since closed on 17 April 2014.

Table 4-1 and **Figure 4-1** present a summary of data from the Jerrys Plains Post Office collected over an approximate 52 to 128-year period for the various meteorological parameters.

The data indicate that, on average, January is the hottest month with a mean maximum temperature of 31.8ºC, and July is the coldest month with a mean minimum temperature of 3.8ºC.

Rainfall peaks during the summer months and declines during the winter months, with an annual average rainfall of 645.9 mm over 67.5 days. The data show January is the wettest month with an average rainfall of 77.1 mm over 6.4 days, and August is the driest month with an average rainfall of 36.1 mm over 5.2 days.

Humidity levels exhibit variability over the day and seasonal fluctuations. Mean 9am humidity levels range from 59% in October to 80% in June. Mean 3pm humidity levels vary from 42% in October, November and December to 54% in June.

As expected, wind speeds during the warmer months have a greater spread between the 9am and 3pm conditions compared to the colder months. The mean 9am wind speeds range from 8.6 km/h in April to 11.7 km/h in September. The mean 3pm wind speeds vary from 11.0 km/h in May to 14.7 km/h in September.

Table 4-1: Monthly climate statistics summary – Jerrys Plains Post Office

Parameter	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann.
Temperature													
Mean max. temp. (ºC)	31.8	30.9	28.9	25.3	21.3	18.0	17.4	19.4	22.9	26.3	29.1	31.2	25.2
Mean min. temp. (ºC)	17.2	17.1	15.0	11.0	7.4	5.3	3.8	4.4	7.0	10.3	13.2	15.7	10.6
Rainfall													
Rainfall (mm)	77.1	73.1	59.7	44.0	40.7	48.1	43.4	36.1	41.7	51.9	61.9	67.5	645.9
No. of rain days (≥1mm)	6.4	6.0	5.8	4.9	4.9	5.5	5.2	5.2	5.2	5.8	6.3	6.3	67.5
9am conditions													
Mean temp. (ºC)	23.4	22.7	21.2	18.0	13.6	10.6	9.4	11.4	15.3	19.0	21.1	23.0	17.4
Mean R.H. (%)	67	72	72	72	77	80	78	71	65	59	60	61	70
Mean W.S. (km/h)	9.6	9.0	8.8	8.6	9.0	9.4	10.6	11.0	11.7	10.9	10.5	9.9	9.9
3pm conditions													
Mean temp. (ºC)	29.8	28.9	27.2	24.1	20.1	17.1	16.4	18.2	21.2	24.2	26.9	29.0	23.6
Mean R.H. (%)	47	50	49	49	52	54	51	45	43	42	42	42	47
Mean W.S. (km/h)	13.2	13.0	12.4	11.3	11.0	11.5	13.0	14.3	14.7	14.1	14.2	14.2	13.1

Source: **BoM, 2020 (accessed November 2020)**

°C = degrees Celsius mm = millimetres % = percent km/h = kilometres per hour

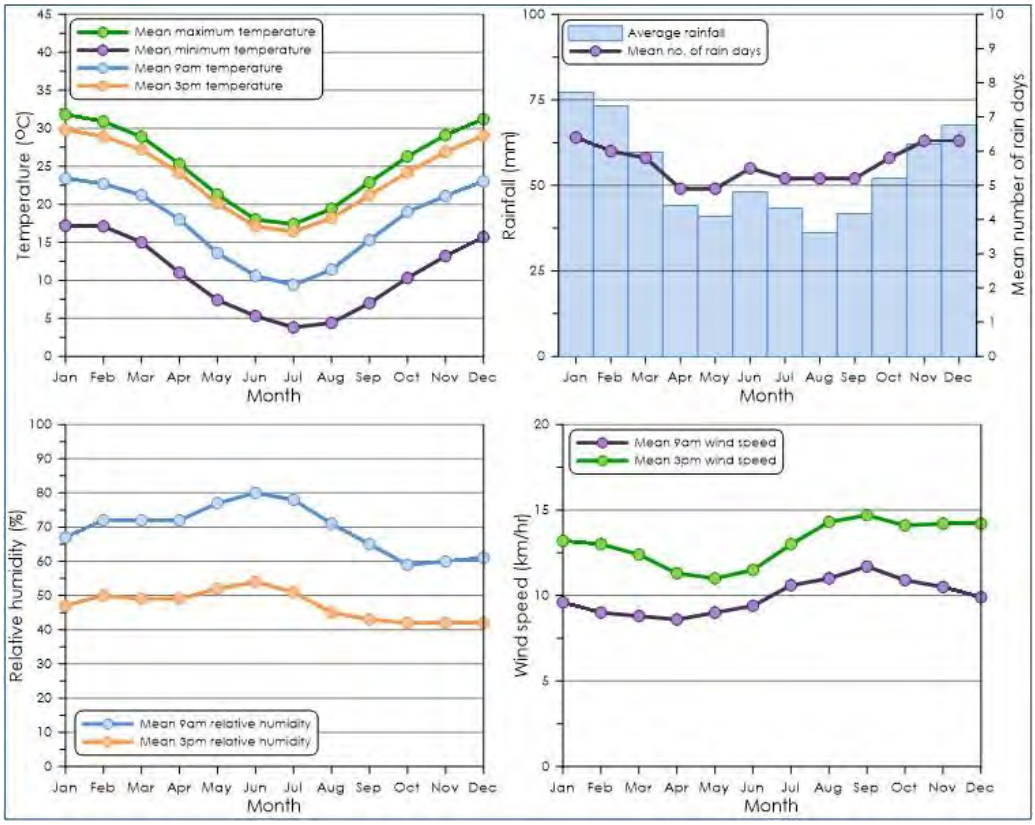


Figure 4-1: Monthly climate statistics summary – Jerrys Plains Post Office

4.2 Local meteorological conditions

Annual and seasonal windroses for the NSW Department of Planning, Industry and Environment (DPIE) Muswellbrook monitoring station during the 2015 calendar period are presented in **Figure 4-2**.

The 2015 calendar year was selected as the meteorological year for the dispersion modelling based on an analysis of long-term data trends in meteorological data recorded for the area and air quality levels as outlined in **Appendix A**.

On an annual basis, winds typically occur along a southeast to northwest axis with the highest portion of winds from the southeast. In summer, strong winds are typically from the southeast. The autumn and spring distributions are similar to the annual distribution with dominant winds from southeast and south-southeast. In winter, the distribution is varied with a high proportion of winds originating from the west-northwest and northwest.

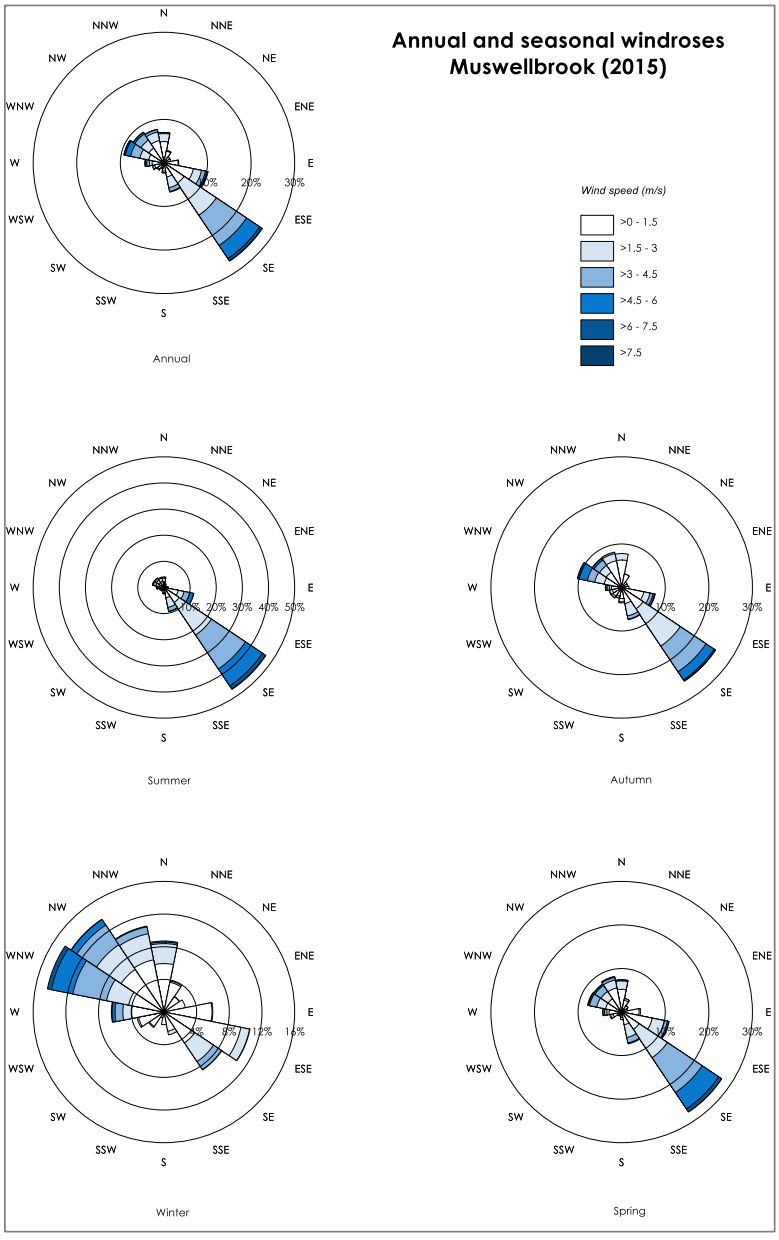


Figure 4-2 : Annual and seasonal windroses – Muswellbrook (2015)

4.3 Local air quality monitoring

The main sources of air pollutants in the wider area surrounding the Project include mining, agriculture, commercial and industrial (including power generation) activities, urban activity and emissions from local anthropogenic activities such as motor vehicle exhaust and domestic wood heaters.

Ambient air quality monitoring data sourced from the NSW DPIE-operated Upper Hunter Air Quality Monitoring Network (UHAQMN), and from the air quality monitoring network for the Maxwell Project,

have been reviewed. The DPIE air quality monitoring stations at Muswellbrook and Muswellbrook NW are located approximately 8km and approximately 10km respectively from the site, and the Maxwell Project air quality monitoring stations are located approximately 0.8-3.5km from the site. The air quality monitoring data from these monitors have been used to quantify the existing ambient background levels for this study.

The location of the monitoring stations relative to the Project is shown in **Figure 4-3**.

Figure 4-3: Monitoring locations

4.3.1 PM_{10} monitoring

A summary of the available PM_{10} monitoring data is presented in **Table 4-2**. Recorded 24-hour average PM_{10} concentrations for the DPIE air quality monitoring stations are presented in **Figure 4-4**.

A review of **Table 4-2** indicates that the annual average PM_{10} concentrations for each monitoring station were below the relevant criterion of 25µg/m³ except for Muswellbrook in 2018 and both Muswellbrook and Muswellbrook NW in 2019. The maximum 24-hour average PM_{10} concentrations recorded at these stations were found to exceed the relevant criterion of 50µg/m³ on occasion during the review period.

Examination of the potential cause of the elevated PM_{10} levels indicates that they typically coincide with regional dust events and bushfires which affect a wide area, for example as indicated by other air quality

monitoring stations in the surrounding region also recording elevated levels on such days. At other times, potential sources including local agriculture, open cut mining activity and localised fires may have contributed to the periods of elevated PM_{10} levels. The high PM_{10} concentrations recorded in 2018, 2019 and 2020 are attributed to the drought period and widespread bushfires affecting NSW.

Table 4-2: Summary of PM_{10} levels (µg/m³)

Year	Muswellbrook	Muswellbrook NW	Maxwell Infrastructure *	Criterion
Annual average				
2014	21.4	19.2	17.6	**25**
2015	19.1	16.7	13.8	**25**
2016	19.2	16.6	14.5	**25**
2017	21.7	18.5	16.1	**25**
2018	**27.2**	25.0	-	**25**
2019	**34.4**	**33.7**	-	**25**
2020	22.5	21.0	-	**25**
Maximum 24-hour average				
2014	**53**	**50.8**	50.0	**50**
2015	**72.6**	**72.9**	**56.9**	**50**
2016	43.9	44.8	41.6	**50**
2017	**56.5**	**51.0**	47.3	**50**
2018	**185.9**	**195.4**	-	**50**
2019	**231.3**	**244.6**	-	**50**
2020	**181**	**238.6**	-	**50**

* Source: **Todoroski Air Sciences, 2019**

It can be seen from **Figure 4-4** that PM_{10} concentrations are nominally highest in spring and summer with the warmer weather raising the potential for drier ground, elevating the occurrence of windblown dust, bushfires and increased pollen levels.

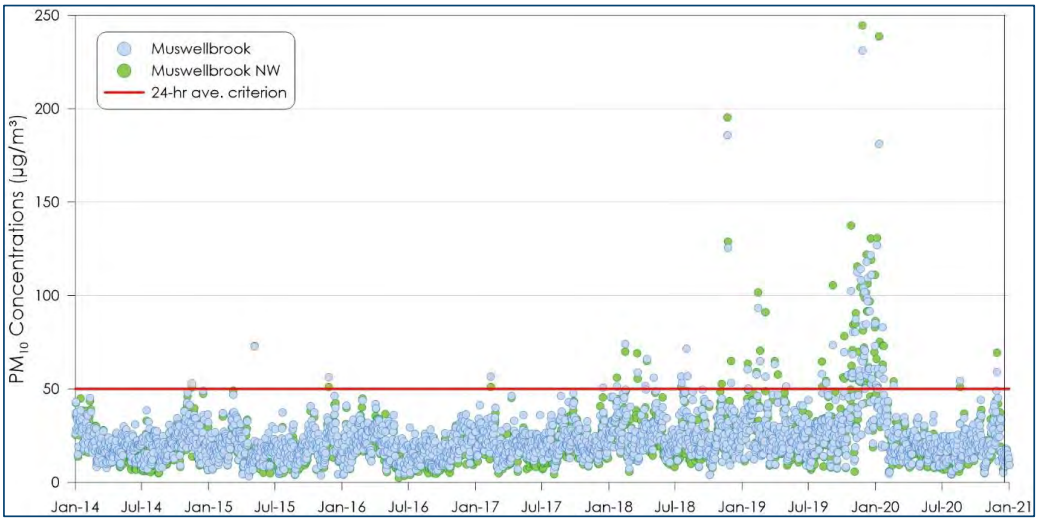


Figure 4-4: 24-hour average PM_{10} concentrations at UHAQMN monitoring stations

4.3.2 $PM_{2.5}$ monitoring

A summary of the available $PM_{2.5}$ monitoring data is presented in **Table 4-3**. The recorded 24-hour average $PM_{2.5}$ concentrations are presented in **Figure 4-5**.

Table 4-3 indicates that the annual average $PM_{2.5}$ concentrations at Muswellbrook were above the criterion of 8µg/m³ for the review period. The maximum 24-hour average $PM_{2.5}$ concentrations also exceeded the relevant criterion of 25µg/m³ on occasion during the review period.

A seasonal trend in 24-hour average $PM_{2.5}$ concentrations for the Muswellbrook monitoring station can be seen in **Figure 4-5** with elevated levels occurring in the cooler months. Ambient $PM_{2.5}$ levels at the Muswellbrook monitoring station are likely to be governed by local background sources such as wood heaters and motor vehicles. Studies have shown that other $PM_{2.5}$ monitors located near mining operations (and away from towns) have no significant seasonal trends in comparison to the Muswellbrook monitoring station (**Todoroski Air Sciences, 2019**). This suggests the influence of anthropogenic sources on $PM_{2.5}$ levels are localised to the towns and do not significantly affect the areas which are sparsely populated.

Table 4-3: Summary of $PM_{2.5}$ levels (µg/m³)

Year	Muswellbrook	Criterion
Annual average		
2014	**9.7**	**8**
2015	**8.7**	**8**
2016	**8.4**	**8**
2017	**9.4**	**8**
2018	**9.4**	**8**
2019	**12.2**	**8**
2020	**9.8**	**8**
Maximum 24-hour average		
2014	**27.4**	**25**
2015	**31.2**	**25**
2016	**29.4**	**25**
2017	**31.1**	**25**
2018	**26.5**	**25**
2019	**77.4**	**25**
2020	**49.1**	**25**

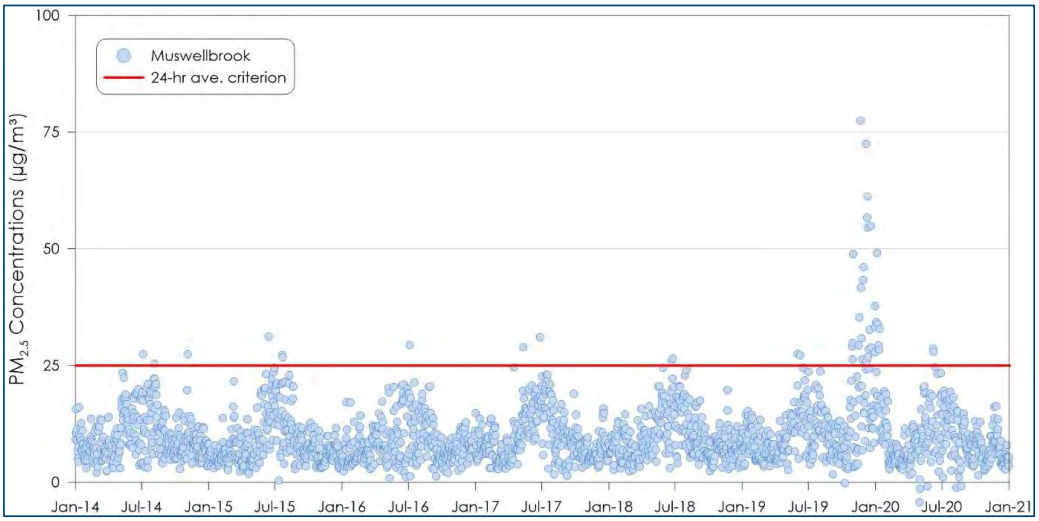


Figure 4-5: 24-hour average $PM_{2.5}$ concentrations at UHAQMN monitoring stations

4.3.3 TSP monitoring

A summary of the available TSP monitoring data is presented in **Table 4-4**.

Table 4-4 indicates that the annual average TSP concentrations at the Maxwell Infrastructure monitor were below the criterion of 90µg/m³ for the review period and that the TSP monitoring data show relatively similar interannual levels.

Table 4-4: Summary of TSP levels (µg/m³)

Year	Maxwell Infrastructure *	Criterion
Annual average		
2014	60.9	**90**
2015	47.6	**90**
2016	49.3	**90**
2017	51.9	**90**

* Source: **Todoroski Air Sciences, 2019**

4.3.4 Deposited dust monitoring

A summary of the available deposited dust monitoring data is presented in **Table 4-5**.

Table 4-5 indicates that the annual average deposited dust levels at the Maxwell Infrastructure monitors were below the criterion of 4g/m²/month for the review period.

Table 4-5: Summary of deposited dust levels (g/m²/month)

Year	2175 *	2130 *	Criterion
Annual average			
2014	2.1	2.4	**4**
2015	1.6	1.9	**4**
2016	2.0	2.2	**4**
2017	1.9	1.8	**4**

* Source: **Todoroski Air Sciences, 2019**

4.3.5 Estimated background dust levels

As outlined above, there are no readily available site-specific monitoring data, and therefore the background dust levels around the Project site were estimated to be similar to those recorded at the nearby monitoring sites for the 2015 calendar period which corresponds to the period of meteorological modelling used in this assessment.

The annual average PM_{10} levels from the Muswellbrook monitoring station and TSP and deposited dust levels from the Maxwell Infrastructure monitoring stations are used to represent the background levels for the Project.

As noted, the $PM_{2.5}$ levels from the Muswellbrook monitoring station are above the annual average criterion of 8µg/m³ due to local background sources such as wood heaters and motor vehicles. For the area surrounding the Project, a lower $PM_{2.5}$ background level would apply as it is located away from these sources. The $PM_{2.5}$ background level estimated in the *Maxwell Project Air Quality and Greenhouse Gas Assessment* (**Todoroski Air Sciences, 2019**) is considered appropriate for the Project location and has been applied in this assessment.

4.3.6 Summary of background dust levels

The annual average background air quality levels applied in this assessment are as follows:

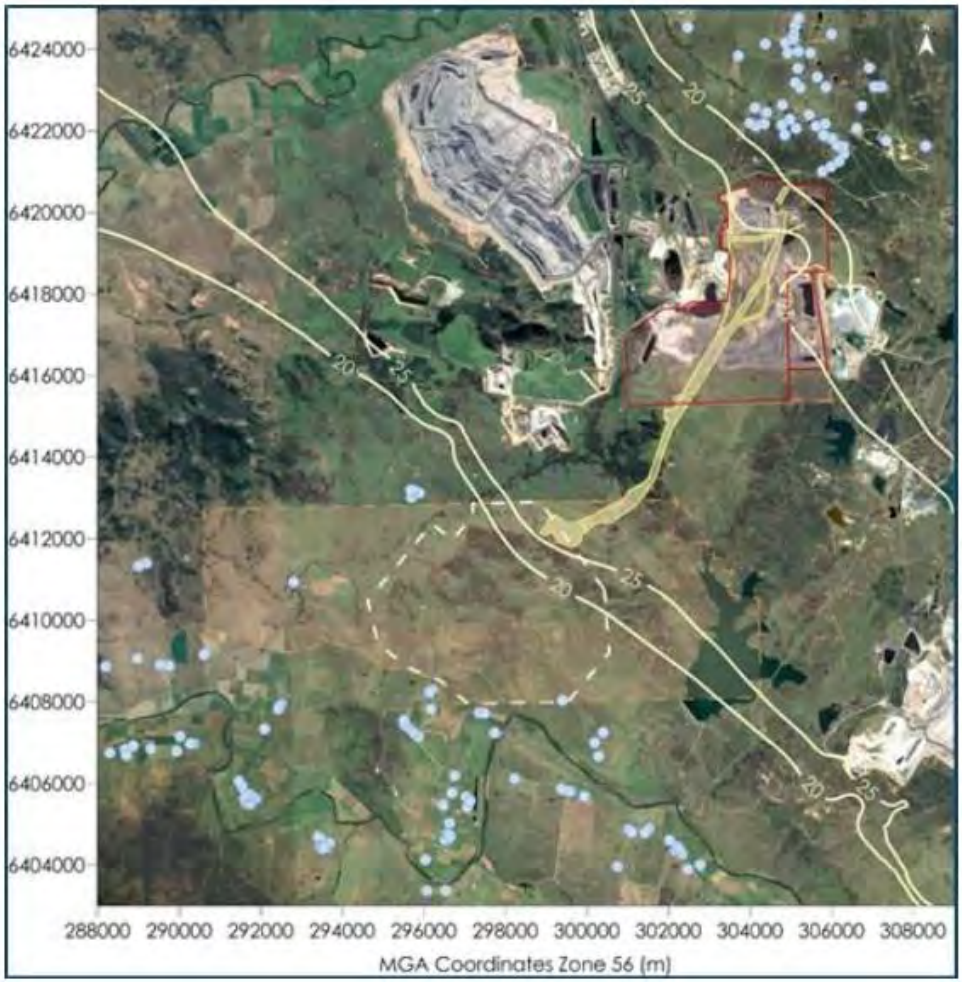
- $PM_{2.5}$ concentrations – 4.5µg/m³;
- PM_{10} concentrations – 19.1µg/m³;
- TSP concentrations – 47.6µg/m³; and,
- Deposited dust levels – 1.9g/m²/month.

4.3.7 Background dust from coal mining operations

The predicted dust levels in the *Maxwell Project Air Quality and Greenhouse Gas Assessment* (**Todoroski Air Sciences, 2019**) are used to infer the potential background dust contribution from the coal mining operations near the Project. The Project is located approximately 4km to the northeast of the Maxwell Project.

Figure 4-6 presents the predicted annual average PM_{10} concentrations due to the Maxwell Project and other sources for the modelled Scenario 1. The modelling predictions include the contribution from the Maxwell Project and surrounding coal mining operations along with a contribution from non-mining sources. **Figure 4-6** indicates by the shape of the contour, that the dust contribution from the coal mining operations would be approximately <20µg/m³ for the Project area.

The applied background level annual average PM_{10} concentration of 19.1µg/m³ is therefore considered a conservative background level for the Project and would already include a potential contribution from the coal mining operations, hence these have not been explicitly included in the modelling assessment for the Project.



Source: **Todoroski Air Sciences (2019)**

Figure 4-6: Predicted annual average PM_{10} concentration due to emissions from the Maxwell Project and other sources – Scenario 1 (µg/m³)

5 DISPERSION MODELLING APPROACH

5.1 Introduction

The following sections are included to provide the reader with an understanding of the model and modelling approach applied for the assessment. The CALPUFF is an advanced air dispersion model which can deal with the effects of complex local terrain on the dispersion meteorology over the modelling domain in a three-dimensional, hourly varying time step.

The model was setup in general accord with the methods provided in the NSW EPA document *Generic Guidance and Optimum Model Setting for the CALPUFF Modeling System for Inclusion into the 'Approved Methods for the Modeling and Assessments of Air Pollutants in NSW, Australia'* (**TRC**, **2011**).

5.2 Modelling methodology

Modelling was undertaken using a combination of the CALPUFF Modelling System and The Air Pollution Model (TAPM). The CALPUFF Modelling System includes three main components: CALMET, CALPUFF and CALPOST and a large set of pre-processing programs designed to interface the model to standard, routinely available meteorological and geophysical datasets.

5.2.1 Meteorological modelling

TAPM was applied to the available data to generate a three dimensional (3D) upper air data file for use in CALMET. The centre of analysis for TAPM was 32deg19.5min south and 150deg57min east. The simulation involved an outer grid of 30km, with three nested grids of 10km, 3km and 1km with 35 vertical grid levels.

CALMET modelling domain was run for a 10 x 10 km area with 0.1km grid resolution. The 2015 calendar year was selected as the meteorological year for the dispersion modelling based on analysis of long-term data trends in meteorological data and ambient air quality data recorded for the area as outlined in **Appendix A**. The available meteorological data from the NSW DPIE meteorological stations at Camberwell, Muswellbrook and Muswellbrook NW were included in the simulation.

The outputs of the CALMET modelling are evaluated using visual analysis of the wind fields and extracted data.

Figure 5-1 presents a visualisation of the wind field generated by CALMET for a single hour of the modelling period. The wind fields are seen to follow the terrain well and indicate the simulation produces realistic fine scale flow fields (such as terrain forced flows) in surrounding areas

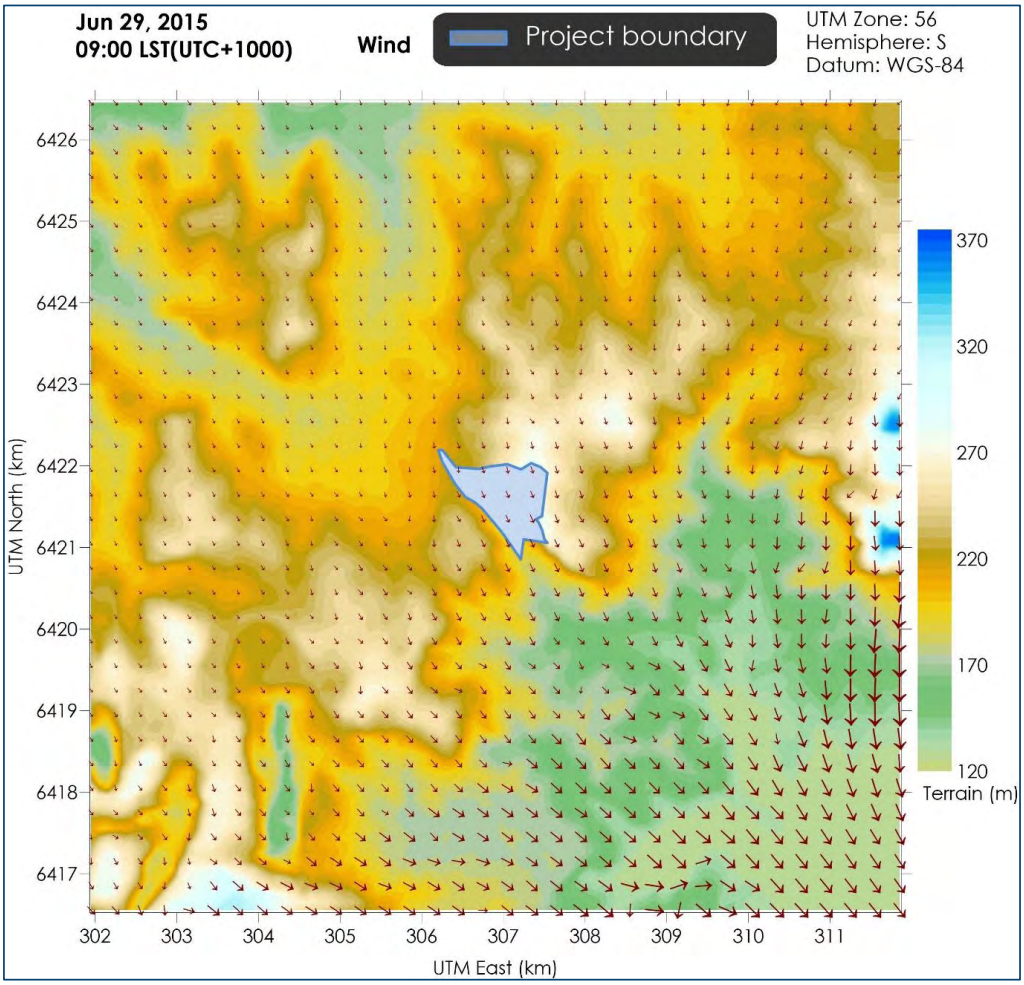


Figure 5-1: Representative snapshot of wind field for the Project

CALMET generated meteorological data were extracted from a point within the CALMET domain and are graphically represented in **Figure 5-2** and **Figure 5-3**.

Figure 5-2 presents the annual and seasonal windroses from the CALMET data. Overall, the windroses generated in the CALMET modelling reflect the expected wind distribution patterns of the area as determined based on the available measured data and the expected terrain effects on the prevailing winds.

Figure 5-3 includes graphs of the temperature, wind speed, mixing height and stability classification over the modelling period and show sensible trends considered to be representative of the area.

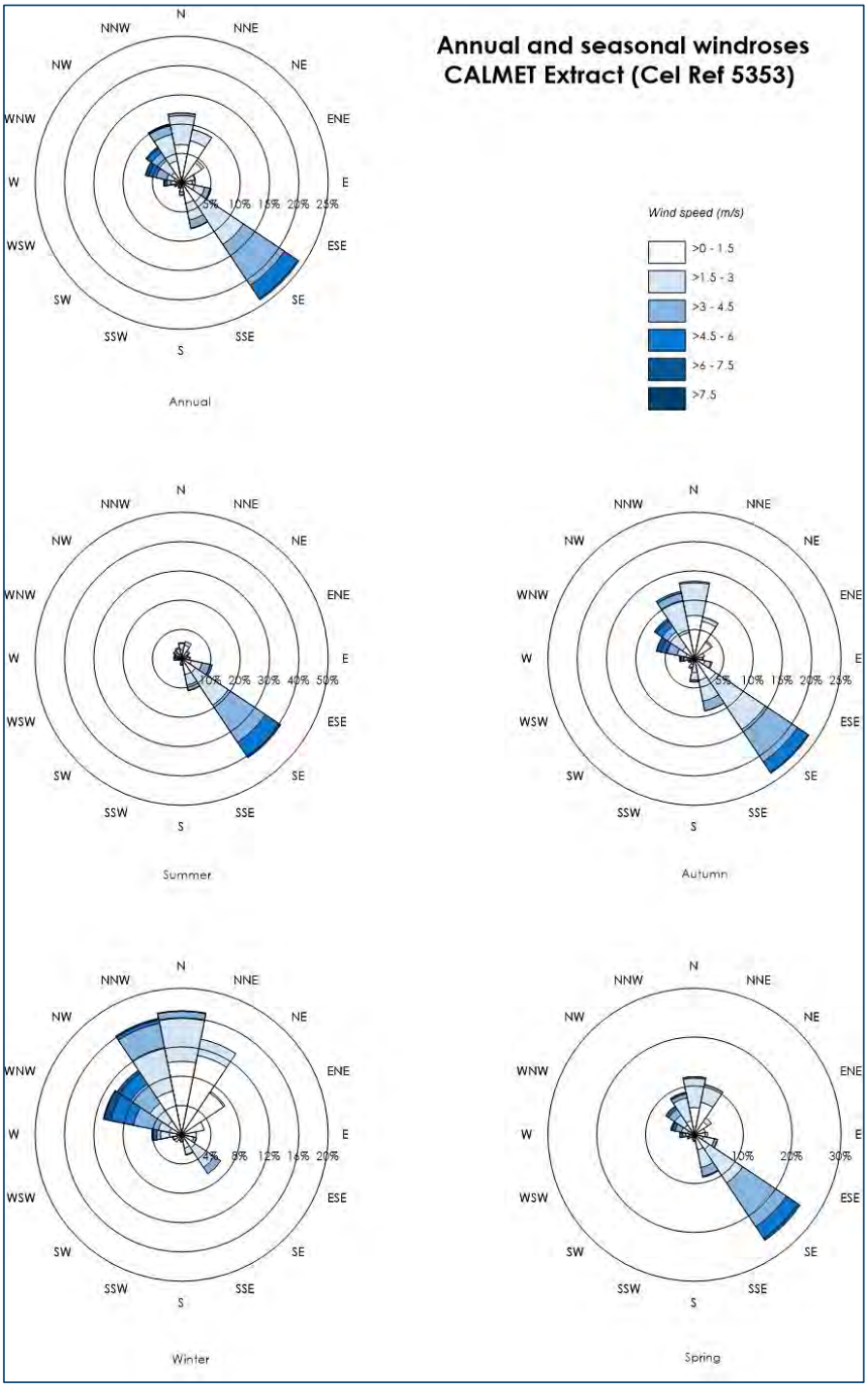


Figure 5-2: Annual and seasonal windroses from CALMET (Cell reference 5353)

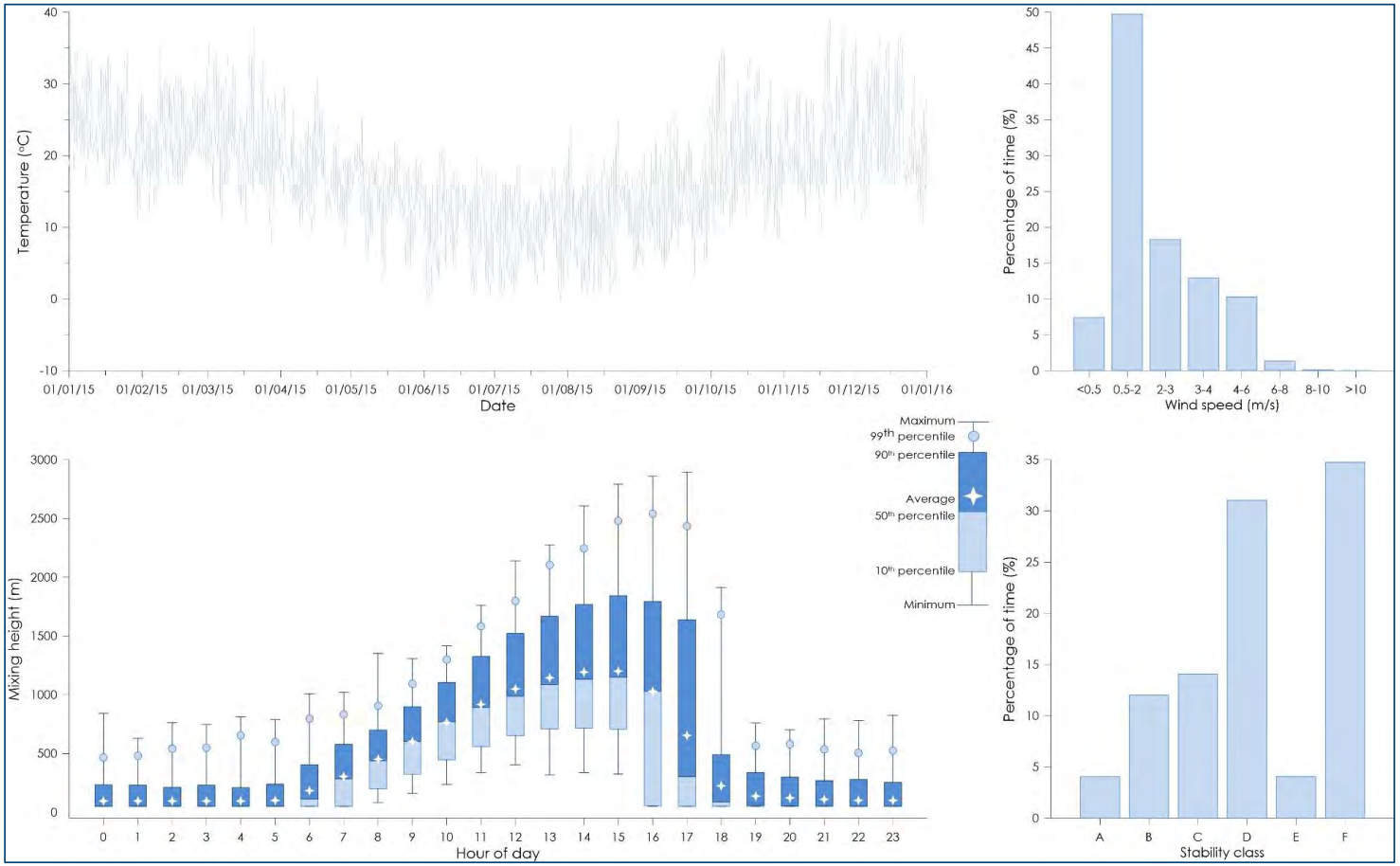


Figure 5-3: Meteorological analysis of CALMET (Cell Ref 4852)

5.2.2 Dispersion modelling

Emissions from each operational activity of the Project were represented by a series of volume sources and were included in the CALPUFF model via an hourly varying emission file. Meteorological conditions associated with dust generation (such as wind speed) and levels of dust generating activity were considered in calculating the hourly varying emission rate for each source.

It should be noted that as a conservative measure, the effect of the precipitation rate (rainfall) in reducing dust emissions has not been considered in this assessment.

5.3 Emission estimation

The significant dust generating activities associated with operation of the Project are identified as drilling and blasting rock, loading/unloading of material, vehicles travelling on-site and off-site, crushing, screening, and windblown dust from exposed areas and stockpiles. The on-site and off-site vehicle and plant equipment also have the potential to generate particulate emissions from the diesel exhaust.

Dust emission estimates have been calculated by analysing the various types of dust generating activities taking place and utilising suitable emissions sourced from both locally developed and United States Environmental Protection Agency (US EPA) developed documentation.

Annual average and peak 24-hour conditions have been assessed for the operation of the Project. The annual average scenario is based on the proposed maximum annual tonnage for each activity at the Project. The peak 24-hour conditions assess the maximum potential 24-hour average impacts from the Project based on the peak daily movements and activity rate for the various activity at the Project. This includes a maximum of 60 truck movements for the gravel quarrying activity, 120tpd for the concrete batching and 20 truck movements for the C&D waste processing.

A summary of the estimated annual average and peak 24-hour TSP dust emissions is presented in **Table 5-1**. Detailed calculations of the dust emission estimates are provided in **Appendix B**. The calculations apply conservative variables based on the use of practical dust controls applied to the activities outlined in **Section 7**.

Table 5-1: Estimated TSP emission rate for the Project (kg/year)

Operation	Annual average	Peak 24-hour
Gravel quarry	53,688	68,384
Concrete batching	2,767	6,054
C&D waste process	5,400	13,269
Total	**61,855**	**87,707**

6 DISPERSION MODELLING RESULTS

This section presents the predicted impacts on air quality which may arise from air emissions generated by the Project.

6.1 Dust concentrations

The dispersion model predictions presented in this section include those for the operation of the Project in isolation (incremental impact) and the operation of the Project with consideration of other sources (total cumulative impact). The results show the predicted:

- Maximum 24-hour average $PM_{2.5}$ and PM_{10} concentrations;
- Annual average $PM_{2.5}$, PM_{10} and TSP concentrations; and,
- Annual average dust (insoluble solids) deposition rates.

It is important to note that when assessing impacts per the maximum 24-hour average levels, these predictions are based on the highest predicted 24-hour average concentrations which were modelled at each point within the modelling domain for the worst day (i.e. a 24-hour period) in the one year long modelling period.

Associated isopleth diagrams of the dispersion modelling results are presented in **Appendix C**.

Table 6-1 presents the predicted incremental particulate dispersion modelling results at each of the assessed receptor locations. The results show that minimal incremental effects would arise at the receptor locations due to the Project.

Table 6-1: Particulate dispersion modelling results for assessed receptors – Incremental impact

Receptor ID	$PM_{2.5}$ (µg/m³)		PM_{10} (µg/m³)		TSP (µg/m³)	DD^ (g/m²/month)
	24-hour average	Annual average	24-hour average	Annual average	Annual average	Annual average
	Air quality impact criteria					
	-	-	-	-	-	2
R1	1.2	0.2	7.0	0.9	2.3	0.1
R2	0.4	<0.1	2.3	0.1	0.2	<0.1
R3	0.9	<0.1	4.5	0.2	0.5	<0.1
R4	0.9	<0.1	4.0	0.1	0.4	<0.1
R5	0.9	0.1	3.9	0.3	0.6	<0.1
R6	0.4	<0.1	1.4	<0.1	0.1	<0.1

^Deposited dust

The cumulative (total) impact is defined as the modelling impact associated with the operation of the Project combined with the estimated ambient background levels in **Section 4.3.5**.

The predicted cumulative annual average $PM_{2.5}$, PM_{10}, TSP and dust deposition levels due to the Project with the estimated background levels are presented in **Table 6-2**. The results in **Table 6-2** indicate that all of the assessed receptors are predicted to experience levels below the relevant criteria for each of the assessed dust metrics.

Table 6-2: Particulate dispersion modelling results for assessed receptors – Cumulative impact

Receptor ID	$PM_{2.5}$ (µg/m³)	PM_{10} (µg/m³)	TSP (µg/m³)	DD (g/m²/month)
	Annual average			
	Air quality impact criteria			
	8	25	90	4
R1	4.7	20.0	49.9	2.0
R2	4.5	19.2	47.8	1.9
R3	4.5	19.3	48.1	1.9
R4	4.5	19.2	48.0	1.9
R5	4.6	19.4	48.2	1.9
R6	4.5	19.1	47.7	1.9

6.2 Assessment of Total (Cumulative) 24-hour average $PM_{2.5}$ and PM_{10} Concentrations

As shown in **Section 4.3**, the maximum measured 24-hour concentrations of $PM_{2.5}$ and PM_{10} have in the past exceeded or come close to the relevant criterion level on occasion.

As a result, the NSW EPA Level 1 contemporaneous assessment approach of adding maximum background levels to maximum predicted levels from the Project would show levels above the criterion whether or not the Project was operating. In such situations, the NSW EPA applies a Level 2 contemporaneous assessment approach where the measured background levels are added to the day's corresponding predicted dust level from the Project.

Ambient (background) $PM_{2.5}$ and PM_{10} concentration data corresponding with the year of modelling (2015) from the NSW DPIE monitoring site at Muswellbrook have been applied in this case to represent the prevailing background levels in the vicinity of the Project and applied for representative receptor locations (R1 and R5) surrounding the Project likely to experience the highest impact.

The Level 2 assessment at the representative receptor locations for both $PM_{2.5}$ and PM_{10} indicate that the Project does not increase the number of days above the 24-hour average criterion. Detailed tables of the contemporaneous assessment results are provided in **Appendix D**.

Time series plots of the predicted cumulative 24-hour average $PM_{2.5}$ and PM_{10} concentrations for Receptor R1, are presented in **Figure 6-1**. The orange bars in the figure represent the contribution from the Project and the blue bars represent the background levels. It is clear from the figures that the Project has a relatively small influence at the assessed receptor locations.

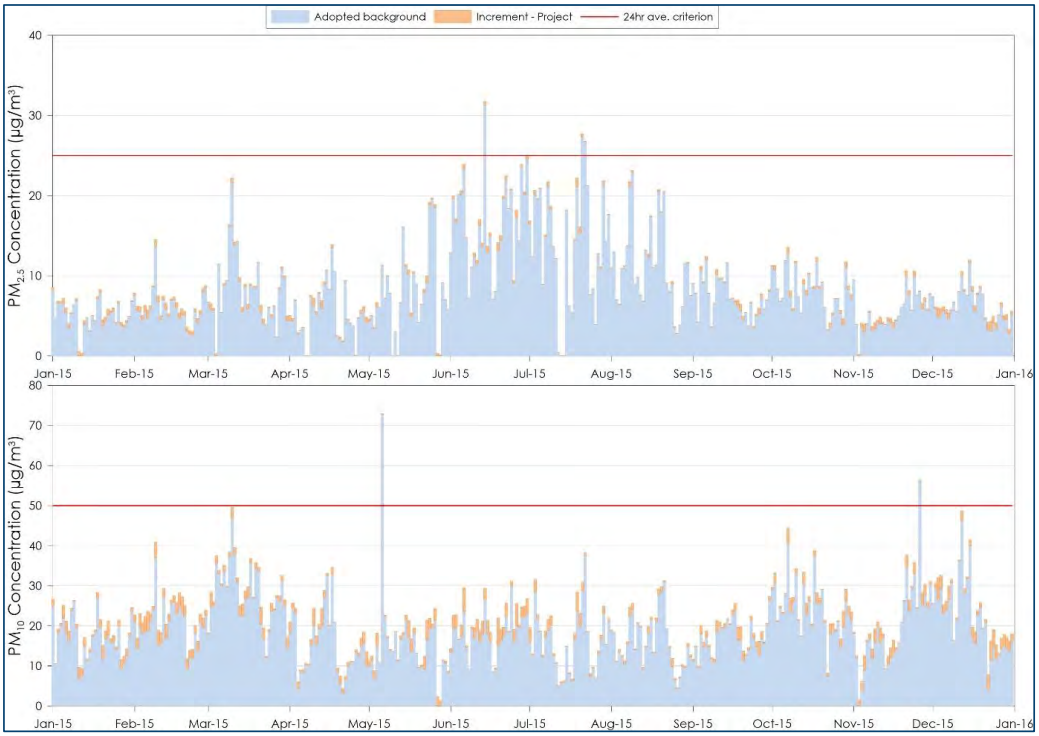


Figure 6-1: Time series plots of predicted cumulative 24-hour average $PM_{2.5}$ and PM_{10} concentrations for R1

7 DUST MITIGATION AND MANAGEMENT

The proposed operations at the Project have the potential to generate dust emissions.

To ensure that activities associated with the Project have a minimal effect on the surrounding environment and at receptor locations, it is recommended that appropriate operational and physical mitigation measures should be implemented where feasible and reasonable as outlined in **Table 7-1**.

Table 7-1: Potential operational dust mitigation options

Source	Mitigation Measure
General	Activities to be assessed during adverse weather conditions and modified as required (e.g. cease activity where reasonable levels of dust cannot be maintained using the available means).
	Weather forecast to be checked prior to undertaking material handling or processing.
	Engines of on-site vehicles and plant to be switched off when not in use.
	Vehicles and plant are to be fitted with pollution reduction devices where practicable.
	Vehicles are to be maintained and serviced according to manufacturer's specifications.
	Visual monitoring of activities is to be undertaken to identify dust generation.
Exposed areas/stockpiles	The extent of exposed surfaces and stockpiles is to be kept to a minimum.
	Exposed areas and stockpiles are either to be covered or are to be dampened with water as far as is practicable if dust emissions are visible, or there is potential for dust emissions outside operating hours.
Material handling	Reduce drop heights from loading and handling equipment where practical.
	Dampen material when excessively dusty during handling.
	Use dust suppression for crushing and screening activity.
Hauling activities	Haul roads should be watered using water carts such that the road surface has sufficient moisture to minimise on-road dust generation but not so much as to cause mud/dirt track out to occur.
	Driveways and hardstand areas to be swept/cleaned regularly as required etc.
	Vehicle traffic is to be restricted to designated routes.
	Speed limits are to be enforced.
	Vehicle loads are to be covered when travelling off-site.

8 SUMMARY AND CONCLUSIONS

This report has assessed the potential air quality impacts associated with the proposed addition of C&D waste processing at Wild Quarries and Civil, Muswellbrook.

Air dispersion modelling was used to predict the potential for off-site dust impacts in the surrounding area due to the operation of the Project. The estimated emissions of dust applied in the modelling are likely to be conservative and would overestimate the actual impacts.

It is predicted that all the assessed air pollutants generated by the operation of the Project would comply with the applicable assessment criteria at the receptors and therefore would not lead to any unacceptable level of environmental harm or impact in the surrounding area.

Nevertheless, the site would apply appropriate dust management measures to ensure it minimises the potential occurrence of excessive air emissions from the site.

Overall, the assessment demonstrates that even using conservative assumptions, the Project can operate without causing any significant air quality impact at receptors in the surrounding environment.

9 REFERENCES

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Katestone Environmental Pty Ltd (2010)

"NSW Coal Mining Benchmarking Study: International Best Practice Measures to Prevent and/or Minimise Emissions of Particulate Matter from Coal Mining", Katestone Environmental Pty Ltd prepared for DECCW, 2010.

NSW EPA (2017)

"Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales", NSW Environment Protection Authority, January 2017.

TRC (2011)

"Generic Guidance and Optimum Model Settings for the CALPUFF Modelling System for Inclusion into the Approved Methods for the Modelling and Assessments of Air Pollutants in NSW, Australia", Prepared for the NSW Office of Environment and Heritage by TRC Environmental Corporation.

Todoroski Air Sciences (2019)

"Maxwell Project Air Quality and Greenhouse Gas Assessment", prepared for Malabar Coal Limited by Todoroski Air Sciences, July 2019.

US EPA (1985 and update)

"Compilation of Air Pollutant Emission Factors", AP-42, Fourth Edition United States Environmental Protection Agency, Office of Air and Radiation Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711.

Appendix A

Selection of Meteorological Year

Selection of meteorological year

The selection of the period for modelling considered the representativeness of the chosen year against available long-term datasets.

A statistical analysis of seven contiguous years of meteorological data from the Scone Airport Automatic Weather Station (AWS) is presented in **Table A-1**. The standard deviation of the seven years was analysed against the long-term measured wind speed, temperature and relative humidity spanning a 14 to 19-year period recorded at the station.

The analysis indicates that 2014 and 2016 are closest to the long-term average for wind speed, followed closely by 2015. The closest year to the long-term average for temperature is 2013, followed by 2015. For relative humidity, 2015 is the closest and shows greater variation between the selected years.

This analysis suggests 2015 could be considered as the most representative of the long-term measured wind speed, temperature and relative humidity. Further analysis of 2015 against the other years was performed to determine its suitability.

Table B-1: Statistical analysis results of standard deviation from long-term meteorological data at Scone Airport AWS

Year	Wind speed	Temperature	Relative humidity
2013	0.38	0.90	5.42
2014	0.30	1.03	5.82
2015	0.32	0.97	3.76
2016	0.30	1.16	6.35
2017	0.36	1.45	8.32
2018	0.34	1.22	9.37
2019	0.39	1.65	10.84

The analysis shows that 2015 is not an outlier year in terms of deviation from the long term mean wind speed and relative humidity. **Figure A-1** shows the frequency distributions for wind speed, wind direction, temperature and relative humidity of 2015 compared with the mean of the 2013 to 2019 data set. The 2015 data aligned satisfactorily with mean data, therefore based on a review of all years, the 2015 data were selected for modelling.

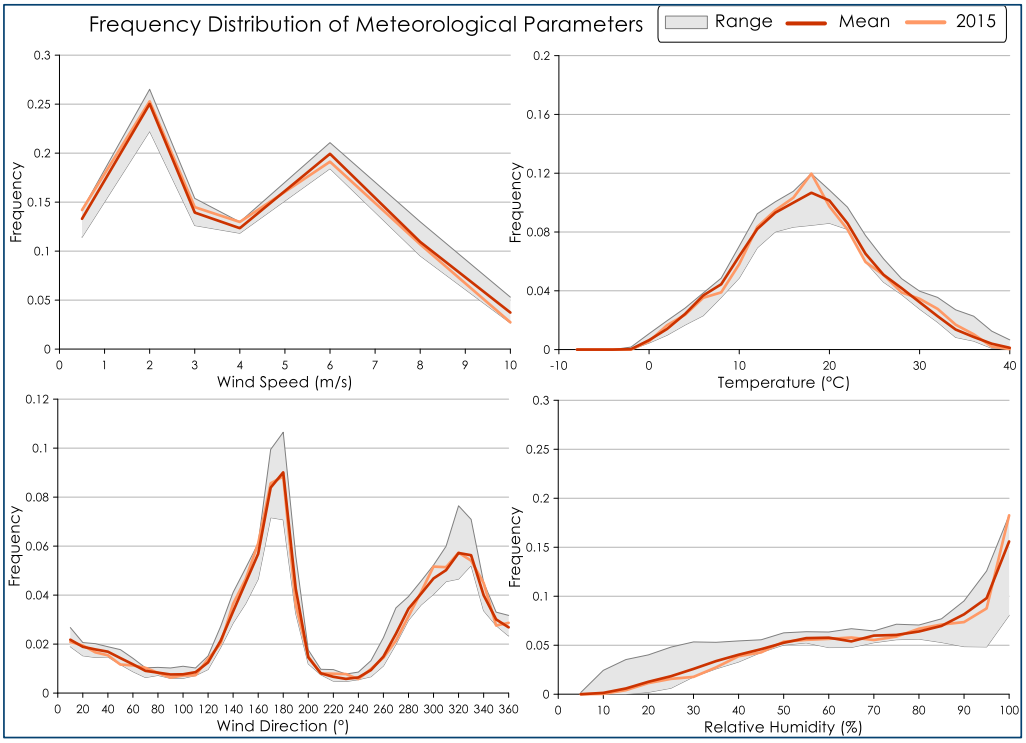


Figure A-1: Graphical analysis of meteorological conditions at Scone Airport AWS

Appendix B

Emission Calculations

Emission Calculation

The dust emissions from the Project have been estimated from the operational description of the proposed activities provided by the Proponent and have been combined with emissions factor equations that relate to the quantity of dust emitted from particular activities based on intensity, the prevailing meteorological conditions and composition of the material being handled.

Emission factors and associated controls have been sourced from:

- United States (US) EPA AP42 Emission Factors (**US EPA, 1985 and Updates**);
- Office of Environment and Heritage document, "NSW Coal Mining Benchmarking Study: International Best Practise Measures to Prevent and/or Minimise Emissions of Particulate Matter from Coal Mining", prepared by Katestone Environmental (**Katestone Environmental, 2010**).

The emission factor equations used for each dust generating activity are outlined in **Table B-1** below. A detailed emission inventory for the modelled period is presented in **Table B-2** and **Table B-3**.

Control factors include the following:

- Dust suppression on drilling equipment – 70% control.
- Hauling on unpaved surfaces – 50% control for watering of trafficked areas.
- Wind erosion on exposed areas and stockpiles – 50% control for watering.

Table B-1: Emission factor equations

Activity	Emission factor equation		
	TSP	PM_{10}	$PM_{2.5}$
Loading / emplacing material	$EF = 0.74 \times 0.0016 \times \left(\frac{U}{2.2}^{1.3} / \frac{M}{2}^{1.4}\right) kg/tonne$	$EF = 0.35 \times 0.0016 \times \left(\frac{U}{2.2}^{1.3} / \frac{M}{2}^{1.4}\right) kg/tonne$	$EF = 0.053 \times 0.0016 \times \left(\frac{U}{2.2}^{1.3} / \frac{M}{2}^{1.4}\right) kg/tonne$
Hauling on unsealed surfaces	$EF = \left(\frac{0.4536}{1.6093}\right) \times 4.9 \times (s/12)^{0.7} \times (1.1023 \times M/3)^{0.45} kg/VKT$	$EF = \left(\frac{0.4536}{1.6093}\right) \times 1.5 \times (s/12)^{0.9} \times (1.1023 \times M/3)^{0.45} kg/VKT$	$EF = \left(\frac{0.4536}{1.6093}\right) \times 0.15 \times (s/12)^{0.9} \times (1.1023 \times M/3)^{0.45} kg/VKT$
Hauling on sealed surfaces	$EF = 3.23 \times s.L.^{0.91} \times (1.1023 \times W)^{1.02} kg/VKT$	$EF = 0.62 \times s.L.^{0.91} \times (1.1023 \times W)^{1.02} kg/VKT$	$EF = 0.15 \times s.L.^{0.91} \times (1.1023 \times W)^{1.02} kg/VKT$
Crushing	$EF = 0.0027\ kg/$tonne	$EF = 0.0012\ kg/$tonne	$0.075 \times TSP$
Screening	$EF = 0.0125\ kg/$tonne	$EF = 0.0043\ kg/$tonne	$0.075 \times TSP$
Wind erosion on exposed areas, stockpiles	$EF = 850\ kg/ha/year$	$0.5 \times TSP$	$0.075 \times TSP$
Cement unloading to silo	$EF = 0.0005\ kg/$tonne	$EF = 0.00017\ kg/$tonne	$0.072 \times TSP$
Mixer loading	$EF = 0.0092\ kg/$tonne	$0.58 \times TSP$	$0.15 \times PM10$

EF = emission factor, U = wind speed (m/s), M = moisture content (%), s = silt content (%), VKT = vehicle kilometres travelled (km).

Table B-2: Emissions Inventory – Annual average

	ACTIVITY	TSP emission	PM10 emissions	PM2.5 emissions	Intensity	Units	EF - TSP	EF - PM10	EF - PM25	Units	Var.1	Units	Var. 2	Units	Var.3 - TSP / PM10 / PM2.5	Units	Var. 4	Units	Var. 5	Units	Var. 6	Units
CBP	Delivering sand and aggregate material onsite	705	181	18	25,000	t/yr	0.1881	0.0483	0.00483	kg/t	30	t/load	2.6	km/return	2.2 / 0.6 / 0.1	kg/VKT	5	S.C. %	29	Ave weight (t)	85	% C.
	Unloading sand materials to stockpile	12	6	1	10,000	t/yr	0.0012	0.0006	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Unloading aggregate materials to stockpile	18	9	1	15,000	t/yr	0.0012	0.0006	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Rehandle sand materials at stockpile	12	6	1	10,000	t/yr	0.0012	0.0006	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Rehandle aggregate materials at stockpile	18	9	1	15,000	t/yr	0.0012	0.0006	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Unloading sand materials to hopper	12	6	1	10,000	t/yr	0.0012	0.0006	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Unloading aggregate materials to hopper	18	9	1	15,000	t/yr	0.0012	0.0006	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Delivering cement material onsite	190	49	5	5,000	t/yr	0.2527	0.0649	0.00649	kg/t	24	t/load	2.6	km/return	2.3 / 0.6 / 0.1	kg/VKT	5	S.C. %	34	Ave weight (t)	85	% C.
	Unloading cement to elevated storage silo	3	1	0	5,000	t/yr	0.0005	0.0002	0.0000	kg/t												
	Weigh hopper loading	36	17	3	30,000	t/yr	0.0012	0.0006	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2.0	M.C. %								
	Mixer loading (central mix)	276	160	24	30,000	t/yr	0.0092	0.0053	0.0008	kg/t												
	Agitator truck travelling onsite	1,365	351	35	30,000	t/yr	0.3034	0.0780	0.00780	kg/t	14	t/load	2.6	km/return	1.6 / 0.4 / 0.04	kg/VKT	5	S.C. %	15	Ave weight (t)	85	% C.
	Wind erosion - open stockpile area	39	20	3	0.01	ha	3,504	1752.0	262.8	kg/ha/yr												
	Diesel exhuast emissions	62	62	60																		
Quarry	Drilling	850	425	64	1,440	holes/yr	0.59	0.30	0.04	kg/hole												
	Blasting	26	13	1	8	blasts/yr	3.23	1.68	0.10	kg/blast	600	m2										
	Excavator Loading to crusher	121	57	9	100,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	JAW crusher	270	120	22	100,000	t/yr	0.0027	0.0012	0.0002	kg/t												
	Screening	1,250	430	29	100,000	t/yr	0.0125	0.0043	0.0003	kg/t												
	Cone crusher	270	120	22	100,000	t/yr	0.0027	0.0012	0.0002	kg/t												
	Unloading to stockpile	121	57	9	100,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Rehandle material	121	57	9	100,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Dozer activity	35,144	8,493	3,690	2,100	h/yr	16.7	4.0	1.8	kg/h	10.00	S.C. %	2	M.C. %								
	Loading to haul truck	121	57	9	100,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Hauling product material off-site	4,123	1,059	106	100,000	t/yr	0.275	0.071	0.007	kg/t	30	t/load	3.8	km/return	2.2 / 0.6 / 0.1	kg/VKT	5	S.C. %	29	Ave weight (t)	85	% C.
	Wind erosion - open stockpile area	10,894	5,447	817	6.2	ha	3,504	1,752	263	kg/ha/yr											50	% C.
	Diesel exhuast emissions	378	378	367																		
C&D	Hauling material on-site	1,107	284	28	30,000	t/yr	0.246	0.063	0.006	kg/t	30	t/load	3.4	km/return	2.2 / 0.6 / 0.1	kg/VKT	5	S.C. %	29	Ave weight (t)	85	% C.
	Unloading materail to stockpile	36	17	3	30,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Rehandle material	36	17	3	30,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Loading to crusher	36	17	3	30,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Crusher	81	36	7	30,000	t/yr	0.0027	0.0012	0.0002	kg/t												
	Unloading to stockpile	36	17	3	30,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Loading to screen	36	17	3	30,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Screening	375	129	9	30,000	t/yr	0.0125	0.0043	0.0003	kg/t												
	Unloading to stockpile	36	17	3	30,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Rehandle material	36	17	3	30,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Loading to haul truck	36	17	3	30,000	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Hauling product material off-site	1,107	284	28	30,000	t/yr	0.246	0.063	0.006	kg/t	30	t/load	3.4	km/return	2.2 / 0.6 / 0.1	kg/VKT	5	S.C. %	29	Ave weight (t)	85	% C.
	Wind erosion - open stockpile area	2,278	1,139	171	1.3	ha	3,504	1,752	263	kg/ha/yr											50	% C.
	Diesel exhuast emissions	163	163	158																		
	Total emissions (kg/yr.)	**61,855**	**19,770**	**5,729**																		

Table B-3: Emissions Inventory – Peak 24-hour average

	Peak	TSP emission	PM10 emissions	PM2.5 emissions	Intensity	Units	EF - TSP	EF - PM10	EF - PM25	Units	Variable 1	Units	Variable 2	Units	Var.3 - TSP	Units	Var. 4	Units	Var. 5	Units	Var. 6	Units
CBP	Delivering sand and aggregate material onsite	1,287	331	33	45,625	t/yr	0.1881	0.0483	0.00483	kg/t	30	t/load	2.6	km/return	2.2 / 0.6 / 0.1	kg/VKT	5	S.C. %	29	Ave weight (t)	85	% C.
	Unloading sand materials to stockpile	22	10	2	18,250	t/yr	0.0012	0.0006	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Unloading aggregate materials to stockpile	33	16	2	27,375	t/yr	0.0012	0.0006	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Rehandle sand materials at stockpile	22	10	2	18,250	t/yr	0.0012	0.0006	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Rehandle aggregate materials at stockpile	33	16	2	27,375	t/yr	0.0012	0.0006	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Unloading sand materials to hopper	22	10	2	18,250	t/yr	0.0012	0.0006	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Unloading aggregate materials to hopper	33	16	2	27,375	t/yr	0.0012	0.0006	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Delivering cement material onsite	346	89	9	9,125	t/yr	0.2527	0.0649	0.00649	kg/t	24	t/load	2.6	km/return	2.3 / 0.6 / 0.1	kg/VKT	5	S.C. %	34	Ave weight (t)	85	% C.
	Unloading cement to elevated storage silo	5	2	0	9,125	t/yr	0.0005	0.0002	0.0000	kg/t												
	Weigh hopper loading	66	31	5	54,750	t/yr	0.0012	0.0006	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2.0	M.C. %								
	Mixer loading (central mix)	504	292	44	54,750	t/yr	0.0092	0.0053	0.0008	kg/t												
	Agitator truck travelling onsite	3,564	916	92	54,750	t/yr	0.4339	0.1115	0.01115	kg/t	14	t/load	2.6	km/return	1.6 / 0.4 / 0.04	kg/VKT	5	S.C. %	34	Ave weight (t)	85	% C.
	Wind erosion - open stockpile area	39	20	3	0.01	ha	3,504	1752.0	262.8	kg/ha/yr												
	Diesel exhuast emissions	78	78	76																		
Quarry	Drilling	850	425	64	1,440	holes/yr	0.59	0.30	0.04	kg/hole												
	Blasting	26	13	1	8	blasts/yr	3.23	1.68	0.10	kg/blast	600	m2										
	Excavator Loading to crusher	397	188	28	328,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	JAW crusher	887	394	73	328,500	t/yr	0.0027	0.0012	0.0002	kg/t												
	Screening	4,106	1,413	95	328,500	t/yr	0.0125	0.0043	0.0003	kg/t												
	Cone crusher	887	394	73	328,500	t/yr	0.0027	0.0012	0.0002	kg/t												
	Unloading to stockpile	397	188	28	328,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Rehandle material	397	188	28	328,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Dozer activity	35,144	8,493	3,690	2,100	h/yr	16.7	4.0	1.8	kg/h	10.00	S.C. %	2	M.C. %								
	Loading to haul truck	397	188	28	328,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Hauling product material off-site	13,545	3,480	348	328,500	t/yr	0.275	0.071	0.007	kg/t	30	t/load	3.8	km/return	2.2 / 0.6 / 0.1	kg/VKT	5	S.C. %	29	Ave weight (t)	85	% C.
	Wind erosion - open stockpile area	10,894	5,447	817	6.2	ha	3,504	1,752	263	kg/ha/yr											50	% C.
	Diesel exhuast emissions	459	459	445																		
C&D	Hauling material on-site	4,040	1,038	104	109,500	t/yr	0.246	0.063	0.006	kg/t	30	t/load	3.4	km/return	2.2 / 0.6 / 0.1	kg/VKT	5	S.C. %	29	Ave weight (t)	85	% C.
	Unloading materail to stockpile	132	63	9	109,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Rehandle material	132	63	9	109,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Loading to crusher	132	63	9	109,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Crusher	296	131	24	109,500	t/yr	0.0027	0.0012	0.0002	kg/t												
	Unloading to stockpile	132	63	9	109,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Loading to screen	132	63	9	109,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Screening	1,369	471	32	109,500	t/yr	0.0125	0.0043	0.0003	kg/t												
	Unloading to stockpile	132	63	9	109,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Rehandle material	132	63	9	109,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Loading to haul truck	132	63	9	109,500	t/yr	0.00121	0.00057	0.00009	kg/t	1.02	Ave. $(WS/2.2)^{1.3}$	2	M.C. %								
	Hauling product material off-site	4,040	1,038	104	109,500	t/yr	0.246	0.063	0.006	kg/t	30	t/load	3.4	km/return	2.2 / 0.6 / 0.1	kg/VKT	5	S.C. %	29	Ave weight (t)	85	% C.
	Wind erosion - open stockpile area	2,278	1,139	171	1.3	ha	3,504	1,752	263	kg/ha/yr											50	% C.
	Diesel exhuast emissions	190	190	184																		
	Total emissions (kg/yr.)	**87,707**	**27,612**	**6,687**																		

Appendix C

Isopleth Diagrams

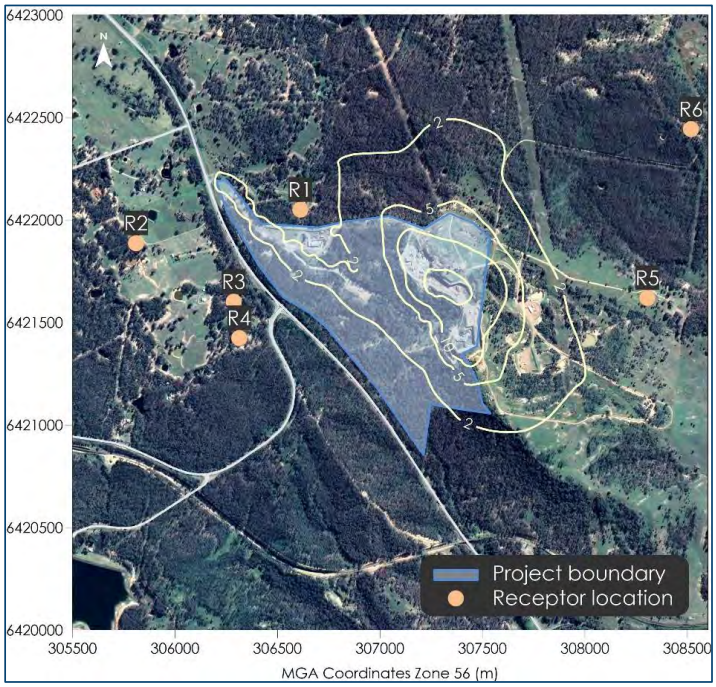


Figure C-1: Predicted incremental maximum 24-hour average $PM_{2.5}$ concentrations (µg/m³)

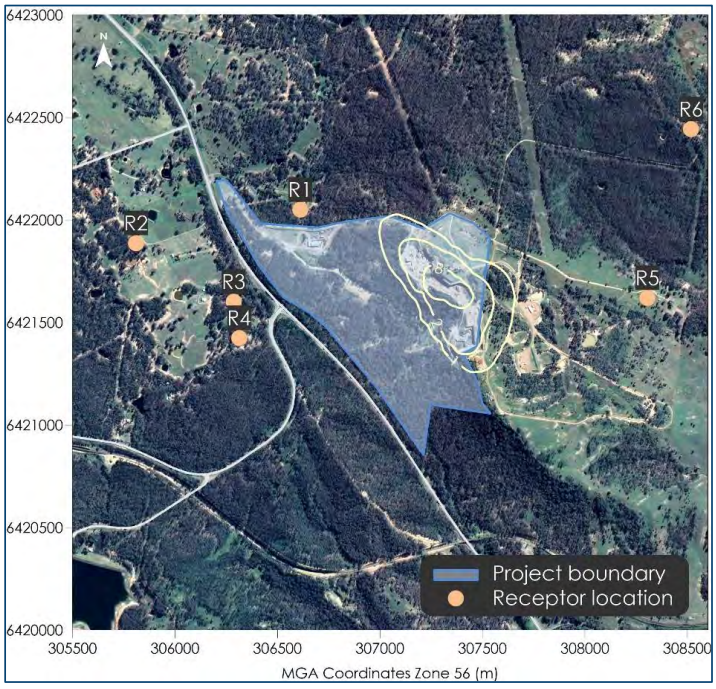


Figure C-2: Predicted incremental annual average $PM_{2.5}$ concentrations (µg/m³)

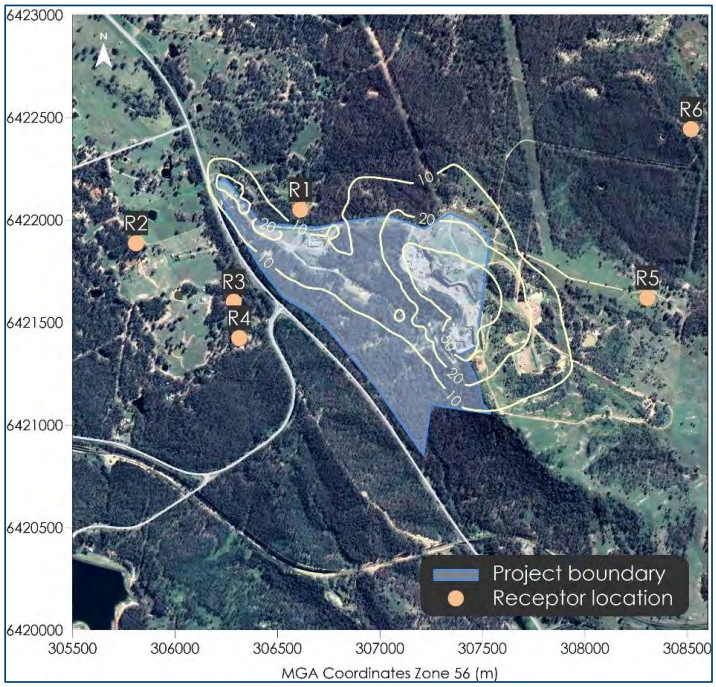


Figure C-3: Predicted incremental maximum 24-hour average PM_{10} concentrations (µg/m³)

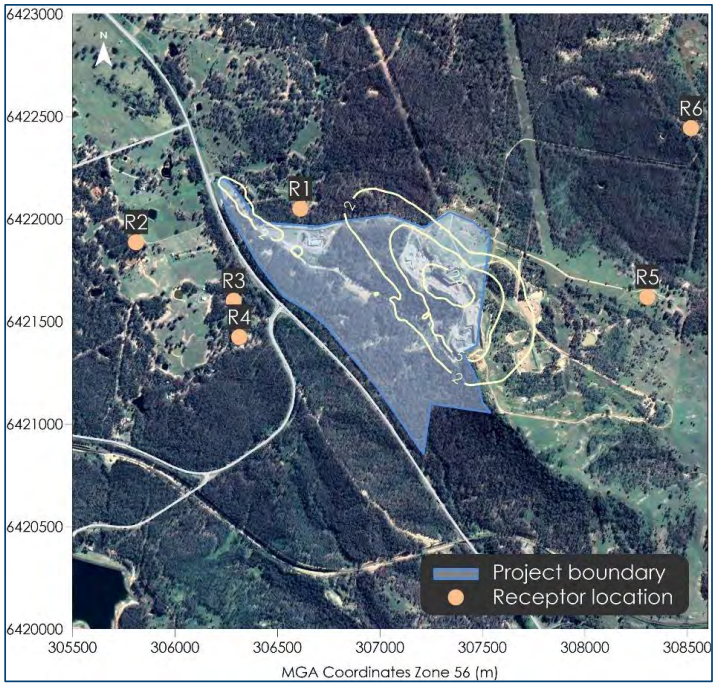


Figure C-4: Predicted incremental annual average PM_{10} concentrations (µg/m³)

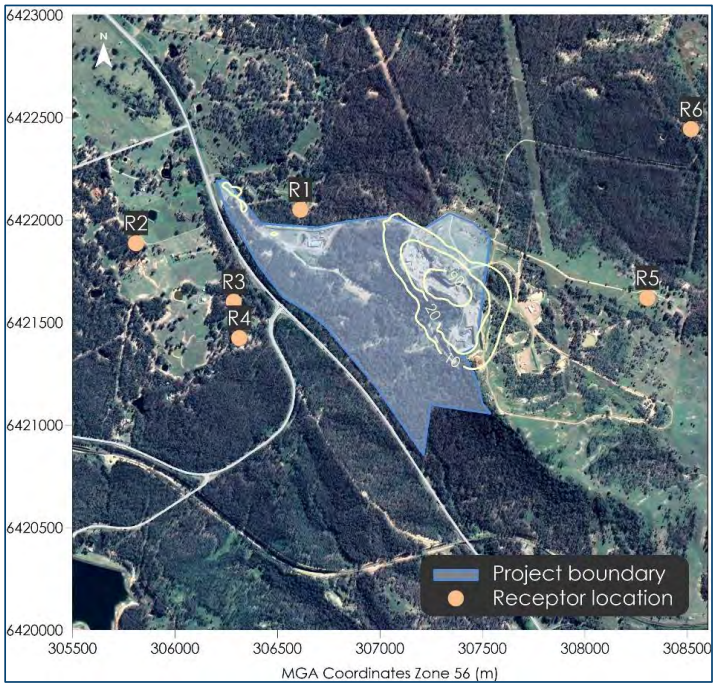


Figure C-5: Predicted incremental annual average TSP concentrations (µg/m³)

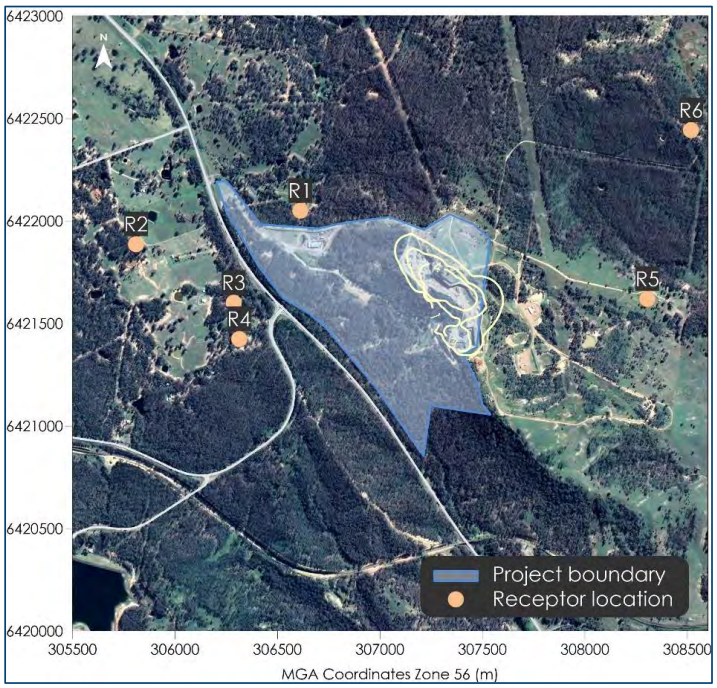


Figure C-6: Predicted incremental annual average dust deposition levels (g/m²/month)

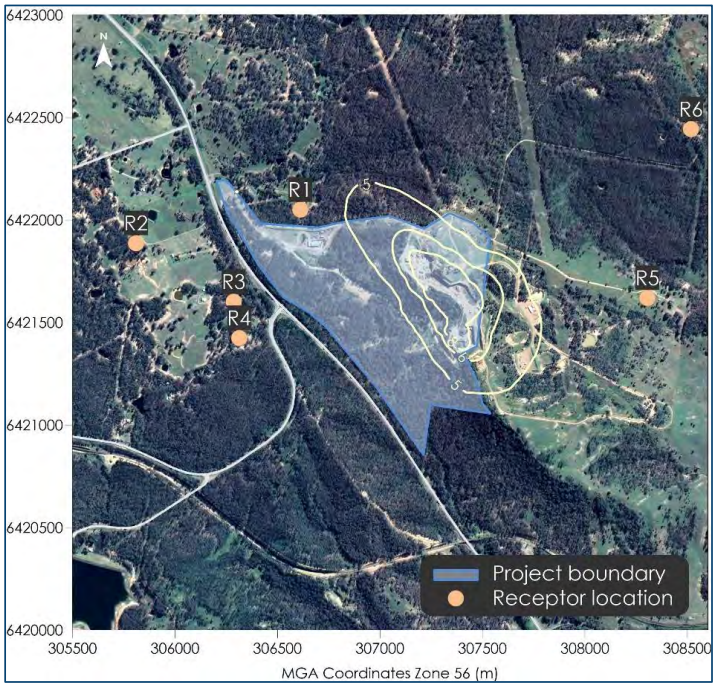


Figure C-7: Predicted cumulative annual average $PM_{2.5}$ concentrations (µg/m³)

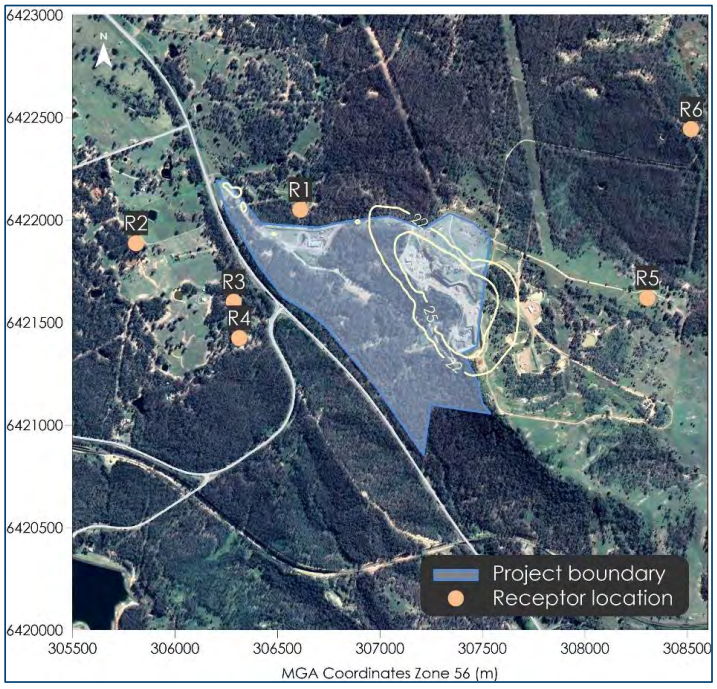


Figure C-8: Predicted cumulative annual average PM_{10} concentrations (µg/m³)

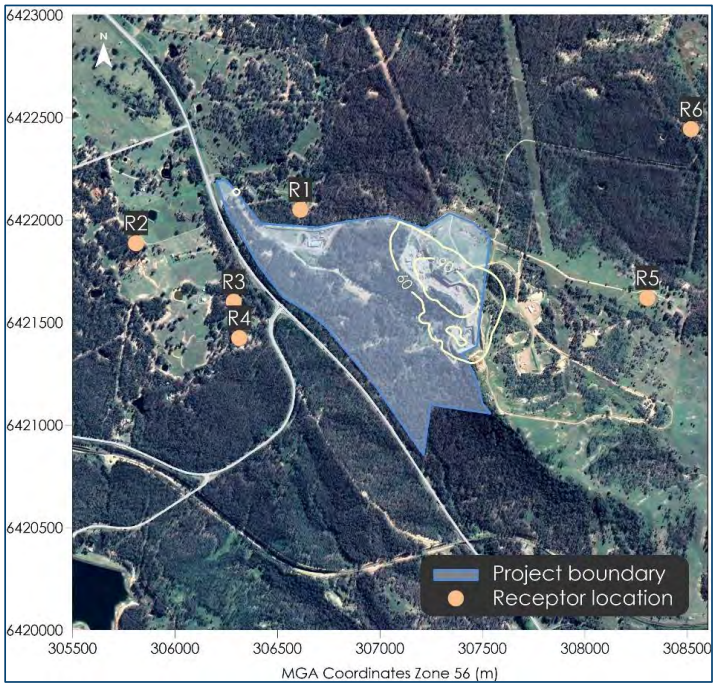


Figure C-9: Predicted cumulative annual average TSP concentrations (µg/m³)

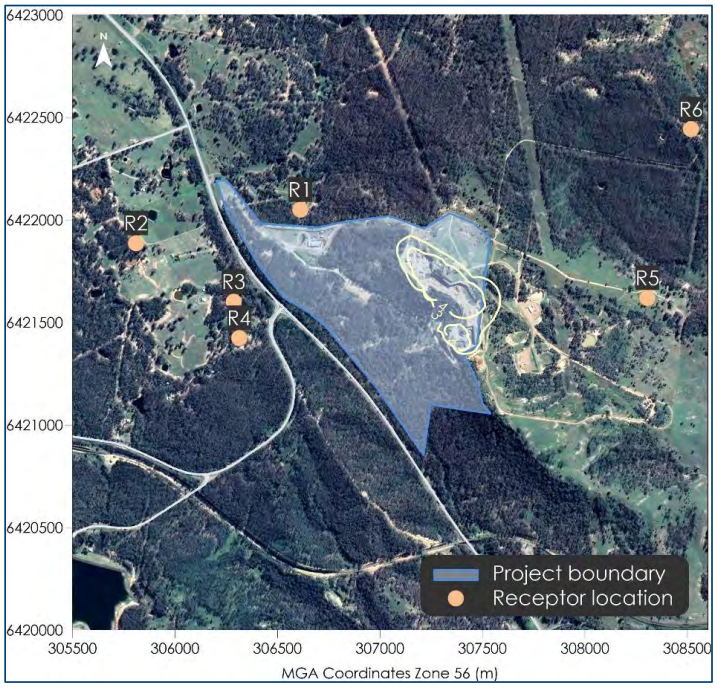


Figure C-10: Predicted cumulative annual average dust deposition levels (g/m²/month)

Appendix D

Further detail regarding 24-hour $PM_{2.5}$ and PM_{10} analysis

Further detail regarding 24-hour average $PM_{2.5}$ and PM_{10} analysis

The analysis below provides a cumulative 24-hour $PM_{2.5}$ and a 24-hour PM_{10} impact assessment in accordance with the NSW EPA Approved Methods; refer to the worked example on Page 46 to 47 of the Approved Methods.

The background level is the ambient level at the Muswellbrook monitoring station for $PM_{2.5}$ and PM_{10}.

The predicted increment is the predicted level to occur at the receptor due to the project.

The total is the sum of the background level and the predicted level. The totals may have minor discrepancies due to rounding.

Each table assesses one receptor. The left half of the table examines the cumulative impact during the periods of highest background levels and the right half of the table examines the cumulative impact during the periods of highest contribution from the project.

The green shading represents days ranked per the highest background level but below the criteria.

The blue shading represents days ranked per the highest predicted increment level but below the criteria.

The orange shading represents days where the measured background level is already over the criteria.

Any value above the $PM_{2.5}$ criterion of 25µg/m³ or above the PM_{10} criterion of 50µg/m³ is in **bold red.**

Tables D-1 to **D-4** show the predicted maximum cumulative levels at the selected receptors surrounding the Project.

Table D-1: Cumulative 24-hour average $PM_{2.5}$ concentration (µg/m³) – Receptor R1

Ranked by Highest to Lowest Background Concentrations				Ranked by Highest to Lowest Predicted Incremental Concentration			
Date	Measured background level	Predicted increment	Total cumulative 24-hr average level	Date	Measured background level	Predicted increment	Total cumulative 24-hr average level
14/06/2015	**31.2**	0.5	**31.7**				
21/07/2015	**27.3**	0.4	**27.7**				
22/07/2015	**26.7**	0.1	**26.8**				
30/06/2015	24.5	0.4	24.9	23/12/2015	3.1	1.2	4.3
28/06/2015	23.6	0.3	23.9	3/12/2015	4.8	1.2	6.0
6/06/2015	23.2	0.7	23.9	19/07/2015	21.1	1.1	22.2
9/08/2015	22.9	0.2	23.1	19/06/2015	13.1	1.0	14.1
22/06/2015	22	0.4	22.4	6/02/2015	4.7	1.0	5.7
10/03/2015	21.6	0.6	22.2	10/04/2015	6.2	1.0	7.2
29/07/2015	21.5	0.4	21.9	13/04/2015	5.9	1.0	6.9
23/07/2015	21.3	0.0	21.3	26/06/2015	17.2	1.0	18.2
8/07/2015	21.2	0.5	21.7	5/11/2015	3	1.0	4.0
8/08/2015	21.2	0.5	21.7	21/03/2015	5.4	0.9	6.3

Table D-2: Cumulative 24-hour average $PM_{2.5}$ concentration (µg/m³) – Receptor R5

Ranked by Highest to Lowest Background Concentrations				Ranked by Highest to Lowest Predicted Incremental Concentration			
Date	Measured background level	Predicted increment	Total cumulative 24-hr average level	Date	Measured background level	Predicted increment	Total cumulative 24-hr average level
14/06/2015	**31.2**	0.0	**31.2**				
21/07/2015	**27.3**	0.0	**27.3**				
22/07/2015	**26.7**	0.1	**26.8**				
30/06/2015	24.5	0.1	24.6	26/04/2015	9.47	0.9	10.3
28/06/2015	23.6	0.1	23.7	1/07/2015	16.4	0.7	17.1
6/06/2015	23.2	0.2	23.4	6/08/2015	11.2	0.7	11.9
9/08/2015	22.9	0.2	23.1	11/12/2015	8	0.6	8.6
22/06/2015	22	0.2	22.2	18/08/2015	11.3	0.6	11.9
10/03/2015	21.6	0.0	21.6	28/08/2015	6.1	0.5	6.6
29/07/2015	21.5	0.0	21.5	17/07/2015	5.4	0.5	5.9
23/07/2015	21.3	0.0	21.3	14/01/2015	4.7	0.5	5.2
8/07/2015	21.2	0.0	21.2	3/09/2015	4.2	0.5	4.7
8/08/2015	21.2	0.0	21.2	23/11/2015	5.7	0.5	6.2

Table D-3: Cumulative 24-hour average PM_{10} concentration (µg/m³) – Receptor R1

Ranked by Highest to Lowest Background Concentrations				Ranked by Highest to Lowest Predicted Incremental Concentration			
Date	Measured background level	Predicted increment	Total cumulative 24-hr average level	Date	Measured background level	Predicted increment	Total cumulative 24-hr average level
6/05/2015	**72.6**	0.4	**73.0**				
26/11/2015	**56.3**	0.2	**56.5**				
10/03/2015	46.8	2.8	49.6	19/06/2015	15	7.0	22.0
12/12/2015	46.2	2.5	48.7	6/06/2015	23.5	6.0	29.5
7/10/2015	40.7	3.6	44.3	26/06/2015	20	5.6	25.6
15/12/2015	39.9	1.5	41.4	3/12/2015	26.5	5.5	32.0
11/03/2015	37.8	1.8	39.6	19/07/2015	23.5	5.0	28.5
22/07/2015	37.5	0.7	38.2	23/05/2015	16.5	4.9	21.4
17/10/2015	37.4	1.4	38.8	23/12/2015	11.5	4.7	16.2
9/03/2015	37.2	1.2	38.4	6/02/2015	19	4.7	23.7
9/02/2015	37.1	3.7	40.8	10/04/2015	20.1	4.3	24.4
11/12/2015	36.2	0.2	36.4	21/03/2015	20.4	4.3	24.7

Table D-4: Cumulative 24-hour average PM_{10} concentration (µg/m³) – Receptor R5

Ranked by Highest to Lowest Background Concentrations				Ranked by Highest to Lowest Predicted Incremental Concentration			
Date	Measured background level	Predicted increment	Total cumulative 24-hr average level	Date	Measured background level	Predicted increment	Total cumulative 24-hr average level
6/05/2015	**72.6**	0.4	**73.0**				
26/11/2015	**56.3**	1.5	**57.8**				
10/03/2015	46.8	0.0	46.8	26/04/2015	13.5	3.9	17.4
12/12/2015	46.2	0.0	46.2	1/07/2015	15.9	2.6	18.5
7/10/2015	40.7	0.0	40.7	11/12/2015	36.2	2.5	38.7
15/12/2015	39.9	0.1	40.0	6/08/2015	10.5	2.5	13.0
11/03/2015	37.8	0.1	37.9	28/08/2015	9.8	2.4	12.2
22/07/2015	37.5	0.2	37.7	14/01/2015	11.4	2.3	13.7
17/10/2015	37.4	0.1	37.5	17/07/2015	6.2	2.3	8.5
9/03/2015	37.2	0.2	37.4	3/09/2015	9.5	2.2	11.7
9/02/2015	37.1	0.0	37.1	13/08/2015	9.2	2.2	11.4
11/12/2015	36.2	2.5	38.7	13/05/2015	16.7	2.2	18.9

DOC22/76439

Muswellbrook Shire Council
Attention: Hamish McTaggart

By email: Hamish.McTaggart@muswellbrook.nsw.gov.au

4 February 2022

Proposed Resource Recovery Facility - CNR 22436 - Gucci Holdings Pty Ltd
Wild Quarry New England Highway Muswellbrook

Dear Mr McTaggart

Thank you for consulting with the NSW Environment Protection Authority (EPA) about Concurrence and Referral (CNR) CNR-22436 application to modify Development Consent DA 2002/342 At 8440 New England Highway Muswellbrook.

The applicant and occupier of the site, Gucci Holdings Pty Ltd, holds Environment Protection Licence 12301 (Licence) for land based extractive activities for the premises at Lot 30 DP 815308, 8440 New England Highway Muswellbrook (the Premises). The proposal is to include a Resource Recovery Facility (RRF) at the Premises which will receive up to 30,000 tonnes per year of construction and demolition wastes for processing and beneficial reuse offsite.

The EPA has reviewed the following documents:

- Statement of Environmental Effects - Modification of DA 2002/342 – RPS Group, March 2021
- Noise Impact Assessment - Wild Quarries Proposed Waste Sorting and Processing Area, Muswellbrook, NSW – Spectrum Acoustics, March 2021
- Air Quality Impact Assessment Wild Quarries And Civil Muswellbrook – Todoroski Air Sciences, March 2021
- Response to Submissions - Modification of DA 2002/342 (Space Urban, 29/11/2021).
- Response to EPA Objection to CN-22436 – DA 2002/342/6 – Waste Storage and Processing (Space Urban, 18/01/2022)

Based on the information provided in support of the proposal, the EPA does not object to the proposal to modify the consent.

General comments on the proposal

The applicant should approach the EPA prior to accepting any waste, providing information of the intended outputs from recovery of wastes, and seek specific resource recovery orders and exemptions for those recovered waste outputs. This is because, while not a licensing requirement, the proposal may not produce outputs which meet existing general resource recovery orders and exemptions.

Phone 131 555
Phone +61 2 9995 5555 (from outside NSW)
TTY 133 677
ABN 43 692 285 758
Locked Bag 5022 Parramatta NSW 2124 Australia
4 Parramatta Square 12 Darcy St, Parramatta NSW 2150 Australia
info@epa.nsw.gov.au
www.epa.nsw.gov.au

The applicant should be aware that the proposed RRF is a waste facility that will be liable for the waste levy; will require a weighbridge; the licensee of the RRF will likely be required to provide the EPA a financial assurance; and require additional recording and reporting in accordance with the *Protection of the Environment (Operations) Waste Regulation 2014*.

In addition, the applicant will be required to operate the proposed facility in accordance with *Standards for managing construction waste in NSW* (EPA 2019).

Recommended Conditions

Should Muswellbrook Council grant development consent for this proposal, the EPA recommends the following conditions should be incorporated into the consent:

- Activity: Resource Recovery, Waste Storage
- Waste type permitted to be accepted for recovery or storage: General solid waste (non-putrescible) (See proposed waste table below)

Waste	Description	Activity	Tonnes
General solid waste (non-putrescible)	Concrete, brick, ceramics, concrete washout, asphalt.	Resource Recovery, Waste Storage	See below
General solid waste (non-putrescible)	Excavated Natural Material that meets the chemical and physical requirements of the "excavated natural material order 2014"	Resource Recovery, Waste Storage	See below
General solid waste (non-putrescible)	Building and demolition waste including soils and excavated road materials that meets CT1 levels for general solid waste in Table 1 of the *Waste Classification Guidelines* (EPA 2014)	Resource Recovery, Waste Storage	See below

- Maximum amount of waste permitted to be received at the premises in any reporting period (i.e. per year): 30,000 tonnes
- A weighbridge must be installed and operational at the premises before any waste is received at the premises.

Conditions for Environment Protection Licence

Should Council grant consent, the applicant will need to make a separate application to EPA to vary Licence 12301. Council should be aware of the conditions currently in place on Licence 12301.

I also draw your attention to Attachment A, **which should not** be included in the consent, but are indicative additional conditions intended to be included in the environment protection licence for this proposal (CNR-22436).

The EPA recommends that the Applicant contact the EPA directly about any concerns relating to variation of the Applicant's Environment Protection Licence that may result from modification of the consent.

If you have any questions about this request, please contact Anthony van der Horst on 02 4908 6808 or via email at EPA.Northopsregional@epa.nsw.gov.au.

Yours sincerely

Catherine Stack
Unit Head – Regional Operations

Attachment A – Indicative additional Licence conditions for EPL 12301

Lx. Waste

The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled “Waste” and meeting the definition, if any, in the column titled “Description” in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled “Activity” in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled “Other Limits” in the table below.

Waste	Description	Activity	Tonnes
General solid waste (non-putrescible)	Concrete, brick, ceramics, concrete washout, asphalt	Resource Recovery, Waste Storage	See below
General solid waste (non-putrescible)	Excavated Natural Material that meets the chemical and physical requirements of the “excavated natural material order 2014”	Resource Recovery, Waste Storage	See below
General solid waste (non-putrescible)	Building and demolition waste including soils and excavated road materials that meets CT1 levels for general solid waste in Table 1 of the EPA’s Waste Classification Guidelines 2014	Resource Recovery, Waste Storage	See below

- Note: Waste received at the premises that meets the chemical and other material requirements of "The excavated natural material order 2014" is classified as general solid waste and can no longer taken to be, described as, or supplied as "excavated natural material".
- Note: Waste received at the premises that is described as virgin excavated natural material is classified as general solid waste and can no longer taken to be, described as, or supplied as virgin excavated natural material.

Maximum amount of waste permitted to be received at the premises per year: 30,000 tonnes

The authorised amount of waste permitted on the premises cannot exceed xxx tonnes of waste at any time.

Notwithstanding any limit specified in the above table, the licensee shall not exceed the authorised amount specified in this licence. Where the authorised amount is less than the total of all wastes listed above, the authorised amount takes precedent.

The licensee must ensure that the height of all wastes stored at the premises does not exceed 8 metres from ground level.

The licensee must ensure that height markers are installed where waste is stored, and the markers:

- indicate height above 5 metres in 10 centimetres increments;
- clearly identify 8 metres;
- and are visible to all working areas around the stockpile or storage area.

Washing out of concrete trucks shall be done only within a bunded and roofed bay within the waste receival area of the premises.

Ox. Dust

The premises must be maintained in a condition so that dust is not emitted from the premises.

Activities must be carried out in a manner that minimises the generation of dust at the premises.

The licensee must prevent the emission of dust from the premises.

The licensee must ensure that no material including sediment is tracked from the premises.

Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

Watering must be used as a means of dust suppression for the following activities and at the following points:

- During all crushing and screening operations
- Material loading and unloading operations
- Material hauling within the premises (i.e. road watering)
- Material delivery to and from the premises (i.e. road watering)
- At all material transferring points
- At all stockpiles

Ox. Processes and management

Each type of waste stored on site for recovery/recycling must be stockpiled separately.

There must be no burning or incineration of waste at the premises.

Clean stormwater must be diverted around areas of the site where waste is stored.

Note: The licensee is required to manage waste and maintain the premises in accordance with the EPA's "Standards for managing construction waste in NSW" 2019.

Rx. Reporting

The licensee must maintain a log and record the following data of fires at the site:

1. Time and date when the fire was deliberately started or reported;
2. Whether the fire was authorised by the licensee, and, if not, the circumstances which ignited the fire;
3. The time and date that the fire ceased and whether it burnt out or was extinguished;
4. The location of the fire (including waste type or stockpile location);
5. Prevailing weather conditions;
6. Observations made in regard to smoke direction and dispersion;
7. The amount of waste that was combusted;
8. Action taken to extinguish the fire; and
9. How leachate generated from extinguishing the fire was managed.

The licensee or its employees must notify the EPA in accordance with conditions Rx of all fires at the premises as soon as practical after becoming aware of the incident.

Special Conditions

Ex. Financial Assurance

A financial assurance in the form of an unconditional and irrevocable and on demand guarantee from a bank, building society or credit union operating in Australia as "Authorised Deposit-taking Institutions" under the banking Act 1959 of the Commonwealth of Australia and supervised by the Australian Prudential regulatory Authority (APRA) must be provided to the EPA.

The financial assurance must be favour of the Environment Protection Authority in the amount of xxx dollars ($xxx,000) prior to waste being received at the premises. The financial assurance is required to secure or guarantee funding for works or programs required by or under this licence.

The financial assurance must contain a term that provides that any monies claimed can be paid to the EPA or, at the written direction of the EPA, to any other person. The licensee must provide to the EPA, along with the original counterpart guarantees, confirmation in writing that the financial institution providing the guarantees is subject to supervision by APRA.

The financial assurance must be maintained during the operation of the facility and thereafter until such time as the EPA is satisfied the premises is environmentally secure.

The EPA may require an increase in the amount of the financial assurance at any time as a result of reassessment of the total likely costs and expenses of rehabilitation of the premises.

The EPA may claim on a financial assurance under s303 of the Protection of the Environment Operations Act 1997 if a licensee fails to carry out any work or program required to comply with the conditions of this licence.

The financial assurance must be replenished by the full amount claimed or realised if the EPA has claimed on or realised the financial assurance or any part of it to undertake a work or program required to be carried out by the licence which has not been undertaken by the licence holder.

Ex. Environmental Obligations of Licensee

While the licensee's premises are being used for the purpose to which the licence relates, the licensee must:

a) Clean up any spill, leak or other discharge of any waste(s) or other material(s) as soon as practicable after it becomes known to the licensee or to one of the licensee's employees or agents.

b) In the event(s) that any liquid and non-liquid waste(s) is unlawfully deposited on the premises, such waste(s) must be removed and lawfully disposed of as soon as practicable or in accordance with any direction given by the EPA.

c) Provide all monitoring data as required by the conditions of this licence or as directed by the EPA.

In the event of an earthquake, storm, fire, flood or any other event where it is reasonable to suspect that a pollution incident has occurred, is occurring or is likely to occur, the licensee must:

a) Make all efforts to contain all fire water on the premises;

b) Make all efforts to control air pollution from the premises;

c) Make all efforts to contain any discharge, spill or run-off from the premises;

d) Make all efforts to prevent flood water entering the premises;

e) Remediate and rehabilitate any exposed areas of soil and/or waste;

f) Lawfully dispose of all liquid and solid waste(s) stored on the premises that is not already securely disposed of;

g) At the request of the EPA, monitor groundwater beneath the premises and its potential to migrate from the premises;

h) At the request of the EPA, monitor surface water leaving the premises; and

i) Ensure the premises is secure.

After the licensee's premises cease to be used for the purposes to which the licence relates or in the event that the licensee ceases to carry out the activity that is the subject of this licence, that licensee must:

a) Remove and lawfully dispose of all liquid and non-liquid waste stored on the licensee's premises; and

b) Rehabilitate the premises, including conducting an assessment of the site and if required remediation of any site contamination.

Hamish McTaggart

From: [redacted]
Sent: Monday, 24 May 2021 1:10 PM
To: Muswellbrook Shire Council
Subject: General Manager re Concerns about Development Application No: 2002/342

To the General Manager, Muswellbrook Council
Our names are:
[redacted]

In regards to the Development Application No 2002/342 by Mr P J Wild of Wild Quarries and Civil.

We have two main concerns regarding this Application.

1. Safety
   As we both use the Right of Way every day to get to and from work, the safety of ourselves and also our grandchildren (who are often in the car with us) is a concern.
   At that moment, with the amount of trucks and work utes using the Right of Way to go in and out of the Quarry, (most of who do not observe right of way and STOP signs), it as a worry that an increase in the number of vehicles using this public road will be more dangerous for us.

   Several times I have been nearly "collected" by cement trucks, as they do not give way or obey STOP signs, for the local residents who are also using this public road.

   We feel that an increase in vehicles and lack of obeying road signs and rules with this proposed development, our safety will compromised extremely.

2. Maintenance of the public Right of Way through Wild Quarries property
   At the moment there is very little maintenance of the Right of Way which passes through Wild Quarries property.
   With the existing Cement trucks using the Right of way, which local residents also use daily, the condition of the road will worsen with an increase in the number of vehicles using this road.
   Also "wear and tear" on our vehicles needs to be considered.

Our contact information is as follows:
[redacted]

Thank you for accepting our concerns,
[redacted]

[redacted]

Email [redacted]

OBJECTION IN CONFIDENCE

RE: DP No: 2002/342

Premisses LOT: 30 DP: 815308-8440 New England HWY Muswellbrook

Att: General Manager

Dear Sir/Madam,

It is my understanding that Wild has lodged an application for a commercially run of Demolition waste sorting processing area.

I have strong rejections to this proposed DP for the following reasons.

Processing demolition waste has stringent rules & regulations and as the owner doesn't really comply with any EPS rules or no further audits are carried out by council even after many complaints I don't see this company suitable to hold a licence as per proposed DA request.

Wild is in breach of its current DA mainly traffic management where I would love to have a sit down with council to conclude my previous objections which I will like to closeout before I take this further but for the current application I have the following issues up for discussion in relation to the submitted reports.

TIA Comments

1) 30,000tpa which is 1500 truck at 20t movements
2) Existing 30,000tpa concrete was never approved, and our rejection never reviewed or communicated, I am still waiting for our previous response
3) 2.2 the 2nd dot point what do they mean by "Existing upgraded" the access roads which are shared with local residents are atrocious with deep ruts and dangers situations where heavy vehicles, mine equipment and light vehicles drive on the same access dirt track.
4) Vehicles ranging from 12-30 tonne trucks on a dirt road where during rain trucks need to be pushed uphill with a dozer. (that aren't even at capacity)
5) Point 2.3 in some cases trucks are still driving at 3PM
6) 2.4 only for a small section on site has an asphalted area and most trucks ignore signage where trucks in most cases turn right onto the New England HWY (we have evidence) further there is a stop sign for locals where I have never seen a truck STOP
7) 2.5 site distance is poor for a 100km/hr hence there is a no right turn onto the HWY. this is just a matter of time before casualties fall. This has been reported to council on various occasions which we are more than happy to discuss.
8) 2.6 Traffic volumes are taken during the covid19 pandemic and does not take pre and post covid19 in consideration.

9) 2.6.2 where are these figures based on and is not relevant as the licence allows for higher volumes, in addition to this comment the quarry with minimal truck movements already struggles to manage this low volume.
10) 3.1 as plant is mobile, movements will be required to track machines around using shared access with light vehicles ie. Dozers are continuously used for various activities around the site.
11) Point 3.2 4-5 truck movements for 120m3 a day is not realistic as 120m3 is 216 Tonnes (calculated 1.8t/m3) average 20 tonnes per truck is 11 trucks
12) 3.2 as an engineer the statement is wrong that no additional movements will be required as the product will be recycled. Please refer to the Australian Standards or RMS specifications what the max allowance is to comply with these standards
13) 4.1 is irrelevant what they are tracking at the moment and this could be sold off next week under this DA where we will have triple movements. As previous mentioned with these minimum movements the site is already a mess.
14) 4.2 statement is incorrect see line item 11
15) 4.3 the DA approval is for 120 movements (60 in-60out) and this should be considered and not what the current movements are. These movements are best case scenario.
16) 4.4 is based on covid19 data, please use current or pre covid data
17) 4.4 is based on truck and dog where the right-out turn is 0% but the current situation is not the case (drivers not following the law (evidence can be provided) they state trucks are12-30 tonne
18) Item 6 is only safe if the rules are followed but time after time council has been contacted of these breaches of turning right (above 5 tonnes)
19) Item 6 does not address when a truck leaves site and are required to travel north what the approved route is for heavy vehicles and how this would be monitored.

Air quality assessment

1) 1 introduction states 30,000m3 which is incorrect. Should be 30,000tba
2) 2.2 states 20 truck movements where the traffic plan stated 4-5 truck movements which 20 is more realistic.
3) 2.2 states 120t/day x 300 days (6 day work week)
4) The quarry has breached their licence on a few occasions by the EPA why is this not documented.
5) Table 5.1 states average where the max has not been considered, Wild have a dust monitoring system why are these not used for this assessment.
6) P5 is affected the most but the concentrations of materials are not specified other than dust
7) 7 table 7.1 dust mitigation, who is controlling this monitoring this, it is know that Wild continuously breach their current licence. The site needs to be audited as part of this approval as the summary stated dust management needs to be in place and monitored regular for compliance. This is a EPA requirement and needs to be enforced
8) Emission calculations control factors
    a. Dust suppression by watering
    b. Where hauling on unsealed areas watering
    c. Watering stock piles

Noise Impact assessment

1) We are (Wiekens) R8 on the noise assessment and our name is not Smith DP1027484
2) 2.1 the applicant seeks the same intensity as the current operations. This is a licence for an additional 30,000tpa and maintaining the same intensity by adding an additional 30,000tpa is not possible. There will as per traffic and dust assessment be an additional 120 truck movements per day.
3) 4.5 no sleep disturbance is based on night sleep; this is a mining area where people sleep during the daytime.
4) Item 5 disagree and should be current noise levels as plant has changed over the years. The plant for this operation needs to be assessed and approved.
5) I would like to see the noise assessment reports that are used for this report.

Environment report

1) How is asbestos managed (on my daily experience as a PM Roads for TfNSW there are always asbestos breaches and would be irresponsible not to take this in consideration) how is this monitored
2) 4.1.3 5 truck movements per day is incorrect for 120Tonne
3) What is the route trucks are taking, is this included with local light vehicles
4) 6.1.1.1 is assesst in 2002 and 2016, we live in 2021 that is 5 years old and need current data before or after covid19
5) 6.1.1.2.2 states clearance is good which is incorrect hence no right turn allowed and happens on a daily basis
6) 6.1.1.2.3 traffic is based on Covid 19, this needs to be done pri or post covid19
7) 6.1.1.3.5 120m3 is 216 tonnes and is not 4-5 truck loads
8) 6.1.1.3.6 right turn is 0% unless they amend their reports to state trucks used will be from 4.5t and not 12-30 tonnes
9) Nowhere in this report do I see the access roads are dirt combined with local traffic.
10) 6.1.3.4 Who is monitoring compliance as Wild does not comply with its current DA. Why is the current dust monitoring used for this report and relying on local data
11) Would like to see methodology that take all the points 6.1.3.4 in consideration and what audit terms are there in place

Clearly this needs a lot of work is our concern is more driving around moving vehicles where this is breached on a daily basis, we hold council responsible for our safety as they a fully aware of this situation yest council ignore our request to live in a safe environment which we will not accept. As per last DA approval concrete batch plant where our consideration was not looked at this will not fly that easy and will take this further if our considerations are not looked at.

Regards,

[redacted]

[redacted]

Date 23-5-21

Dear Sir/Madam,

Re: DA 2002/342 OBJECTION IN CONFIDENCE

As per requirement to send a signed copy of my previous submission please see attached my objections for the proposed DA 2002/342 Mr PJ Wild

In addition to these objections and after speaking to the neighbours and listening to their concerns it is also advised that it is not clear when trucks are coming out of the illegal access to the concrete batching plant (I say illegal as this was still in investigation from our previous objections and never responded) trucks do not check for any traffic coming from other properties or even slow down. In addition to this there is no dust control ever been in place as this is an unsealed road where the is a requirement to current DA to wet down and maintain dust.

We have also brought out our concerns of dam water, all dam water to fill our dams comes from Wild quarries where we need to wait for a major rain event until their dams overflow and then only do we get their runoff. This has been brought up in previous correspondence but as with all our concerns never addressed.

Personally we have no objection to the DA proposal if traffic, environment are addressed but until then we strongly as a group reject this proposal.

Please be advised that I would like a face to face with council in relation to this objection or advice if this needs to be taken to the environment court for further discussions.

[redacted]

Sub No.	Submission Name and Address	Submission Summary	Response
1	**Submission 1**	The submission **does not support** the proposal for a modification to DA2002/342 to include the addition of Construction and Demolition waste processing (30,000 tpa) on the subject land. The submission would also like Council to consider the following concerns:- • The owner currently does not comply with any EPA rules/regulations. • The owner does not comply with traffic management requirements under the conditions of the current DA approval. Other objections are summarised under the following headings:- <u>Road Infrastructure (TIA Comments)</u> *2.2 Quarry, Plant Hire and Concrete Batching Plant Operations* The submission seeks further clarification regarding s.2.2 *"Existing upgraded"* of the access roads. The submission states the roads within the area are currently damaged and are a safety hazard. Operational vehicles travelling to and from the site ignore road signage and is also a safety concern. Additionally, the current road infrastructure is insufficient to cater for the development.	Noted. The conditions enforced by the EPA, as part of the licence to be issued, and the conditions imposed by Council will ensure the operation complies with applicable regulations and NSW legislation. Where the proponent does not comply or breaches any part of the relevant acts/requirements penalties will apply and regulatory action may be taken by the EPA or Council. The operation of the site will also be subject to the EPA's Environmental Protection Licence and the provisions of the PoEO Act 1993 that prevent land pollution. The road intersection of Grasstree Ridge Road with the New England Highway was upgraded in 2004 following the original approval of DA 2002/342 for the quarry and plant hire operations. The intersection of Grasstree Ridge Road and the New England Highway was upgraded in 2004 following the original approval of DA 2002/342 for the quarry and plant hire operations. This intersection upgrade was a condition of consent and was designed and constructed in accordance with then TfNSW road guidelines. The road referred to in the submissions is a private road owned and maintained by the applicant. The applicant provides a Right of Way for residents utilising this road and pays all costs for road maintenance and repair. The upper section of this private road is not utilised by quarry trucks, however the applicant also maintains this section of road at no cost to residents. The entire road is regularly maintained to a safe standard to ensure safe access for both residents and quarry vehicles. Vehicles found to be in breach of road rules and regulations will be subject to the applicable penalties in accordance with the Road Transport Act 2013, enforced by NSW Police. TfNSW has reviewed the information provided and raised no objection to or requirements for the proposed development and

			considered there would be no significant impact on the nearby classified (State) road network. As part of their advice to Council in determining the development, TfNSW also had no requirements for any part of the property.
		<u>Traffic Impacts</u> *2.3 Existing Hours of Operation* The submission is concerned with trucks still operating at 3.00 pm.	Should the Development Application be supported conditions restricting the proposed hours of operation will be imposed in accordance with the standard hours of operation in the industrial guidelines. A breach of the hours will incur penalties issued by Council in accordance with NSW legislation.
		3.2 Proposed Additional Truck Movements The submission confirms that the truck movements of 20 p/day is more accurate than what is suggested in the traffic plan (i.e. 4-5 p/day).	Transport for New South Wales (TfNSW) reviewed the proposal and raised no objection to the development. Furthermore, TfNSW did not impose any requirements and confirmed the development would have no significant impact on the nearby classified (State) road network.
		<u>Concerns for safety</u> *2.4 Network and Transport Routes & 2.5 Site Access* All traffic associated with the existing operation disobey road rules and signage and is not safe for other local road users.	Vehicles found to be in breach of road rules and regulations will be subject to the applicable penalties in accordance with the Road Transport Act 2013 and enforced by NSW Police.
		The submission also asks how Council will monitor the approved truck routes to ensure the business obeys by the conditions.	Should the Development Application be supported by Council conditions will be included to ensure the proposed heavy vehicles routes are obeyed. Any deviation or breach reported to Council will be investigated.
		<u>Traffic Volume</u> *2.6 Existing Traffic Volumes* The road network is not capable of accommodating the volume of traffic in the existing operation.	TfNSW has reviewed the information provided and raised no objection to or requirements for the proposed development and considered there would be no significant impact on the nearby classified (State) road network. As part of their advice to Council in determining the development, TfNSW also had no requirements for any part of the property.
		<u>Air and Noise Quality Assessment</u> The statement relating to capacity of operation (30,000 m^3) is incorrect and should be 30,000 tpa.	Noted. This is an anomaly in the report.
		The submission states the quarry operation has breached their EPA licence on a number of occasions and believes this has not been documented.	A condition is to be included by the EPA, should approval be supported, requiring a register to be kept for monitoring and auditing purposes. The EPA has also included a number of conditions to ensure strict compliance during operation of the development.

		7.1 Dust Mitigation and Management Dust is a concern and requires continual monitoring so that the proponent does not breach the requirements of the EPA. Dust control measures have never been in place for the unsealed road and the current DA requires the road to be wet to suppress dust. *2.1 Quarry Operations Modification* There will be an additional 120 truck movements per day. The submission believes the additional operation of 30,000 tpa will increase the noise intensity and plant and machinery are required to be assessed as part of the DA. *4.5 Sleep Disturbance* The submission believes the proposal will have impact on residents of the area who sleep during the day. *5 Assessment Methodology* The submission believes the noise levels adopted by Global Acoustics (2016) in their noise assessment are outdated and requests that current information be used to assess the DA. <u>Statement of Environmental Effects Report</u> The submission requests further clarification regarding the potential for asbestos breaches and how this would be monitored and addressed.	Should the Proposal be supported by Council a condition will be imposed requiring the operators to maintain a register of all complaints received regarding the impact of traffic (i.e. dust, traffic plan, noise etc.). The register is to include: all responses and any measures taken to redress any perceived problems; time and date details; name and contact details of complaints (if known) and those responsible for investigating the complaint; conditions associated with the complaint. Traffic not determined to be a significant issue by TFNSW in their assessment. Should the Development Application be supported conditions will be imposed restricting operating hours to prevent unreasonable disturbance to the amenity of the area. These operating hours will be in accordance with the standards in the industrial guidelines. The EPA have issued an Environmental Protection Licence (EPL 12301) for the operation of the site which includes requirements related to noise emissions. This licence requires annual compliance reporting. The annual reporting is required to be undertaken for the existing operations and this will continue should the proposed application be supported. Operational management plans are in place to ensure that the development operates in accordance with the approved consent conditions. Onsite monitoring for dust and noise is undertaken on a regular basis and is reported on an annual basis. Production amounts are also report on an annual basis to ensure compliance. The issues raised in the submission were communicated to the applicant, who also advised that they would accept a new condition to limit the use of exhaust braking at the site and educate drivers on this requirement. Construction and demolition waste entering the site will be vetted to ensure that prohibited wastes are not accepted, including asbestos. A visual inspection of the wastes being delivered will be undertaken to ensure that the load is in accordance with the materials approved for receival at the site, and with the site Environment Protection Licence (EPL). This

			will also ensure that the delivered waste matches the description of the product provided in the delivery manifest. Once all relevant documentation has been exchanged, checked, and completed, and the initial inspection has been undertaken, the transporter will be directed to the relevant unloading area. All unloading activities will be monitored by an operational staff member who will scrutinise the load as it is discharged from the vehicle. This will further ensure that all prohibited wastes are prevented from being accepted. If prohibited wastes are discovered after unloading has occurred, the offending transport company will be contacted with the expectation that the waste will be re-loaded and transported to a facility that can legally accept such waste. Where required, Council and the EPA will be notified. A condition is also to be included to ensure the above measures are carried out, should the proposal be supported.
		4.1.3 Vehicular Movement The submission believes that the nominated truck movements of 5 for 120 tonne per day is incorrect. The submission seeks further clarification regarding the routes of heavy vehicles in relation to light vehicular movement (i.e. do they occupy the same routes)?	A Traffic Management Plan and a Driver Code of Conduct exists for the operations. Both plans are regularly supplied to drivers to ensure that heavy vehicles are operated in compliance with site requirements. The Traffic Management Plan and the Driver Code of Conduct is included for Council's review. The quarry site has direct access to the New England Highway via Grass Tree Ridge Road. Grass Tree Ridge Road is located on land owned and operated by the quarry, and was constructed by the Quarry operator, as required by conditions of consent under the previous DA.
		6.1.1.1 Traffic Study The submission believes the TIA (2016) is outdated and requests that a current report be provided to confirm accurate results.	The quarry and concrete batching plant will be required to operate in accordance with the submitted traffic impact assessment and recommended conditions of consent which restrict vehicles from leaving the site other than by the New England Highway intersection. TfNSW has determined the estimated number of movements resulting from the proposed modification to be acceptable. The response to the referral was received by Council 26 July 2021. TFNSW reviewed all information presented and raised no objection to or requirements for the proposed development and considered there would be no significant impact on the nearby classified (State) road network. As part of their advice to Council in determining the development, TfNSW also had no requirements for any part of the property.

		6.1.1.2.2 Truck movements Operational trucks disobey traffic signage requirements	The conditions of the existing approval restrict heavy vehicles from leaving the site via right hand turn movements. This requirement will be maintained in any modified consent. Staff have raised the issue of right hand vehicle turns being carried out at the site with the site operator, who has advised Council that drivers are educated on their responsibility not to make right turns. Additionally, vehicles found to be in breach of road rules and regulations will be subject to the applicable penalties in accordance with the Road Transport Act 2013, enforced by NSW Police.
		6.1.1.3.3 Traffic Demand The estimated number of vehicles movements (4-5 p/day) is inaccurate given that 216 tonnes are required to transported.	The Statement of Environmental Effects (SEE) and the Traffic Impact Assessment confirms acceptance 30,000 tpa of construction and demolition waste. On average the site will operate for 48 weeks a year and 30 tonne trucks will bring waste to the site. Therefore, 30,000 tpa/48 weeks = 625 tonnes per week. This equates to 125 tonnes per day (tpd) (base on operating 5 days a week). 125 tpd / 30 tonne truck = 4.16 trucks per day. Therefore, the 4-5 trucks per day specified is identified as accurate.
		6.1.1.3.6 Traffic Distribution The percentage of right turn vehicular movement identified (i.e. 10%) is incorrect and is actually 0% unless the report is amended to state trucks used will be from 4.5 tonne vehicles and not 12-30 tonne. Please provide a response to this statement and clarify the percentage of traffic distribution and capacity of the finished product.	All operations at the site (existing and proposed) have the following distribution spilt: • Finished product is generally distributed in a directional split (due to conditions imposed in Development Consent 85/2016 to restrict vehicles over 5 Tonnes to left out only) will be 10% right and 90% left; and • Incoming material will be approximately 50% from the north and 50% from the south due to locations of clients. Based on the above, the distribution of traffic used in the traffic assessment (AM peak hour) for campaign delivery (i.e., worst case) is as follows: • Peak Movements of truck of trucks turning right into site from New England Highway is 41 vehicle per hour (QR); • Peak Movements of truck of trucks turning left into site from New England Highway is 41 vehicle per hour (QL.); • New England Highway Traffic Volume (QM) is 527 vehicle per hour; and • Peak Movements of trucks turning right into New England Highway from development is 9 vehicle per hour. It is proposed to receive 30,000 tpa of concrete and demolition waste per annum. It is anticipated that 100% of the received

			material will not be suitable for recycling and reuse. On this basis is it expected that there will be between 2-3% of reject material per annum to either be disposed off-site at a licenced waste facility or utilised by another recycler.
		6.1.3.4 Conclusions The methodology which considers all the mitigation measures in this section is requested to be provided. Furthermore, the submission requests Council confirm the audit terms to be enforced. The submission also requires an explanation regarding who is monitoring compliance as the current DA does not comply with the current imposed conditions.	Mitigation measures are normally applied to reduce the impacts of a development and are generally described as being industry 'best practice' measures. The mitigation measures suggested are used across a wide variety of quarrying, landfilling, and mining operations where there is the movement of trucks, use of loading equipment, and the potential to produce dust. Further, the mitigation measures proposed have been developed by reputable air quality experts who also prepared the air quality assessment for the proposed development. Should the Development Application be supported conditions will be imposed to ensure compliance with the modified development.
		<u>Operational Reports Plans of Management and Environmental Auditing</u> Demonstrate compliance with conditions imposed for the existing operation.	Council has the opportunity to undertake compliance inspections or investigations and take regulatory action against the operator for non-compliance. Annual reporting is required to be undertaken for the existing operations and this will continue should the current application be approved. Operational management plans are in place to ensure that the development operates in accordance with the approved consent conditions. Onsite monitoring for dust and noise is undertaken on a regular basis and is reported on an annual basis. Production amounts are also report on an annual basis to ensure compliance. The site also operates under an Environment Protection Licence (EPL 12301) which has conditions requiring annual compliance reporting.
		<u>Natural Water Run-off</u> The dams created by the quarry operation absorbs all run-off during a rainfall event and prevent water from naturally entering surrounding dams.	The dams are part of the water management system for the site. The quarry site slopes toward the New England Highway and it is unlikely that the location of the dams would significantly affect water availability to neighbouring sites. No new dams are proposed as part of this application. However, there have been improvements to stormwater management on the property as a result of the Stormwater and Erosion Sediment Control Management Plan introduced from the previous the development application.

2	**Submissions 2**	The submission **does not support** the proposal for a Modification to include the addition of Construction and Demolition waste processing (C&D) up to a volume of 30,000 tpa on the subject land. The concerns for the development are summarised under the following headings:- <u>Safety</u> Concerns relate to safety for other road users from the increase in traffic as a result of the additional movements. Further concerns include operational vehicles disobeying road signs and rules. <u>Maintenance of the public Right of Way through Wild Quarries property</u> The submission indicates there is little maintenance of the Right of Way which passes through Wild Quarries property. It is believed the increase in heavy vehicles will cause further degradation to the road and have an impact on the vehicles of other road users (i.e. wear and tear). Concerns also relate to the safety of road users sharing the road with operation quarry vehicles.	Should the Development Application for modification to DA2002/342 be supported by Council conditions will be imposed relating to heavy vehicle traffic to ensure the proposed routes are adhere the proposed Traffic Management Plan. Any deviation or breach reported to Council will be investigated. Vehicles found to be in breach of road rules and regulations will be subject to the applicable penalties in accordance with the Road Transport Act 2013 and enforced by NSW Police. The proponent has advised Grasstree Ridge Road is a right of way, that exists over the land the quarry operates on, and benefits three (3) properties to the rear of the site, on which dwellings are located. The right of way was established prior to the 2004 approval of the quarry. Under the conditions of consent imposed on the original quarry, site access was required to be constructed to a standard approved by Council and the former NSW RMS. Further improvements to the haul road were required in the approval for the concrete batching plant (DA 96/2017). This requirement has been retained. Council's Community Infrastructure Department has raised no issue with the site access arrangements. Recommendations were put forward to improve the safety of parts of the right of way shared by both light and heavy vehicles. A condition of consent has been recommended requiring the design and implementation of line marking improvements and any related traffic signs for the length of the site access from the New England Highway to the concrete batching plant.

Condition	Condition Detail	Non-Compliance	MSC Recommendation	Quarry Response
Non-Compliances				
Cond 1	In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the Development.	Wild's is not compliant with all conditions under this consent.	Provide an Action Plan for the recommendations provided in this audit.	
Cond 3	The Applicant must carry out the Development in accordance with: a) The accompanying document titled "Proposed Gravel Quarry and Plant Hire Operation, Lot 30 DP 815308, Grasstree Ridge Road, Shire of Muswellbrook, Environmental Impact Statement" dated 25th October 2002 b) The document titled "Response to Submissions from the Exhibition of the Environmental Impact Statement" dated 5th May 2003. c) The facsimile and attached diagrams to Council from Wild Plant Hire dated 27th May 2004. d) The report to Council dated 8th June 2004. e) Boundary adjustment plan prepared by MM Hyndes Bailey dated 19 September 2016, reference 216175/2 f) The document titled "Wild Quarries and Civil – Continued Quarry and Concrete Batching Operations and Consent Amalgamation" SEE dated 15th Oct 2018 by RPS. g) The document titled Erosion and Stormwater Management Plan prepared by Steve Eccles Consulting, dated 8 October 2018 and included as Attachment D to the 15 October 2018 SEE. h) The document titled Rehabilitation Management Plan prepared by Steve Eccles Consulting, dated 8 October 2018 and included as Attachment D to the 15 October 2018 SEE. i) RPS additional information letter dated 10 December 2018. j) The document titled Statement of Environmental Effects by Casson Planning and Development Services dated August 2016. k) The document titled Air Quality Assessment by Todoroski Air Sciences dated 14th December 2016. l) The document titled Noise Impact Assessment by Global Acoustics dated 20th December 2016. m) The document titled Waste Management Plan by RPS dated December 2016. n) The document titled Water Management Plan by RPS dated December 2016. o) Site Plan (Batch Plant) – aerial drawn by Global Acoustics undated. p) Site Plan (Batch Plant) by RPS undated. q) The Traffic Impact Assessment prepared by Pavey Consulting Services dated 15 November 2018.	A review of the Wild Quarry website on 13/12/21 shows that there are significantly more plant available to hire then what is listed in the "Wild Quarries and Civil – Continued Quarry and Concrete Batching Operations and Consent Amalgamation" SEE dated 15th Oct 2018 by RPS".	Update the public website to correctly show plant hire equipment available from the premises.	
		Trucks using the concrete batch plant are approved to use the Right Of Way (ROW) in both directions, while trucks using the quarry are permitted only to use the ROW in one direction, clockwise. Although it was confirmed during the site inspection that quarry trucks have been using the ROW in both directions, there is approximately one truck per day leaving the site (and up to 20 are approved for the concrete batch plant). Although strictly not compliant with this condition, P.Wild confirmed that the access track located near the proposed recycling facility will be upgraded so that trucks using the quarry can access and leave the site in one direction. Viewed site induction and drivers code of conduct and speed limit onsite not consistent between documents.	a. The access track located near the proposed recycling facility be upgraded so that trucks using the quarry can access and leave the site in one direction. b. Ensure that no more than 20 trucks movements in and out each, occur on the ROW (as approved for the concrete batch plant). c. Update the Environmental Management Plan (see response to Cond 59). d. Include a figure in site inductions / drivers code of conduct showing access. e. Provide evidence of communication of site induction and drivers code of conduct to truck drivers. f. Conduct six monthly tool box talk to convey information regarding accessing the site and updated Code of Conduct Induction. g. Update site induction and drivers code of conduct to show consistent speed limits. h. Provide Traffic Management Plan referenced in site induction.	
		One stockpile located near the mobile crusher appeared to be more than four metres high	Product stockpiles be less than 4 metres in height.	
Cond 10	Within 6 months of the date of this approval, the Applicant shall lodge a rehabilitation bond with Council to ensure that the rehabilitation of the site is implemented in accordance with the performance and completion criteria set out in the Rehabilitation Management Plan and relevant conditions of this consent in full at the conclusion of the premises operation. The sum of the bond must be determined by….. Note1: Based on Council's review of the current Rehabilitation Management Plan and information submitted with the Section 4.55 Modification application Council has calculated that the bond or bank guarantee payable for the operation of the Development from the 3 year period following the determination of this application to be $80,000.	The current bond held of $50,000 is not consistent with Council's review and estimate of $80,000. Furthermore, there is no evidence to confirm that the bond was calculated in accordance with parts a) through e).	$30,000 is paid to finalise the bond under this condition. A detailed description of the method used to calculate the bond should also be included, including details relevant to parts a) to e) of this condition.	
Cond 14	The Applicant must: a) implement best practice management to minimise the construction, operational and road transportation noise of the Development; b) carry out noise monitoring at least every three months, or as otherwise agreed to by either Council or the NSW EPA and the terms of any EPL issued by that authority; and c) regularly assess noise monitoring data and modify and/or stop operations on site, as required, to ensure compliance with the relevant conditions of this consent; to the satisfaction of the Council.	Noise monitoring is not carried out on site.	Recommendation to be confirmed.	

Condition	Condition Detail	Non-Compliance	MSC Recommendation	Quarry Response
Cond 15	Unless otherwise approved by the Environmental Protection Authority's Environmental Protection License, noise generated by the Quarry and Concrete Batch Plant must not exceed the limits outlined in the Global Acoustics Noise Impact Assessment Report, dated 20th December 2016 being: Day Laeq (15 minute) R1 to R7: 43 R8: 36	Noise monitoring is not carried out on site.	See recommendation for Cond 14.	
Cond 16	Noise generated by the Development is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.	Noise monitoring is not carried out on site.	See recommendation for Cond 14.	
Cond 18	Within twelve months of this approval, the Applicant must prepare a Noise Management Plan for the Development to the satisfaction of Council. This plan must describe the measures that would be implemented to ensure…	The approval is dated 21/10/19, therefore a Noise Management Plan (NMP) was required to be approved by Council by 21/10/20. There is no evidence that the NMP has been approved by Council.	See recommendation for Cond 59.	
Cond 23	Within twelve months of this approval, the Applicant must prepare a Blast Management Plan for the Development to the satisfaction of Council. This plan must….	The approval is dated 21/10/19, therefore a Blast Management Plan (BMP) was required to be approved by Council by 21/10/20. There is no evidence that the BMP has been approved by Council.	See recommendation for Cond 59.	
Cond 27	Within twelve months of this approval, the Applicant must prepare an Air Quality Management Plan for the Development to the satisfaction of Council. This plan must…	The approval is dated 21/10/19, therefore an Air Quality Management Plan (AQMP) was required to be approved by Council by 21/10/20. There is no evidence that the AQMP has been approved by Council.	See recommendation for Cond 59.	
Cond 40	The Applicant must: d) report on waste management and minimisation in the Annual Report, to the satisfaction of Council.	No Annual Report has been received to report on waste management and minimisation.	See recommendation for Cond 61.	
Cond 44	Within three months of this approval, the Applicant is to prepare a Pollution Incident Response Management Plan (PIRMP) for the premises. The PIRMP must be developed in accordance with the requirements in Part 5.7A of the POEO Act or equivalent. The Applicant must keep the PIRMP on the premises at all times. The PIRMP must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire that may occur at the premises, or may be associated with activities that occur at the premises, and which are likely to cause harm to the environment). The PIRMP must be tested at least annually or following a pollution incident.	The PIRMP has not been tested at least once every 12 months. PIRMP was lasted tested in November 2020, prior to that it was last tested in June 2016. PIRMP testing since 2012 has consisted of a desktop review.	a. Test PIRMP at least once every 12 months either by desktop review or an environmental emergency drill. Noting that the EPA PIRMP Guidelines (2020) states that "only reviewing and updating contact details does not constitute a PIRMP test." The next PIRMP test should be a site-wide environmental emergency drill which includes members of production and operation departments. b. When the PIRMP is next updated, include an inventory of potential pollutants including the maximum quantity of pollutants stores and update figures for clarity.	
Cond 56	A minimum 5m wide two coat bitumen seal is to be applied to the access way from the existing office to the concrete batching plant.	The access road from the existing office to the concrete batching plant is not bitumen.	Recommendation to be confirmed.	
Cond 57	The main internal access to the quarry and concrete batching plant is to be maintained as a sealed access bitumen access at all times.	The access road from the existing office to the concrete batching plant is not bitumen.	Recommendation to be confirmed.	
Cond 58	A line marking plan must be prepared detailing holding lines and give way lines and submitted to Muswellbrook Shire Council for approval within 3 months of the determination of the Section 4.55(2) modification. The line marking plan must: - Detail traffic safety line marking to be installed along the length of the sealed vehicle access from the New England Highway the concrete batching plant site; - Include holding lines to be installed at the crest of the hill where the right hand turn for vehicles toward the concrete batching plant is located; and - Identify any additional traffic safety and warning signs to advise drivers of hazards or driving requirements. All line marking shown on the approved plan is to be installed and maintained at the site.	This document has not been located on Council records.	Provide line marking plan referenced in this condition.	
Cond 61	An Annual Report is to be prepared to the satisfaction of Council and submitted to Council by 31 January each year covering the preceding calendar year. The report is to, at a minimum, include…	The most recent Annual Report received by Council staff covered the 2017 calendar year. No evidence that the Annual Report covering the	An Annual Report be prepared in accordance with the Department of Planning, Industry and Environment's Annual Review Guidelines (Oct, 2015) and be provided to Council by 31 January each year. The	

Condition	Condition Detail	Non-Compliance	MSC Recommendation	Quarry Response
		2018-2020 calendar years has been received by Council staff.	Annual Report should include annual tonnages and truck movement numbers.	
Cond 62	To ensure that strategies, plans or programs are updated on a regular basis, and that they incorporate any appropriate additional measures to improve the environmental performance of the Development, the Applicant is to submit revised strategies, plans or programs for the approval of Council within three (3) years of the date of this approval, and every 3 years thereafter, unless Council directs otherwise.	The following management plans have not been reviewed and updated (if required): • Erosion and Stormwater Management Plan (ESMP) (Steve Eccles Consulting, 08/10/18), review 08/10/21 • Rehabilitation Management Plan (RMP) (Steve Eccles Consulting, 08/10/18), review 08/10/21	Submission of an Environmental Management Plan (see Cond 59).	
Cond 63	Within 6 months of this approval, the Applicant must make the following information publicly available on its website…	Accessed the Wild Quarry website (http://wildquarriesandcivil.com.au) on 14/12/21 and none of the documents listed under this condition are available. The only documents available is the Pollution Incident Response Management Plan.	Website be updated to include all of the documents listed under Cond 63.	
Continual Improvement				
Cond 2	The Applicant must carry out the Development in accordance with DA 342/2002, as amended by the Section 96 modification application submitted to Council dated 2nd April 2007, and DA 96/2017.	-	When the consent is modified, this condition be updated to reference "surrender of 96/2017 following confirmation that all commitments from associated documentation is being addressed under DA 342/2002".	
Cond 9	While quarrying operations are being carried out, the Applicant must ensure that the extraction area boundaries are clearly marked on site at all times, in a manner that allows operating staff to clearly identify the approved limits of extraction identified in the document titled "Wild Quarries and Civil – Continued Quarry and Concrete Batching Operations and Consent Amalgamation" SEE dated 15th Oct 2018 by RPS. The Applicant must ensure that no extraction of quarry materials takes place outside the approved limits of the extraction area.	-	Plans shown on Figures 4 through 7 of the "Wild Quarries and Civil – Continued Quarry and Concrete Batching Operations and Consent Amalgamation" SEE dated 15th Oct 2018 by RPS to be included in the onsite induction, and a future toolbox. Key environmental features should be used to describe the limits of extraction e.g. earthen bunds, roads.	
Cond 11	The Applicant must revise the sum of the rehabilitation bond to the satisfaction of Council as part of approval of a subsequent revised Rehabilitation Management Plan. The revised bond amount should account for information contained within the matters referenced by Condition 9 of this consent and the approved Rehabilitation Management Plan. The new Rehabilitation Bond shall be lodged with Council within 3 months of approval of a revised Rehabilitation Management Plan.	-	The additional payment of $30,000 required under Cond 10 is determined compliance against this condition. Note that Council is preparing a shire wide policy for security deposit review which will outline when a review is required. Once the policy is finalised, Wild's will be notified.	
Cond 13	The Applicant must comply with the operating hours set out in Table 1.	-	Continue to operate during the approved "Hours of Operation"	
Section 7.11 Contributions	The Applicant is to make appropriate Development Contributions for road maintenance in accordance with Council's Contributions Plan and any agreement entered into between Council and the Applicant related to the payment of Section 7.11 Contributions. CPI is to be applied to all Section 94 Contributions commencing 31 January 2020. Development contributions and the tonnage details of materials extracted from the quarry are to be provided to Council on a quarterly basis.		Contributions be paid every 12 months in March generally, following Council receipt of Annual Report, issuance of invoice and application of Consumer Price Index for previous year.	
Cond 28	The Applicant must ensure that it has sufficient water for all stages of the Development, and if necessary, adjust the scale of operations under the consent to match its available water supply, to the satisfaction of Council. Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain all necessary water licenses for the Development.	-	Provide water take (ML) in the Annual Report.	
Cond 30	Within three (3) years of this approval, the Applicant must prepare a revised Soil and Water Management Plan for the Development to the satisfaction of Council. This plan must include a….	-	The revised Soil and Water Management Plan be provided as part of the Environmental Management Plan (see response to Cond 59).	
Cond 31	If any item or object of Aboriginal heritage significance is identified on site, the Applicant must ensure that: a) all work in the immediate vicinity of the suspected Aboriginal item or object ceases immediately; b) a 10 m buffer area around the suspected item or object is cordoned off; and c) the OEH is contacted immediately.	-	The induction to be updated to include images of Aboriginal objects that may be found. A section on Aboriginal and non-Aboriginal Heritage to be added to the Environment Management Plan (see Cond 59).	

Condition	Condition Detail	Non-Compliance	MSC Recommendation	Quarry Response
	Work in the vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the National Parks and Wildlife Act 1974.			
Cond 33	The Applicant shall manage land within Lot 30 DP 815308, not included in the defined construction or operational activities for the Development (as detailed in the DA and EIS), for biodiversity and conservation purposes, to the satisfaction of Council.	-	The land within Lot 30 DP 815308 that is managed for biodiversity and conservation purposes be included in the Environmental Management Plan (see Cond 59).	
Cond 34	The Applicant must rehabilitate the site in accordance with the document titled Rehabilitation Management Plan, prepared by Steve Eccles Consulting, dated 8 October 2018 and included as Attachment D to the 15 October 2018 SEE, and must comply with the objectives in Table 4	-	Recommendations provided in Cond 59.	
Cond 35	The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim stabilisation measures must be implemented where reasonable and feasible to control dust emissions in disturbed areas that are not active and which are not ready for final rehabilitation. Note: It is accepted that parts of the site that are progressively rehabilitated may be subject to further disturbance in future.	-	Recommendations provided in Cond 59.	
Cond 49	The Applicant shall install regulatory signage banning the right turn movements out of the site onto the New England Highway for vehicles over 5 tonnes. The Applicant must take all reasonable steps to ensure that heavy vehicles do not turn right onto the highway at any time.	-	Should Council receive further complaints regarding trucks over 5 tonne turning right onto the New England Highway, further action will be required including installation of a Council monitoring camera.	
Cond 59	Within three (3) years of this approval, the Applicant must prepare a revised Environmental Management Plan for the Development to the satisfaction of Council…	-	The revised Environmental Management Plan (EMP) be provided to Council staff and prepared generally in accordance with the Environmental Management Plan Template (Council DOC ID 1393380). In addition to these guidelines, the EMP should include the following: a. A section on traffic (and figure) that shows-the use of the ROW between the cattle grid and the concrete batch plant approved to be used by heavy vehicles associated with the concrete batch plant only-the use of the haulage road approved to be used by heavy vehicles associated with the quarry and the concrete batch plant b. The location of stop signs to be obeyed when accessing / exiting the site c. The Rehabilitation Management Plan, prepared by Steve Eccles Consulting, dated 8 October 2018 to be included in the Environmental Management Plan with a requirement to update by 2025 (noting this may trigger a review of the bond required under Cond 10). The RMP should include all requirements of condition 36 as well as Plans /figures showing progressive rehabilitation and how the site will comply with requirements under this condition to be 'safe, stable and non-polluting. d. The section on waste should detail controls for determining how the site manages Cond 37 'only clean fill is to brought onto site for rehabilitation purposes'. It should also detail waste minimisation strategies required under Cond 40.	

9.1.2. DA 1994-410 Modification Dalswinton Quarry

Attachments:	1. DA 1994 410 Section 4 55 Part 1a Assessment 344469 1 [**9.1.2.1** - 4 pages] 2. DA 1994 410 S4 55 Draft Conditions [**9.1.2.2** - 5 pages]
Responsible Officer:	Sharon Pope - Director - Planning & Environment
Author:	Alisa Evans, Project Planner
Community Plan Issue:	*Not Applicable*
Community Plan Goal:	*A dynamic Local economy with full employment for current and future residents in a diverse range of high value industries.*
Community Plan Strategy:	1.1.1 - Facilitate the expansion of and establishment of new industries and business.
	Not applicable

PURPOSE

This report has been prepared to inform Council on determining a Section 4.55(1A) modification to extend the operational life of Dalswinton Quarry by one (1) year to 13 November 2023. This is to allow the quarry to operate while a State Significate Development application for changes to the quarry operation are assessed.

The section 4.55(1A) modification application is being reported to Council for consideration and determination in accordance with delegations.

OFFICER'S RECOMMENDATION

Council approves the s4.55(1A) Modification to Development Application No. 1994-410, for a one (1) year extension of time to extractive industry at Lot 72 DP 1199484, 511 Dalswinton Road, Dalswinton, subject to the amended conditions in Appendix B to the report.

Moved: _____ Seconded: _____

BACKGROUND

Previous Approvals.

This quarry has operated for more than 25 years.

On the 15 November 2001 Council approved a Section 96 application to extend the operational life of the quarry to 13 November 2009. The approval amended conditions 1, 2 and 3 to reference the modification and accompanying information, imposed 3 new conditions related to vehicle movement and RTA requirements, and the recording of material production from the extractive industry for the Department of Mineral Resources.

On the 10 December 2007 Council approved a Section 96 application to amend the quarry's stage 2 extraction area and reduced the overall extraction area from 15.4ha to 12ha. The approval amended conditions 3 and 4 and added new conditions 32 – 35, which related to RTA and road/intersection construction requirements.

On the 24 July 2009 Council approved a Section 96(1A) application to extend the operational life of the quarry for an additional 5 years (approved to operate to 13 November 2014). The approval amended conditions 1 and 32 of the consent to update the approval details and provide additional time for the construction of an RTA required intersection and imposed new conditions 36 – 38 to require the preparation of annual performance reports, maintain all required licences during the site's operation and to restrict the exposure of groundwater to comply with a requirement stipulated by the referral of the application to the NSW Office of Water.

On the 19 June 2014 Council approved a Section 96(1A) application to extend the operational life of the quarry for an additional 5 years (approved to operate until 13 November 2019). The approval amended condition 1 of the Notice of Determination to reflect the new operational life.

On 26 August 2019 Council approved a 4.55 (1A) to extend the operational life of the quarry for an additional 3 years (approved to operate until 13 November 2022). The approval amended condition 1 of the Notice of Determination to reflect the new operational life and minor amendments to the operation of the quarry and its rehabilitation requirements.

CONSULTATION

Council Officers have considered this matter in context with the scope of the proposed modification, previous Council determinations for the modification of the development application, existing rehabilitation requirements and relevant Section 4.15 of the EP&A Act considerations (see attachment 1):

- The proposed modification involves the extension of the quarry's operational life by one year. If this modification is granted, the quarry's approval will have run for 28 years. No other changes to the approved development extraction area or operating procedures have been proposed by this modification.
- The environmental impacts associated with the proposed development will be substantially the same as those identified and considered at the time that the development application and subsequent Section 96 modifications were assessed.
- The applicant has a pending State Significant Development application seeking approval for a new development application to extend the operation of the quarry's current operation. If approved, the approval would result in the imposition of new rehabilitation requirements in accordance with current best practice requirements should any such application be approved.
- The proposed modification to the proposed development is considered to be in the public interest. It would:
  - Support the continued employment of the 6 staff members, and indirectly support the employment of other contractors and specialists.
  - Enable the continued extraction of material from the quarry which provides material to local and regional businesses and construction projects.
  - Would not increase the likelihood of adverse environmental impacts or outcomes and would result in the rehabilitation outcomes approved by the current consent.

In view of the above considerations Council Officers recommend that the proposed modification be approved subject to the recommended conditions of consent included in Attachment B, and that the applicant also be advised that no further extensions would be considered for this consent. The opportunity has also been taken to recommend deletion of conditions that have been complied with and are no longer relevant.

COMMUNITY CONSULTATION

The proposed development was notified and advertised between 22 April 2022 and 6 May 2022. No submission was received from the public in relation to the proposed extension.

OPTIONS

Council may:

A. Grant development consent to the proposed modification subject to the recommended amended conditions of consent,

B. Refuse modification to development consent to the proposed development and nominate reasons for refusal.

LEGAL IMPLICATIONS

Where the applicant is dissatisfied with the determination of the development application they have an opportunity under the provisions of *the Environmental Planning and Assessment Act 1979* to appeal that determination at the Land and Environment Court.

CONCLUSION

S4.55(1A) DA 1994-410 has been reported to Council for determination of the application as Council staff do not have delegations to approve applications for mining/quarry operations.

The application to modify the development consent has been assessed by Council Officers in accordance with the relevant provisions of Section 4.55 and Section 4.15 of the Environmental Planning and Assessment Act 1979. This assessment report has been included as Attachment A, and it is recommended that Council grants development consent to the proposed development in accordance with the conditions of consent outlined in Attachment B.

The application to modify the development consent has been assessed by Council Officers in accordance with the relevant provisions of Section 4.55 and Section 4.15 of the Environmental Planning and Assessment Act 1979. This assessment report has been included as Attachment A. Approval is recommended subject to the conditions of consent outlined in Attachment B.

SOCIAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

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

LEGAL IMPLICATIONS

Where the applicant is dissatisfied with the determination of the development application they have an opportunity under the provisions of *the Environmental Planning and Assessment Act 1979* to appeal that determination at the Land and Environment Court.

OPERATIONAL PLAN IMPLICATIONS

This matter has no specific Operational Plan implications for Council.

RISK MANAGEMENT IMPLICATIONS

This matter has no specific risk management implications for Council.

ASSESSMENT REPORT

Attached:

REPORT TO THE GENERAL MANAGER

ADDRESS/WARD:	Lot: 72 DP: 1199484 Ref: Quarry, Dalswinton Road Dalswinton
APPLICATION NO:	410/1994
PROPOSAL:	Pursuant to section 4.55(1A) of the EP & A Act 1979, to modify a consent for s4.55(1a) modification - extractive industry
PLANS REF:	No plan changes
OWNER:	Rosebrook Sand & Gravel Pty Ltd
OWNER ADDRESS:	Po Box 613 MAITLAND NSW 2320
APPLICANT:	Rosebrook Sand & Gravel Pty Ltd
ADDRESS:	C/- HDB Town Planning And Design PO Box 40 Maitland NSW 2320
AUTHOR:	Report of Ms A J Evans
DATE OF REPORT:	12/10/2022
DATE LODGED:	10-04-2019

SUMMARY

ISSUES:	Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979.
SUBMISSIONS:	NO SUBMISSIONS
RECOMMENDATION:	Approval subject to modified conditions

DESCRIPTION OF PROPOSAL

The proposal involves the modification of Development Application No. 410/1994 in the following manner:

- Amend Condition No.1 for extension of Quarry to 13 November 2023 from 13 November 2022, to allow continuous operation of the quarry while the proponent awaits the determination of State Significant Development for the quarry for further operation.
- Amened Condition 3 & 5 as documentation has been supplied and related specifically to previous modification.
- Delete Condition 4 as no longer relevant.

RELEVANT HISTORY

Development Application No. 410/1994, for the establishment of Dalswinton Quarry was approved by Council on 13 November 1995. The original consent was to lapse on 13 November 2002.

A modification to extend the approval to November 2009, and change the boundary of the Stage 1 area, was approved by Council on 12 November 2001. Over the past few years, quarry ownership has changed on several occasions and production from the quarry has been below the maximum anticipated.

On 13 December 2007, Council approved a further Section 96 Application to change the boundaries of the original Stage 2 extraction area.

On 24 July 2009, Council approved a further Section 96 Application to extend the approval period of Dalswinton Quarry by a further five (5) years until 13 November 2014.

On 24 April 2014, Council approved a further Section 96 Application to extend the approval period of Dalswinton Quarry by a further five (5) years until 13 November 2019.

On 26 August 2019, Council approved a further Section 4.55 (1A) to extend approval period of Dalswinton Quarry by a further three (3) years until 13 November 2022.

The subject Application was received on 30 March 2022.

SUBMISSIONS

The proposed modification was notified to adjoining property owners in accordance with the provisions Council Community Participation Plan. No submissions were received.

CONSIDERATION

Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 enables a consent authority to modify a development consent upon application being sought by the applicant or any person entitled to act on the consent, provided that the consent authority:

- is satisfied that the development to which the consent as modified relates is of minimal environmental impact;
- is satisfied that the development to which the consent as modified relates is substantially the same development;
- has notified the application in accordance with the regulations and has considered any submissions made concerning the proposed modification; and
- in determining the application for modification, has taken into consideration such matters referred to under Section 4.15(1) as are relevant.

Therefore, Council's assessment of the application to modify the subject development consent must consider the following issues:

Is the proposed development of minimal environmental impact?

It is considered that the environmental impacts of the development will remain unchanged as the proposed modification does not involve any change to the quarry operation or extraction area.

The environmental impacts of the existing quarry operation have previously been assessed through Environmental Impact Statements prepared in respect of the original development application and subsequent modifications. It was determined that the environmental impacts of the development are reasonable and acceptable and can be managed through appropriate mitigation measures already in place.

The current operation was inspected in March 2022 by Council staff and a few non-compliances that required action were identified. Action has occurred as directed.

Is the proposed development as modified substantially the same development approved by the Council?

The proposed development as modified is substantially the same development as the nature, character, description and impacts of the development will remain unchanged. The use of the development will remain as “Extractive Industry”.

Whether the application required the concurrence of the relevant Minister, public authority or approval body and any comments submitted by these bodies?

The application does not require concurrence of the relevant Minister, public authority or approval body.

Whether any submissions were made concerning the proposed modification.

The notification of the proposed modification resulted in no submissions being received during the

Any relevant considerations under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

Section 4.15(1)(e) the public interest.

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

NSW Legislation

There is a number of applicable legislation that needs to be considered and referred to in the assessment of this application. The applicable legislation has been listed at the start of the report. The assessment has considered these pieces of legislation throughout the report in their relevant sections, however, the following legislation has not been discussed in detail elsewhere in the report.

ENVIRONMENTAL APPRAISAL	**CONSIDERED**
Statutory Controls	YES
Policy Controls	YES
Landscaping/Open Space Provision	NO
Traffic generation and Carparking provision	NO
Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	YES, no issues
All relevant S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979	YES

DISCUSSION

The amendments to condition 1 will allow for the continuation of an existing quarry operation. A separate SSD application to change the operation and extend the life further has been lodged with DPE and is being assessed.

REFERRALS

The application was referred to TfNSW and EPA for comments, with neither of them raising concerns or requirements.

CONCLUSION

The quarry is long-standing.The time extension for the quarry is assessed as having an economic benefit to the locality. The proposal is consistent with the relevant planning policies and regulations.

RECOMMENDATION

That Council modify the consent dated 13 November 1995 in respect to an extension of the life of the extractive industry at Lot 72 DP 1199484 Dalswinton Road Dalswinton, to 13 November 2023.

Disclosure of Political Donations and Gifts:

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

SOCIAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

N/A.

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

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

LEGAL IMPLICATIONS

This matter has no specific legal implications for Council.

OPERATIONAL PLAN IMPLICATIONS

This matter has no specific Operational Plan implications for Council.

RISK MANAGEMENT IMPLICATIONS

This matter has no specific risk management implications for Council.

1. This approval is limited to a period of twenty-seven (28) years from the date of consent. The applicant shall on or before 13 November 2023:
   a) remove all extraction-related machinery, storage facilities and amenities, and
   b) reshape, stabilise and rehabilitate the site to the satisfaction of the Council, the Department of Primary Industry (Water) and the Department of Planning, Industry and Environment (DPIE), or their successor, at its own expense.

   If the applicant defaults in respect of this condition, Council may, in addition to or alternative to any other rights and remedies available to it, but without any obligation to do so:
   - enter on the subject land with its own workmen and/or contractors and carry out such works, and
   - recover the costs and expenses of so doing from the applicant either directly or pursuant to the term of the said guarantee and surety.

2. Unless otherwise agreed to by Council, the export of soil or mixed soil from the site is prohibited.

3. Amended - Unless otherwise agreed to by Council, the proponent will continue to consult with Rosebrook to progress the compliance Action Plan, ensuring no further disturbance is undertaken outside of what is already disturbed and request regular monthly updates on the status of the SSD-9094 application.

4. Deleted

5. Amended - Rehabilitation of the site is to be carried out in accordance with the approved Rehabilitation Strategy and to the satisfaction of the Council, the Department of Primary Industry (Water) and the Department of Planning, Industry and Environment (DPIE), or their successor.

6. The applicant shall not produce or transport more than 150,000 tonnes of material per annum in total from this site.

7. Unless modified by these conditions of consent, all works shall be restricted to and fully contained within the area defined under the development application, accompanying Environmental Impact Statement and as amended by the Application for Modification dated April 2001 and as further amended by the Application for Modification dated 13th December 2006, being within Part Lot 1 DP 324629 and Part Lot 1 DP 324630 in the Parish of Althorpe, County of Durham, Shire of Muswellbrook.

8. The proposed development being carried out strictly in accordance with the details and operational limits set out in the development application and accompanying Environmental Impact Statement, additional information and the Application for Modification dated April 2001, the Application for Modification dated 13th December 2006, and the Application for Modification dated 28th March 2019, except as modified by the conditions of this consent. All relevant licences, permits and notices as may be required from all relevant Authorities together with such other approvals or licences as may be required under future legislation or regulations for the duration of the proposed development are to be obtained by the applicant. The applicant shall conduct the development in accordance with the terms of

such approvals and licences. Copies of the said licences and approvals are to be held on the site at all times.

9. The maximum amount of product or reject material held on site at any one time shall not exceed 30,000 tonnes. All material stockpiles shall not be greater than 5 metres in height.

10. All transport of product and all vehicle movements, with the exception of vehicles under 2 tonnes tare, shall be undertaken on a private haul road from the site through Portions 112, 113, 32, 109, 111 and Part Portion 8, Parish of Althorpe to Jerrys Plains Road. No vehicles greater than 2 tonnes tare are permitted to access the operation via Dalswinton Road.

    The agreement for the operations of the private haul road shall be in place at all times for the life of the application.

11. The applicant is required to maintain the private haul road as specified under DA 66/91 for the period of haulage operations.

12. The Applicant shall lodge a bond or bank guarantee with Council in assurance that all conditions are fully complied with including conditions relating to the rehabilitation of the site. The amount of the bond is to be $50,000 plus an amount calculated as the cost of rehabilitating the site, from time to time, in accordance with this consent. If an amount cannot be agreed between the person acting with this consent and Council's General Manager, the bond shall be in the amount determined by a suitably qualified expert nominated by Council. The cost of the engagement of the suitably qualified expert is to be paid by the Applicant.

    In the event that conditions of consent are not complied with, or the rehabilitation of the site is not completed to the satisfaction of the consent authority, the bond or bank guarantee is to be forfeited.

13. The applicant shall commission an environmental audit by a reputable consultant two years from the date of consent. This shall include full referral to all conditions of consent, licences, permits and notices required for the operation by relevant government authorities, together with an assessment of management practices, success of rehabilitation procedures and storage of hazardous and/or flammable goods. Should the audit results be unacceptable to Council, the applicant will be instructed to undertaken rectification works within 30 days of the date of the audit. Should rectification works not be completed to the satisfaction of Council within 30 days of the date of notice, the consent shall lapse.

    The applicant shall undertake further environmental audits during the period of consent when considered necessary by Council.

14. Any relocation or alteration or damage to public utilities made necessary as a result of this development is to be carried out at the developer's cost.

15. The maximum permitted area of the site to be cleared and excavated at any one time is two (2) hectares.

16. Plant and equipment on the site shall operate between the following hours:

    MONDAY TO FRIDAY 5.00 am to 12.00 midnight

SATURDAYS 5.00 am to 1.30 pm

No excavation, or related operations of plant and equipment is permitted on SUNDAYS.

17. Commercial vehicles including ladened and unladened gravel trucks shall use the private haul at times subject to written agreement between the applicant, the landholders, and the adjoining properties to the property on which the haul road is constructed. Notification of the agreed haulage times is to be forwarded to Council prior to commencement of vehicle movements to and from the site.

18. A water cart is to be used by the applicant in the processing area, on all gravel roads on the facility, and on the private haul road to Jerrys Plains Road to ensure that dust emissions are contained within acceptable limits as defined by the EPA and Council.

19. Noise monitoring is to be carried out following establishment of the processing plant at Site 1 (refer to location in DA 410/94 E.I.S.) and the results reported to Council within 30 days of fulltime excavation, processing and transport activities. The maximum background level permitted at the nearest affected residence throughout the duration of the operations is 5dB(A) above background. All noise complaints received by the applicant in respect to the operation are to be recorded on a log sheet and held on site at all times as permanent records.

20. The processing plant and all stockpiled material shall be suitably screened to obscure their view from public places or adjoining dwellings.

21. The site shall be provided with adequate washing and toilet facilities for use of site personnel.

22. All oils, fuels and bitumen pre-coat solutions shall be stored in an appropriate containers and tanks in a bunded area which complies with AS 1940, the design of which is approved by Council and the Environment Protection Authority. Safe storage and handling information cards for hazardous materials shall be prominently displayed near any chemical, described by SAA2508, which is stored on or within the site.

23. The applicant shall submit to Council for approval a suitable Soil and Water Management Plan for the extraction operation, processing plant and haul road. The Plan shall include, but not be limited to, the following:

    a) Suitable plans showing location of works and erosion control measures;
    b) Existing hydrology, soil, landforms and constraints;
    c) Existing vegetation, gradients including options for staging works;
    d) Mitigation and control of erosion;
    e) Movement of water around, through and off the site;
    f) Methods to protect groundwater quality and ensure supply to all existing bores;
    g) Revegetation plan, including timetable for each section to be worked, floral species to be re-planted, together with a timetable for revegetation of each section.

24. The applicant shall de-silt all sediment control structures at regular intervals to prevent build-up of sediment.

25. Road culverts are to be constructed to contain the three major flow-lines that cross the haul road to ensure handling a 1 in 10 year storm.

26. Clean water diversion systems are to be installed upslope from the extraction site, processing area and stockpiles to prevent runoff water entering the site. Additional containment structures are to be constructed within the extraction, processing and storage areas to prevent sediment leaving the site.

27. The applicant shall pay a contribution in accordance with Council's Section 94 Contributions Plan in respect of all material produced from this site and transported on public roads.

    a) The amount of the contribution shall be based on the tonnage produced. Calculations shall be made by a qualified Civil Engineer employed by the applicant and approved by Council in accordance with the formula adopted by Council and attached (Appendix A).

    b) The applicant shall make the contribution calculated in 23(a) at three monthly intervals, the first being on 9 January 1996.

28. Material transported from existing stockpiles under DA 129/86 along Dalswinton Road as well as material transported from further extraction and production under DA 129/86 shall be subject to a Contribution as defined in consent DA 129/86. All product transported along the haul road shall be subject to Section 94 contributions calculated under DA 410/94.

29. The Council has the right to inspect and have the original records relating to any of the extractive material including number and types of laden truck and trailers and load quantities, transported from the development and audited by any person nominated by its internal accountant at anytime as and when a written request is required.

30. Compliance with the requirements of the Roads and Maritime Services (RMS) as specified in their correspondence dated 8 October 2001, by 13 November 2002 or amended requirements of that authority after further negotiations by the applicant with the RMS.

31. Erection of truck turning warning signs on both approaches to the intersection.

32. Submission of details regarding construction material production from the quarry to the Department of Mineral Resources.

33. The applicant shall prepare an annual report in respect to the performance of the development and shall submit such a report to Council in respect to the calendar year ended 31st December. The annual report shall include information regarding the following matters (as a minimum):

    (a) The performance of the development;
    (b) The production quantities of the development including markets and production type;
    (c) The implementation and effectiveness of environment controls and conditions relating to the development;

(d) Results on environmental monitoring;
(e) Production operations and mining operations undertaken in the preceding 12 months;
(f) Workforce characteristics of the development;
(g) Any modifications or proposed work practices outlined in the Environmental Impact Statement required to mitigate adverse environmental effects;
(h) Copy of all relevant licences and approvals required of the development by relevant authorities;
(i) The applicant is to provide a complaints register for the recording of complaints with quarterly reports being submitted to Council identifying such complaints and the action taken to rectify such complaints.
(j) Matters as specified in any guidelines provided by Council from time to time.

The report shall be submitted to Council in the month of January throughout the life of the development.

34. During operations and rehabilitation, the proponent must maintain relevant groundwater and or surface water licences.

35. At cessation of operations, no groundwater is to be exposed unless significant flooding of the Hunter River is occurring, or it is part of a stock watering dam. Consistent with the original EIS, a buffer of 2 metres above groundwater is to remain after extraction has ceased. The groundwater benchmark for the determination of this level in the Departments' opinion is an AHD equivalent to the rated 98th percentile flow height in the Hunter River.

9.1.3. Monthly Report to Council - Planning, Environment and Regulatory Services

Attachments:	Nil
Responsible Officer:	Sharon Pope - Director - Planning & Environment
Author:	{authors-names-with-position}
Community Plan Issue:	*6 - Community Leadership*
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ Seconded: _____

REPORT

PLANNING AND ENVIRONMENT

Schedule 1: Development Applications Approved (01/09/2022-30/09/2022)

DA No.	DESCRIPTION	PROPERTY	VALUE ($)
2022/27	S4.55 (1a) Modification - Ancillary Development - Shed	31 Finnegan Cres Muswellbrook	$0
2022/61	S4.55 (2) Modification - Alfresco, Shed & Carport	8 Osborn Avenue Muswellbrook	$60,000
2018/54	S4.55 (1A) Amendment to Read: " (3) Storey Building for Use as a Tertiary Education Establishment and Food and Drink Premises, Alterations and Additions to the 'Loxton House' Heritage Listed Item Level 1 Ancillary Office. Alterations and Additions to The Muswellbrook Public Library and Ancillary Works." 2) Remaining External Landscaping Works. and 3) Other Works Including Lower Ground Part of the Western Elevation Facade	140 Bridge Street Muswellbrook	$0
2022/93	Signage	53-55 Maitland St Muswellbrook	$30,000

DA No.	DESCRIPTION	PROPERTY	VALUE ($)
2022/90	Spa and Replacement of Deck with Awning	19 Chablis Close Muswellbrook	$24,000
2022/91	Ancillary Development - Shed	420 Giants Creek Rd Sandy Hollow	$115,200
2022/87	Dwelling	63 Stockyard Pde Muswellbrook	$410,935
2022/85	Shed - Residential	58 Paxton St Denman	$14,000
2022/86	Ancillary Development - Shed with Attached Awning	23 Day St Muswellbrook	$24,474
2022/84	Roof Over Existing Cattle Yards	895 New England Hwy Muswellbrook	$35,200
2014/137	S4.55 Modification 1a - Dwelling Additions/Alterations	55 Brentwood St Muswellbrook	$0
2022/79	Shed	43 Paxton St Denman	$34,438
2021/8	S4.55 (1a) Modification - Ancillary Development - Shed	12 Octagonal Way Muswellbrook	$0
2022/64	Boundary Fence	7 Cousins St Muswellbrook	$6,800
2021/135	Multi-Dwelling Housing Ancillary Works and Strata Subdivision	66 Sowerby St Muswellbrook	$498,000
2021/134	Single Storey Dwelling	59 Babbler Cres Muscle Creek	$390,685
2022/113	Storage Building	72-78 Brook St Muswellbrook	$45,000
2022/12	Ancillary Development - Shed	7 Bronte Cres Muswellbrook	$0

Schedule 2: Development Applications Currently Being Assessed

DA No.	DESCRIPTION	Property	RECEIVED	VALUE ($)
2022/109	Ancillary Development - Garage	9 Aberdeen St Muswellbrook	12/09/2022	$73,507
2020/43	S4.55 (1A) Modification - Animal Boarding Establishment and Community Facility	127-129 Sydney St Muswellbrook	29/09/2022	$350,000
2002/205	Extension of coal haulage operations – Muswellbrook coal mine	Limestone Rd Muswellbrook	27/09/2022	$0
2022/120	Single Storey Dwelling	67 Stockyard Pde Muswellbrook	28/09/2022	$464,271
2022/119	Ancillary Development - Shed	110 Ironbark Rd Muswellbrook	27/09/2022	$53,859
2022/118	Ancillary Development - Shed	7 Shaw Cres Muswellbrook	26/09/2022	$48,300
2022/117	Inground Swimming Pool & Associated Safety Barrier	9 Sepoy Cres Muswellbrook	23/09/2022	$43,620
2022/107	Single Storey Attached Dual Occupancy & Two (2) Lot Strata Subdivision	48 Finnegan Cres Muswellbrook	06/09/2022	$702,182
2022/115	Shed	11 Jillaroo Way Muswellbrook	19/09/2022	$63,000
2022/114	Dwelling- Single storey dwelling with attached garage	82 Babbler Cres Muscle Creek	19/09/2022	$427,487
2022/111	Temporary Event (Charity Bike Show)	1-3 Ogilvie St Denman	14/09/2022	$0
2022/112	Carport	59 Shiraz St Muswellbrook	15/09/2022	$12,600
2022/108	Ancillary Development - Carport	82 Paxton St Denman	08/09/2022	$5,418
2022/12	S4.55 (1A) Modification Ancillary Development - Shed	7 Bronte Cres Muswellbrook	14/09/2022	$0
2022/110	Carport	18 Weemala Pl Muswellbrook	13/09/2022	$12,541
2022/106	Patio attached to Existing Dwelling	52 Stockyard Pde	02/09/2022	$13,800

DA No.	DESCRIPTION	Property	RECEIVED	VALUE ($)
		Muswellbrook		
2022/105	Dwelling	20 Lou Fisher Pl Muswellbrook	20/05/2022	$440,000
2022/105	Ancillary Development - Detached Garage and Colourbond Fence	1 Fontana Way Denman	29/06/2022	$12,000
2017/18	S4.55 (1A) Modification - Modification to Outdoor Gaming Area and Car Park Arrangement	15 Sydney St Muswellbrook	21/07/2022	$0
2021/30	S4.55 (2) Modification - Permanent Approval of 24 hour 7 day a week drive-thru trading hours McDonalds	83-89 Maitland St Muswellbrook	26/08/2022	$0
2022/103	Detached Garage with Awning	32 George St Muswellbrook	24/08/2022	$28,605
2022/102	Dwelling	16 Almond St Denman	11/08/2022	$326,000
2019/5	S4.55 (1A) Modification - Revised Caravan Park Site Layout - Broadlands	9080 New England Hwy Muswellbrook	15/08/2022	$0
2022/101	Ancillary Development - Shed	14 Lorne St Muswellbrook	22/08/2022	$81,500
2022/100	Dual occupancy	67a Queen St Muswellbrook	16/08/2022	$540,000
2022/99	Demolish Existing Garage and build New Garage	4 Hillview Ave Muswellbrook	14/08/2022	$12,000
2022/98	Demolition of existing slab and shed and construction of Shed	7 Jenkins St Muswellbrook	08/08/2022	$15,000
2022/10	S4.55 (2) Modification-Shed with Bathroom and 2 Water Tanks	8 Yammanie Way Muswellbrook	07/08/2022	$65,000
2022/97	Ancillary Development - Shed	23 Adams St Muswellbrook	31/07/2022	$13,000
202/96	Signage	72-78 Brook St Muswellbrook	18/07/2022	$10,000
2022/95	Staged Demolition of Existing Buildings and Construction of New Grandstand and Amenities.	3 Wilkinson Ave Muswellbrook	25/07/2022	$9,455,600

DA No.	DESCRIPTION	Property	RECEIVED	VALUE ($)
2022/92	Subdivision of One (1) Lot into One Hundred & Ninety Four (194) Residential Lots	Almond St Denman	19/07/2022	$18,284,734
2022/89	Single Story Dwelling with attached Garage	69 Stockyard Pde Muswellbrook	21/07/2022	$617,277
2022/88	Detached Double Garage	4 Sheppard Ave Muswellbrook	21/07/2022	$19,990
2021/158	S8.2 Review - Change of Use to Health Services Facility	79 Brook St Muswellbrook	13/07/2022	$0
2009/48	S4.55 (1A) - Amend Approval for Motorcycle Track	Jerrys Plains Rd Denman	14/07/2022	$0
2022/83	Alterations and additions to residential + Ancillary Development Shed	8 Clifford St Muswellbrook	11/07/2022	$100,000
2022/82	Ancillary Development - Shed	41 Stockyard Pde Muswellbrook	28/06/2022	$42,500
2022/81	Single Storey Dwelling	15 Lou Fisher Pl Muswellbrook	5/07/2022	$321,670
2022/80	Remediation and Earthworks	Coal Road Muswellbrook	21/06/2022	$2,516,829
2022/76	Caravan Park, Two (2) Amenity Blocks, New Driveway area and Landscaping	66 Palace St Denman	10/05/2022	$254,250
2022/75	Three (3) Lot Subdivision	18-22 Kenilworth St Denman	14/05/2022	$15,000
2022/71	Farm Shed	463 Dalswinton Rd Dalswinton	6/06/2022	$175,000
2022/66	Two (2) Lot Subdivision of land and Dwelling	146 Palace St Denman	20/05/2022	$346,500
2022/57	Ancillary Development - Shed	29 Stockyard Pde Muswellbrook	13/05/2022	$30,980
2022/45	Manufactured Home and Associated Structures	120 Yarraman Rd Muswellbrook	28/04/2022	$417,100
2022/42	Single Storey Dwelling and Detached Secondary dwelling	62 Brentwood St Muswellbrook	29/04/2022	$429,370

DA No.	DESCRIPTION	Property	RECEIVED	VALUE ($)
2002/205	S4.55 (1A) Modification - Changes in Rehabilitation Framework	Muscle Creek Rd Muscle Creek	29/09/2022	$0
2022/39	Single Storey Dwelling	35 Babbler Cres Muscle Creek	07/04/2022	$468,700
2022/38	Change of use from Dwelling to Restaurant and Internal Fitout	43 Maitland St Muswellbrook	06/04/2022	$98,000
1994/410	S4.55 (1A) Modification - Request to Extend Operational time of Existing Development.	Dalswinton Rd Dalswinton	30/03/2022	$0
2022/32	Internal alterations, upgrade to access and amenities	2 Market St Muswellbrook	23/03/2022	$50,000
2022/30	Steel Framed Deck 7 Internal Fit Out	93a Hill St Muswellbrook	21/03/2022	$30,000
2022/29	Single Storey Dwelling	10 Babbler Cres Muscle Creek	24/03/2022	$472,370
2022/21	Single Storey Dwelling	25 Northerly Cl Muswellbrook	22/02/2022	$396,515
2022/5	Storage Facility & Signage	Victoria St Muswellbrook	22/12/2021	$1,304,330
2021/162	Ancillary Development - Carport	2 Hyde St Denman	01/12/2021	$10,000
2021/146	Colourbond Steel Sheds and Transportable Lunchroom	24 Glen Munro Rd Muswellbrook	18/11/2021	$117,381
2021/138	Ancillary Development - Shed	24 Paxton St Denman	10/11/2021	$45,579
2021/137	Change Of Use to Educational Facility	820 Rosemount Rd Denman	04/11/2021	$0
2021/129	Animal Boarding & Training Facility	1949 Martindale Rd Martindale	12/10/2021	$33,338,800
2021/125	Self Storage Facility	Turner St Denman	7/10/2021	$3,555,527
2021/87	Alterations and additions to commercial + Change of Use	12 Ogilvie St Denman	28/07/2021	$431,200
2021/73	Temporary use of the land for receival and dismantling of rail wagons with off-site disposal	18 Strathmore Rd Muswellbrook	07/07/2021	$50,000

DA No.	DESCRIPTION	Property	RECEIVED	VALUE ($)
2021/58	Organics Recycling Facility	252 Coal Rd Muswellbrook	31/05/2021	$3,850,000
2002/342	S4.55(2) Modification – Wilds Quarry. Recovered materials to be used as a substitute to quarry product for blending and concrete batching.	8440 New England Hwy Muswellbrook	18/03/2021	$0
2021/10	Entertainment Facility (Muswellbrook Regional Entertainment and Conference Centre)	30 Brook St Muswellbrook	2/02/2021	$26,998,400
2020/102	Hotel Accommodation (Royal Hotel)	10 Ogilvie St Denman	04/09/2020	$20,000
2020/83	Subdivision of one lot (1) into three (3)	60-62 Palace St Denman	3/08/2020	$10,000
2020/7	Additions and Alterations to existing Hotel	184 Bridge Street Muswellbrook	22/01/2020	$110,000
2019/53	Subdivision of Two (2) Lots into Seventy Five (75) Lots	9027 New England Hwy Muswellbrook	28/06/2019	$4,875,600
2022/121	Construction of a single storey dual occupancy dwelling	12 Bimbadeen Dr Muswellbrook	05/10/2022	$675,000
2022/116	Farm Building	Golden Hwy Sandy Hollow	20/09/2022	$29,000
2021/35	Community Centre Extension	5 Jersey Pl Muswellbrook	03/10/2022	$850,000

20.1.12 Inspect onsite wastewater sewerage systems to ensure they are installed and maintained in compliance with regulatory requirements

On-site Wastewater Statistics - 13 Month Analysis (2021/2022)

	Aug 21	Sep	Oct	Nov	Dec	Jan 22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Applications Received (new installation)	Unable to inspect due to COVID restrictions		0	0	0	0	0	3	0	0	0	0	3	2
Applications Approved (new installation)			0	0	0	0	0	2	1	0	0	2	2	0
Inspections (new system)			0	0	0	3	0	2	0	1	0	0	0	0
Inspections (existing system)			34	0	0	14	3	7	0	18	39	1	1	0

24.1.5 Registration and inspection of regulated premises (caravan parks, food outlets, skin penetration premises, hairdressers, mortuaries, air handling systems) in accordance with regulatory requirements to ensure public health and safety is protected.

	Aug 21	Sep	Oct	Nov	Dec	Jan 22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Applications Received (new businesses)	Unable to inspect due to COVID restrictions		0	0	0	0	1	1	0	0	1	3	3	7
Inspections (new businesses)			0	0	0	1	1	0	0	0	3	1	0	8
Inspections (existing businesses)			0	0	0	11	16	10	1	12	13	0	0	0
Reinspections			0	0	0	0	1	2	1	0	0	0	0	0

4.1.1.1 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 (2021/2022)

	Aug 21	Sept	Oct	Nov	Dec	Jan 22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Total Sites Inspected						6	7	8	7	6	9	0	0	18
Total non-compliant and educated						1	0	0	0	0	0	0	0	2
Total compliance after education						1	0	0	0	0	0	0	0	0
Total Penalty Notices Issued						0	0	0	0	0	0	0	0	0

14.1.11 Continue surveillance and regulation of illegal dumping on an ongoing basis through participation in the Hunter Central Coast Regional Illegal Dumping Squad

13 Month Analysis (2021/2022)

	Sept 21	Oct	Nov	Dec	Jan 22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Total Investigations					1	2	4	6	5	3	3	7	1
Total Clean up by Council - insufficient evidence					1	2	4	6	5	3	2	7	1
Total Clean Up by individual					0	0	0	0	0	0	1	0	0
Total Penalty Notices Issued					0	0	0	0	0	0	1	0	0
Court Attendance Notice Issued					0	0	0	0	0	0	0	0	0
Still under investigation					0	0	0	0	0	0	0	0	0

24.1.8 Ensure statutory requirements under the Private Swimming Pools Program (Swimming Pool Act 1992) are implemented.

13 Month Analysis (2022-23) – as at 05/10/2022

	Sep	Oct	Nov	Dec	Jan 22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total
Applications for Compliance Certs.	8	11	5	8	5	6	1	1	7	3	1	5	3	64
Initial Inspections	8	7	21	7	5	9	0	2	3	0	18	11	8	99
Re-inspections	4	2	5	2	1	5	0	0	1	0	6	7	9	42
Total compliance inspections (not inc. finals for OCs)	12	9	26	9	6	14	0	2	4	0	24	18	17	141
Compliance Certs / Occ. Certs issued	9	2	6	4	6	9	0	4	4	1	5	13	7	70
Fees invoiced	$1386	$1713	$1495	$1422	$1509	$1100	$150	$150	$1400	$4986	$2845	$2486	$3863	$24505

Total Pools in Council's SPR = 971

(Note: 1105 records in SPR but 131 have been notified as demolished, 2 are Council's Public Pools and 1 is on Crown Land)

Compliance as at 30 June 2015 = 18.8%

Compliance as at 30 June 2016 = 44.3%

Compliance as at 30 June 2017 = 63.7%

Compliance as at 30 June 2018 = 65.7%

Compliance as at 30 June 2019 = 43.0%

Compliance as at 30 June 2020 = 26.7%

Compliance as at 30 June 2021 = 20.8%

Compliance as at 30 June 2022 = 23.7%

Compliance as at 06 August 2022 = 19.5%

(Note: Certificate is valid for 3 years)

Tourist/visitor accommodation or properties with pools where there are more than two dwellings

8 out of 8 sites have valid compliance certificates.

Key Date – 29 April 2014:

- Tourist and visitor accommodation, or properties where there are more than 2 dwellings, must have a swimming pool inspection at least once every 3 years.

Key Date – 29 April 2016 (originally 29 April 2014, then 29 April 2015):

- Pools on properties intended to be leased require valid Compliance Certificate. Pools on properties intended to be sold require a valid Compliance Certificate or Certificate of Non-Compliance.

SUSTAINABILTY

17 August to 18 September 2022

Muswellbrook Shire Council's Sustainability Unit hosted 120 students, teachers and parents from Muswellbrook Public School on a field trip to the Sustainability Hub and Muscle Creek.

The students had been studying plants and animals at school and where able to see lots of different things on their field trip including worms, bees, birds and water insects.

Cattle Dog Muster

The Sustainability Unit attended the Great Cattle Dog Muster. People competed in a what thing goes into what bin competition. Dog poo composters were promoted. And information on sustainability projects shared.

Sustainable Futures – Muswellbrook

The popularity of the Sustainable Futures – Muswellbrook Facebook page has now received 1,548 page likes and 1,673 page followers. This page continues to be a great way for Council to engage with the community around a range of sustainability topics. This includes promoting the Community Recycling Centres, correct waste management practices, sewerage management, the Reuse Shop, soft plastic recycling, Sustainability Hub activities, reducing food waste, plastic free July, worm farms, composting, grant projects and more.

Muswellbrook Connect

With funding from the Sustainability Unit the Muswellbrook Regional Arts Centre purchased some new bins to help them reduce the amount of waste they send to landfill. At art gallery events people are encouraged to put compostable waste such as cardboard serving trays and food scraps into the green organics bin. The bin contents are then taken to the Sustainability Hub where it is turned into compost that is used by the Penguin Community Garden. The produce grown then gets taken to The Red Door Community Kitchen Inc. and Upper Hunter Homeless Support in Muswellbrook.

Anne from the Penguin Community Garden donated some fresh produce to Upper Hunter Homeless Support in Muswellbrook. Nick dressed for R U OK day was very happy to receive this support.

These are great examples of the Muswellbrook Connect program in action. The Muswellbrook Connect program is about different groups in our community supporting each

other.

Magpie Warning Signs Installed

It's Spring! That means the magpies are protecting their young. The Sustainability Team are putting out the magpie signs warning people to be vigilant in these areas.

Water Refill Stations at Schools

Muswellbrook Shire Council recently supported Muswellbrook Public School to purchase 2 Water Refill Stations for students to refill their drink bottles throughout the day. This helps reduce single use plastic.

ISO Sustainable Procurement Training

Sustainability staff attended an ISO Sustainable Procurement Training session.

Selling Worm Farms and Compost Bins

The Sustainability Unit sells worm farms and compost bins to residents of Muswellbrook Shire. We also provided a worm farm to Denman Children's Centre. This helps promote food waste reduction.

National Tree Day

As part of National Tree Day Council, with the support of Muscle Creek Landcare volunteers, planted over 300 native grasses with Pacific Brook Christian School and Warrior Disability Services.

Rehabilitation of Muscle Creek Project

Maintenance and weed control works have continued as part of the Rehabilitation of Muscle Creek Project. This has also involved preparing for erosion control and tree planting activities in September 2022 and March 2023. This project has been assisted by the NSW Government through the Environmental Trust.

Muscle Creek – AGL Muscle Creek Walkway Project

Work continues on the development of 6 augmented reality (AR) experiences along the Muscle Creek walking loop. Maintenance work for the recently planted 1500 native seedlings continues. This work has many challenges as the steep slopes does not allow for mulch and makes getting water to plant roots more difficult.

FOGO Update

Preparation work continues on the planned rollout of a new FOGO service. This includes preparing and conducting phone surveys and preparing FAQs and promotional materials.

9.2. Community Infrastructure

9.2.1. Introduction of Food Organics Garden Organics (FOGO) Service

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	{authors-names-with-position}
Community Plan Issue:	*3 - Environmental Sustainability*
Community Plan Goal:	14.1 - Carry out actions under the Sustainability Action Plan as it relates to air quality, waste reuse and minimisation, electricity minimisation, Council's Renewable Energy Target, and food waste minimisation.
Community Plan Strategy:	14.1.6 - Investigate for use of food and green waste.

PURPOSE

The report provides information and outlines the steps and resources required to introduce a Food Organics Garden Organics (FOGO) service to eligible properties in Muswellbrook Shire and requests Council's consideration of preferences for material processing, business participation, eligible properties, caddy design and rollout, and related associated services.

OFFICER'S RECOMMENDATION

Council APPROVES the following actions:

1. Change over existing Garden Organics bins for "Domestic Waste" properties to a weekly Food Organics Garden Organics service upon the commencement date of the Food Organics Garden Organics service.
2. Change over existing Garden Organics bins for "Waste Management" properties to a weekly Food Organics Garden Organics service upon the commencement date of the Food Organics Garden Organics service.
3. Change over optional green-lid bins for "Rural Domestic Waste" properties to Food Organics Garden Organics service upon the commencement date of the Food Organics Garden Organics service.
4. Select Option 1 for the household Food Organics Garden Organics caddy design.
5. Plan customer service arrangements for the ongoing supply of caddy liners.
6. Seek Non-Binding Expressions of Interest for Food Organics Garden Organics material receipt and processing at an appropriately licenced facility from the collection commencement date, including provision for a portion of the compost produced to be made available to Council for its use and for the use of Muswellbrook Shire residents.

7. With information gained from the Non-Binding Expression of Interest process, review Domestic Waste Management fee calculations to fund Food Organics Garden Organics collection, transport and processing.

Moved: _____ Seconded: _____

BACKGROUND

At the 5 April 2022 Ordinary Council meeting, Council resolved the following motion:

14.1 FOOD AND GARDEN ORGANICS COLLECTION

292 RESOLVED on the motion of Crs Woodruff and Scholes that:

MOTION

1. *Muswellbrook Shire Council incorporate a food organics & garden organics (FOGO) collection into our waste management scheme.*
2. *That the timing of the introduction of said service be at the best advantage to the current contract for waste collection, the expertise of Council staff and the provision of the service to our community.*

Staff are working toward transitioning the existing Garden Organics (GO) kerbside waste service to a Food Organics and Garden Organics (FOGO) service. Once the FOGO service commences, residents will be able to dispose of food waste materials, in addition to garden waste material, into their existing green-lid bin. With the FOGO service, the green lidded bin will be collected once per week. The red-lid bin will move to a fortnightly collection on the alternate week to the fortnightly yellow-lid recycling bin pickup.

Council's path towards implementing a FOGO service was outlined in the 2016 Muswellbrook Shire Waste Management Sunset Review Committee's report to the General Manager with the following recommendations:

A. The Waste Contract specify the weekly collection of the FOGO green lid bin.

B. The Waste Contract specify the initial supply of kitchen caddies and liners to residents in a program rolled out by the Contractor.

C. Council provides replacement kitchen caddy liners to residents, either directly or facilitate this through the Contractor, for the remaining term of the contract.

D. The Waste Contract specify the fortnightly collection of the 140-litre red lid bin.

E. In the lead up to the commencement of the new Waste Contract and the FOGO service, an intensive community education program be rolled out by the Sustainability Unit to explain the changes being made to municipal waste services.

These recommendations informed the 2017-2018-303 Waste Services Contract, which is currently operating under Service A (business as usual), and will transition to Service B (FOGO) upon Council's nominated commencement date.

The current collection system (Service A);

Councils 3-bin system (red, yellow and green-lid bins) is offered to properties levied under the "Domestic Waste" rate category, which includes residential properties in Muswellbrook, Denman and Sandy Hollow townships, as well as Milpera Drive, Woodlands Ridge Estate and Skellatar Stock Route. There are presently 6041 active 3-bin services, with 109 additional green-lid bins subscribed, totalling 6150 green-lid bins across 5639 property assessments.

Council provides a 2-bin system (red and yellow-lid bins) to commercial properties in the townships levied under the “Waste Management” rate category. For a fee, these properties may request a green bin be added to their service. This option for green-lid bins is minimally subscribed, with only 19 commercial properties opting in. However, these 19 properties have 36 green-lid bins between them. Council will consider its preferred approach for such commercial properties, with respect to the FOGO rollout.

Council also provides a 2-bin system (red and yellow-lid bins) to 103 rural residential and rural commercial properties. These properties may request green-lidded bins for a fee, but they are not a standard issue. At this stage, none of these properties in the “Rural Domestic Waste” and “Rural Waste Management” categories have chosen to take up a green-lid bin.

A summary of the current waste rate categories and bins are provided in the table below:

A. Domestic Waste	Residential properties in the urban areas of Muswellbrook, Denman and Sandy Hollow + Milperra Drive, Woodlands Ridge Estate and Skellatar Stock Route. 5639 assessments. 6150 green-lid bins.	3-bin service 1x Red 1x Yellow 1x Green 2x bulk waste
B. Waste Management	Commercial properties in urban areas. 313 assessments. 19 of these properties have 36 green-lid bins.	2-bin service 1x red 1x yellow Optional green
C. Rural Domestic Waste	Residential properties in rural areas. 94 assessments. Zero green-lid bins.	2-bin service 1x red 1x yellow Optional green
D. Rural Waste Management	Commercial properties in rural areas. 9 assessments. Zero green-lid bins.	2-bin service 1x red 1x yellow Optional green

CONSULTATION

Deputy General Manager

Director Corporate Services and Chief Financial Officer

Manager Waste Operations

Sustainability Officer

Director Environment & Planning
Communications and Media Coordinator

Digital Media Officer

Financial Controller

Rates Officer

Coordinator Customer Service & Administration

JR Richards & Sons Pty Ltd & their subcontractor EnviroCom Consultants

Hunter & Central Coast Waste & Resource Recovery Strategy Group

REPORT

Incorporating a Food Organics & Garden Organics (FOGO) collection into Council's established 3-bin kerbside waste collection service represents significant advancement in service provision to the community, in alignment with the objectives of Regional, State and National waste strategy and policies.

44 Councils in NSW already offer this service and many more are planning to introduce FOGO collection prior to 2030. By 2030, FOGO collection will be mandatory in NSW.

An audit of Muswellbrook Shire Council's 3-bin residential waste collection system was undertaken in May 2022 over two weeks to determine the material types and quantities of waste produced by the community. The audit report has been received, which details:

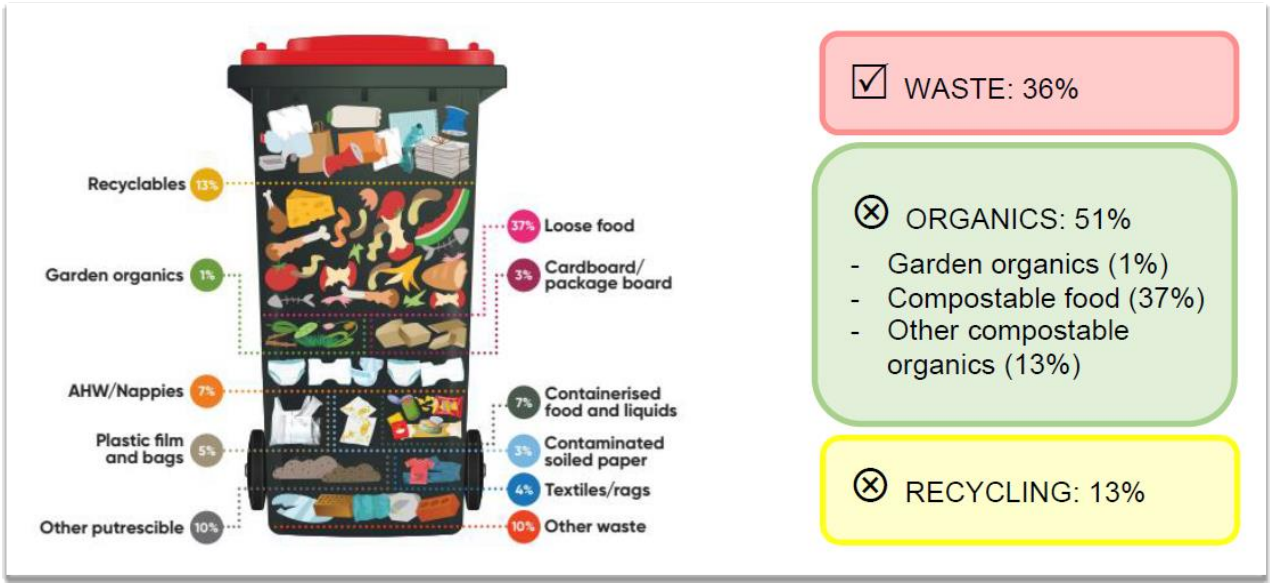
a. The current diversion rate is 49.6% for Council's 3-bin system, by weight. That is, 49.6% of materials are placed in yellow lid or green lid bins for recovery, with the remaining 50.4% of materials being placed in red-lid bins and are destined for landfill.

b. The average red-lid bin per household, each week contains 10.023kg of materials. This comprises 49.2% accepted red lid materials, 12.6% recyclables, 0.7% garden organics and **37.5% loose food**. This material is disposed to landfill.

c. The potential diversion rate, if all unrecovered recyclable material and all compliant garden organics in the average red-lid bin were placed in the correct bin, is 55.7%.

d. The possible diversion rate with a FOGO bin system, if all unrecovered recyclable material, all compliant garden organics and compostable food waste in the red-lid bin was recovered, can potentially divert 73%.

Therefore, adding a FOGO collection service could divert an additional 23% of material by weight in Council's 3-bin collection system, away from landfill. This represents a significant step toward Council meeting the NSW EPA (Environment Protection Authority) targets for resource recovery and will help to extend the operational life of the landfill, reduce Council's atmospheric emissions and, by producing compost, will return carbon and other nutrients to local soils.



The high-level steps to initiate a FOGO service for Muswellbrook Shire are;

1. Determine property eligibility for FOGO;
2. Provide education and prepare affected residents for a change to their green bin use and collection frequency, and a change in the red bin collection frequency;

3. Rollout of kitchen caddies and liners to eligible properties;
4. Commencing kerbside collection of FOGO, contract “Service B”;
5. Processing collected FOGO materials into composts;
6. Distribution of composted product back to the community, and;
7. Ongoing community education & engagement to ensure compliant disposal behaviour.

Step 1 – FOGO service eligibility

Council’s existing kerbside waste collection has differing levels of service depending on property location, residential or non-residential, number of occupied dwellings exist on the property, or whether the property is vacant.

Councils 3-bin system (red, yellow and green-lid bins) is offered to those properties levied the “Domestic Waste” rate category which includes residential properties in Muswellbrook, Denman, and Sandy Hollow townships, as well as Milpera Drive, Woodlands Ridge Estate and Skellatar Stock Route. These "Domestic Waste” rated properties can have a straightforward swap of their existing green-lid bin to the FOGO service. There are presently 6041 active 3-bin services, with 109 Additional green-lid bins subscribed, within the “Domestic Waste” rate base, totalling 6150 green-lid bins across 5639 property assessments.

With the FOGO transition, these and all other serviced properties would move to fortnightly collection of the red-lid bin. It is recommended that these properties begin on the FOGO system, using their existing green-lid bin and a new kitchen caddy, on the commencement date.

Recommendation 1 – Change over existing Garden Organics bins for “Domestic Waste” properties to weekly FOGO service upon the commencement date of the FOGO collection service.

Council provides a 2-bin system (red and yellow-lid bins) to commercial properties in the “Waste Management” rate category – comprising urban commercial premises - and the “Rural Waste Management” rate category – rural commercial premises. These premises have the option to request a green-lid bin for a fee.

Take up of the optional green-lid bins is minimally subscribed, with only 19 “Waste Management” rate category urban commercial properties opting in. However, these 19 properties have 36 green-lid bins between them, which indicates a need for more frequent servicing, which the FOGO service can provide. Additionally, some businesses would be high volume FOGO generators, for example, hospitality premises, and may desire a FOGO service with a greater collection frequency, such as twice per week.

The “Rural Waste Management” rate category has zero take up of the optional green-lid bin at the present time. With the FOGO transition, these and all other serviced properties would move to fortnightly collection of the red-lid bin. It is recommended that those properties with the optional green-lid bin begin on the FOGO system, using their existing green-lid bin and a new kitchen caddy, on the commencement date. Properties without the optional green-lid bin service could request one (240L bin + 7L caddy & liners) and join the weekly FOGO collection at any point thereafter, however their red lid bin would be collected once per fortnight from the commencement date.

Recommendation 2 - Change over existing and optional Garden Organics bins for “Waste Management” properties to weekly FOGO service upon the commencement date of the FOGO collection service.

Council also provides a 2-bin system (red and yellow-lid bins) to 94 rural residential properties in the “Rural Domestic Waste” category. These properties have the option to request a green-lidded bin for a fee. Currently, there is zero uptake of the green-lid bin.

With the FOGO transition, these and all other serviced properties would move to fortnightly collection of the red-lid bin.

Council could choose to fund new green-lid bins to these properties and transition them to a weekly FOGO, however no demand for green bins has been demonstrated in the current system. Therefore, it is recommended that these properties without the optional green-lid bin service could request one (240L bin + 7L caddy & liners) and join the weekly FOGO collection at any point thereafter, however their red lid bin would be collected once per fortnight from the commencement date.

Recommendation 3 – Change over optional green-lid bins for "Rural Domestic Waste" properties' to FOGO service upon the commencement date of the FOGO collection service.

Step 2 – Provision of education and information

Council's waste collection Contract 2017-2018-0303 requires J R Richards to assist Council to develop and implement community education for the transition to FOGO. An allowance for Education is included in the Domestic Waste Operational Budget to support these actions.

The Community Engagement and Education Plan (CEEP) has been developed with the assistance of J R Richard's subcontractor EnviroCom. The CEEP aims to identify and target key stakeholders through the implementation of staged educational interventions that consider behaviour change principles to ensure they are targeted, effective, and fit for purpose.

Over the past several years Council staff have been attending workshops and talking with other Councils to gain knowledge on how to successfully roll out a FOGO service and the pitfalls to avoid. These learnings inform the CEEP which outlines how and when to engage with the community for a successful rollout. The phasing and timeframes of CEEP actions are presented in Table 1.

Table 1; Communications and Engagement Phases and Timeframes

Phase	Purpose	Indicative Timing
Phase 1	Situational analysis and awareness raising: "Have you heard?" In developing the actions in this phase, the following questions are posed (and addressed): - What is FOGO? - I already have a green waste bin. What is changing for me? - Why is Council doing this? - What will it cost? - What happens to the materials once they are collected?	12-9 months pre-service commencement
Phase 2	Pre-rollout preparation, awareness building and preparation: "Are you ready?" In developing the actions in this phase, the following questions are posed (and addressed): - What is acceptable and not acceptable in my FOGO bin and why? - If my green waste bin is full of garden waste, what do I do? - I do not need FOGO, I compost/have a worm farm/have backyard pets. - I am worried my bin will smell - How do I use FOGO? - How do I get my kitchen scraps from the kitchen to the FOGO bin?	8-1 month pre-service commencement

Phase	Purpose	Indicative Timing
	- How do I sign up? - Why is Council doing this?	
Phase 3	Service commencement: “FOGO is here!” This is the ‘go live’ period so actions in this short phase will focus on reinforcing messaging and monitoring community feedback	Month of service commencement
Phase 4	Post rollout review, monitoring, and improvement: “How’s it going?” In developing the actions in this phase, the following questions are posed (and addressed): - What material is accepted and not accepted in my FOGO bin and why? - Why should I compost/have a worm farm and a FOGO bin? - How do I manage odour? - I do not have room for food scraps and garden materials in my FOGO bin – what do I do? - Why was my FOGO bin not emptied? - Can I get a FOGO bin if I did not have a Garden Organics bin? - What happens to the materials once they are collected? - What difference are we making?	1-6 months post-service commencement

The NSW EPA have developed a campaign for resident education, called “Scrap Together”. These educational and promotional resources will be leveraged along with Council’s own Waste Wranglers characters, media channels and messaging.

With any change to a service, there is likely to be concerns raised by residents that Council should be prepared to answer and support. These issues have been considered within the

CEEP and addressed, to increase the likelihood of a successful FOGO service rollout. Frequently raised concerns and reasoning are outlined below:

a) Change in collection frequency

With the introduction of FOGO services, up to 37.5% of the waste that residents currently put in their red-lid bins, will move into the FOGO green-lid bin. This portion of waste is the most putrescible material, i.e., odour generating. Therefore, it is essential that the green lid bin be collected and processed promptly.

With this material transferred into the FOGO bin and removed from the red-lid bin, the volume and odour of waste in the red lid bin will be reduced. Thus, to achieve the maximum economic and environmental advantage of the system, the collection frequency changes as follows.

- Green-lid FOGO bin collected weekly.
- Red-lid general waste bin collected fortnightly.
- Yellow-lid recyclables bin collected fortnightly.

This collection frequency is typical for other councils already operating FOGO services.

b) Size of red lid bin

Council's red-lid residual waste bin is 140 litres capacity and was introduced at the commencement of Council's 3-bin collection system in 2004/2005. 140L bins and smaller for residual waste are common across NSW and Victorian LGAs (Local Government Area) and, more frequently, where FOGO collection services are provided.

Introducing the FOGO service simply transfers some material out of the red-lid bin into the green-lid bin. This transfer of material does not increase waste generation. Currently, most residents find the 140L red-lid bin satisfactory, and with the introduction of FOGO the space available in the red-lid bin will increase.

Community engagement and education will need to reinforce these messages. Any residents unable to deal with the volume of waste they produce have the option of requesting an Additional red-lid bin for a fee. Additionally, residents with a genuine medical need, such as at home dialysis, generate an increased amount of waste. A draft procedure exists to help staff assist such residents manage their specific waste. Also, Council may consider amendment of fees on a case-by-case basis.

However, Council should not offer bespoke solutions. Other councils who have already moved to FOGO explicitly warn that entertaining weekly/bi-weekly pickups or bigger bins from a small proportion of the residential population is cost prohibitive and creates a discriminatory system which in turn inflates the customer service workload. These councils are now finding it difficult to walk back from these individualised services and the additional cost burden that was impossible to calculate before the fact.

c) Smell / Odour

Some community members may perceive bin odour to be an issue, for example, from disposable nappies sitting up to a fortnight in the red-lid bin waiting for collection. Council will need to educate residents about how to prevent and reduce odour generation. Simple methods such as putting seafood scraps in the freezer until bin day, and decanting nappy contents to the toilet, are practical and achievable prevention actions.

As odour and pest issues are heightened in Summer, FOGO rollout after the weather has cooled gives residents the maximum time before next summer rolls around, to get used to the FOGO system and to learn techniques to minimise and manage odour.

d) Cost

Residents may associate a new service with higher costs. Along with attitudes that waste 'should be free' to dispose, Council will need to educate and market the system, highlighting the increased level of service adding value to residents and the community. However, the change from Service A to Service B under the waste collection contract, at current rates, represents no net change to the per premises fees for bin collection. However, there will be a once off $120,000 outlay for the rollout of caddies and liners, which is presently $18.191 per eligible premise, this price is subject to quarterly calculated Rise & Fall. The NSW EPA is offering "Go FOGO" contestable funding to assist with the cost of caddies and education, for which staff are currently preparing an application.

However, the primary driver of any increase will be costs incurred for transport and gate fee to send collected material to a licenced facility for processing. Or alternatively, to fund infrastructure upgrades to enable in-house processing.

e) Contamination

With the change in service, some residents may find the new system confusing and may place the wrong things in the wrong bin. Continuation of the CEEP for several months post rollout of FOGO will be essential to embed the changed behaviours.

Step 3 - Rollout of caddies & compostable liners to residents

Prior to collections starting, significant education work will be conducted to prepare the community for changes to their waste service and, therefore, their waste management behaviours.

Kitchen caddies and compostable liners for food scraps will be rolled out to eligible residences in the weeks prior to collections starting. J R Richards can deliver each eligible premise a kitchen caddy and roll of AS4736 compostable liners to the property mailbox. The caddy for food scraps can be kept on a benchtop for handy disposal of scraps during food preparation.

CADDY DESIGNS

Council has two options for caddy size and shape. There is no difference in cost to Council for either caddy design. Both caddies shown in the examples below are manufactured in Australia and both can incorporate a high percentage of post-consumer recycled High Density Polyethylene plastic in the body. Staff recommend selecting a dark body and green lid, to align with the kerbside bin system look and feel as well as to incorporate the maximum possible recycled plastic content in the body of the caddies.

Option 1 – Mastec

Mastec advises approximately 78% recycled plastic content in the body and handle. Virgin plastic is used for the lid so it can retain the lime green colour.

Members of the Penguin Garden Club have been trialling the use of a sample Mastec caddy. Feedback - *"Person 1 had the white one and said it took 5 days to fill. It didn't smell. But she didn't include meat scraps. Thought it wasn't as strong as the other one. But did like that it was taller and took up less bench space"*

The lid does not latch closed, however the liners fit well. It is a taller caddy with square profile and smaller benchtop footprint. This style of caddy is presently in use at Port Macquarie Hastings Council, and is the beige caddy shown in the images below. Lids can be hot stamped with Council's material acceptance messaging & EPA standard graphics.

Mastec caddy rear

Mastec caddy side

Mastec caddy front

Vented design is possible, however staff do not recommend, as vented caddies leak.

Handle up does not prevent lid opening

No grab handle on the rear

Lid rotates fully about the hinge

Comparison of height Sulo caddy (black) with Mastec caddy example (beige)

Option 2 – Sulo

Sulo advise up to 80% recycled content can be incorporated in body if requested, however in the absence of a specification they usually default to 40%-60% recycled content depending on material availability. Virgin plastic is used for the lid so it may be dyed lime green.

Members of the Penguin Garden Club have been trialling the use of a sample Sulo caddy. Feedback - *"Person 2 had the black one. Thought it was stronger but took up more space. Thinks we need to educate people about how to stop it smelling especially with meat. Also said to make sure the bags we give out suit the caddy and are not too tight to put on. Thought bags with handles would be better as they are easier to tie a knot in."*

The handle in raised position locks down the lid. Has an oval profile and wider footprint. Liners in our samples need to be stretched to fit. This style of caddy is presently in use at Upper Hunter Shire Council. Lids can be sublimated with Council's acceptance messaging & EPA standard graphics.

Sulo caddy rear

Sulo caddy side

Sulo caddy front. Handle up locks lid in closed position.

Lid opens 90 degrees from closed with a bump stop preventing further rotation.

Rear grab handle

Thumb tab for “clamshell” opening

Example of lid printing with material acceptance messaging, Sulo caddy.

Example of lid hot stamping with material acceptance messaging, Mastec caddy

Following confirmation of Council's choice, staff will advise JR Richards to order stock, confirm design and stamping.

Over time and with regular use, caddies may become damaged and require repair or replacement. A system will be agreed between Council and J R Richards for the customer service arrangements, as the replacement caddies will be charged to Council and the resident will need to pay a fee to cover the cost. The replacement fee will be added to Council's Fees & Charges for 2023-24 at approximately $20 per caddy.

Staff note there are advantages and disadvantages to either caddy, though our primary consideration needs to be simplicity for residents to integrate into their normal routine and kitchen space. Thus, staff recommend Option 1 with green lid and dark body with the maximum recycled plastic content of approximately 78%.

NSW EPA have recently released "Go FOGO" funding which staff will investigate to help fund the purchase of caddies and liners.

Recommendation 4 – Council selects Option 1 for the household FOGO caddy.

AS4736 compostable liners

AS4736 compostable liners are used in FOGO systems to facilitate resident interaction with the service. Residents may use the bags to line their caddy, to go from caddy to bin, or they may instead choose to line their caddies with newspaper, a paper bag, or not line them at all. However, providing compostable bags as an option offers a simple and tidy system that may assist in resident acceptance of the service.

Experiences shared from other councils indicates that if residents are asked to source their own liners, this leads to a significant increase in plastic contamination in compost products as often the wrong bags are used. Therefore, Council should provide an ongoing supply of AS4736 compostable liners.

J R Richards will provide a roll of AS4736 compostable liners with each FOGO caddy delivered. Ongoing, J R Richards will assist Council to secure stock to supply residents with new rolls of liners as needed. Supply to residents should be in response to resident request, rather than a scheduled issue, to prevent the risk of surplus supply leading to wastage. It may be possible to create a simple online request form for resupply, with delivery during normal bin collection by J R Richards drivers.

Recommendation 5 – Plan customer service arrangements for ongoing supply of caddy liners.

Step 4 - Collecting the FOGO bins

Council engaged J R Richards & Sons Pty Ltd under Contract 2017-2018-0303 to provide waste collection services to the community on behalf of Council. The contract is presently operating under Service A (weekly red bin collection, alternate fortnights yellow and green bins) and anticipates rollout of a FOGO service in transition to Service B (weekly green bin collection, alternate fortnights yellow and red bins).

J R Richards and Council staff have discussed the proposed changeover to Service B in regular contract management meetings and they have advised no impediment to implementing this service. Given Upper Hunter Shire Council has commenced FOGO collections from July 2022, the contractor which services both councils has already acquired an additional collection vehicle, and they advise this will be sufficient to provide FOGO collection service to Muswellbrook Shire Council.

From a financial perspective, it may seem desirable to start at the beginning of a new fiscal year. Any change to the Domestic Waste Management charge required to fund the service will come into effect from July 1. However, when considering the logistics, rolling out caddies and commencing collections on or around July 1 is not optimal, as the contractor anticipates

they would struggle to resource multiple rollouts across other council areas they service on a similar timeframe.

Staff recommend the kerbside collection of FOGO commence in Autumn. Autumn is an optimum season to commence a new FOGO service with cooler daily temperatures. A 12-month staged education campaign to prepare the community for the new FOGO service can run for 6-9 months prior to collections and at least 3 months post commencement.

Locking in a collection start date will become possible once agreement on processing services is secured. The rollout of kitchen caddies and consumables, and the timeline of community engagement and education activities, will flow from the securing of a processing agreement.

Step 5 - Processing the collected FOGO

Critically for a new FOGO service, Council will determine a processing pathway for the collected FOGO material.

Council is currently seeking Development Approval for Project 2017-2018-0336 **Organics Recycling Facility** to build FOGO processing capacity at the Muswellbrook Waste & Recycling Facility. Development approval has not yet been granted and capital funding has not been allocated. The development of a Council Organics Recycling Facility is supported by an Environmental Trust grant of $600,000 toward its construction.

Council may call for Non-binding Expressions of Interest for the procurement of FOGO material processing. Market responses could include options for a third-party licenced processor to receive the FOGO waste, for a third-party wanting to develop on Council land or technology providers or circular economy enterprises who propose suitable solutions. Council will be able to assess responses which align with Council's needs and objectives.

Once a processing option is determined, and if it is located outside Muswellbrook, Council can instruct JR Richards to transport FOGO collection trucks to the nominated alternative facility. Alternative facility transport fees apply under the waste collection contract, which are calculated based on the distance return trip to an alternative facility multiplied by the tonnage carted. The closer the selected processing facility is to Muswellbrook, the lower the alternative facility transport fee will be.

Step 6 – Closing the loop

Composted or processed organics create products which can be returned to the soil, reaping great benefits for soil structure, nutrition and workability. A Council tender for an external processor to compost its FOGO ought to establish that a prescribed volume of output product be offered to Muswellbrook Shire Council residents to return to the soil.

Recommendation 6 - Requests Non-binding Expressions of Interest for the procurement of FOGO material processing. receipt at an appropriately licenced FOGO processing facility from the collection commencement date, including a provision for a portion of the compost produced to be made available to Council for its use and for the use of Muswellbrook Shire residents.

Customer service, FOGO rollout and beyond

It is anticipated there will be an initial increase in complaints to Council with the implementation of the FOGO service even with a robust CEEP in action. It is essential that Council continues to resource and support staff to make this transition a positive experience for Council and the community.

The rollout of a new FOGO service will increase workloads for a wide range of Council staff across departments. Staff in Waste Operations, Sustainability, Finance, Rates, Front Counter, Administration and Communications will be required. Additional staff resources or reprioritising other projects or services may be considered.

Domestic Waste Management charges

The costs discussed in the sections above, including the supply of caddies and liners, the additional cost of transport of collected material to a licenced processing facility, and the gate fee for processing of the materials, are the high-level operational costs of establishing the new service. These costs are chargeable to the Domestic Waste budget which is funded by collection of the Domestic Waste Management charge to properties within the Waste Collection Zone. The Domestic Waste Management charge applying for the commencement year, will be calculated to accommodate the cost of the new service.

Recommendation 7 - With information gained from the Expression of Interest process, review Domestic Waste Management calculations to fund FOGO collection, transport and processing.

OPTIONS

Council may choose to endorse the recommendations or seek further information prior to making decisions. A subsequent report will be provided to Council regarding the options for processing of FOGO material beyond the commencement of collections.

CONCLUSION

The development and roll out of the Food Organics Garden Organics service will be planned and executed in a manner that provides the greatest level of benefit to Council and the community.

SOCIAL IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The financial implications of the FOGO service will be calculated and recouped in the Domestic Waste Management charges. External processing includes additional transport per km and receival facility gate fees per tonne.

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

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

   Will be dependent upon whether Council determines to process Food Organics Garden Organic material in-house or through an external service provider.

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

   Collection contract charges will remain steady with the transition to weekly FOGO and fortnightly red lid bins under the existing waste collection contract.

   The initial rollout of caddies & liners represents a one off $120,000 estimated cost. Contestable grant funding under the “Go FOGO” program is available to partially offset this cost.

   The ongoing supply of compostable liners represents a higher cost (up to $10 per roll of 150 bags) which will need to be captured within the Domestic Waste Management charges. If residents are delivered one roll per annum, the annual cost could be up to $60,000.

   Sending collected material to a third-party processor will incur a per tonne gate fee for material plus a per kilometre additional transport fee to a nominated alternative facility.

   Some of these costs may only be estimated at the present time. Estimates in the table below conservatively assume 5000 tonnes of FOGO collected per annum and assumes that the nearest licenced facility is the successful tenderer. Receipt of offers following a

Non-binding Expression of Interest for processing will be required to inform actual cost implications.

Aspect	Estimated additional cost	Procurement
Rollout caddies and liners to premises	$120,000, once off for initial caddy delivery	Existing contract
Distribution of replacement liners	$60,000 for a new roll, per premises each year	Existing contract
Weekly collection of FOGO bins	No net change to contracted fees contingent upon the red bin being collected fortnightly.	Existing contract
Transport to Alternate Facility	$150,000 per annum for nearest presently operating licenced facility.	Existing contract
Processing fee	Estimated up to $750,000 per annum, assuming a gate fee of $150 per tonne	Non-binding EOI

POLICY IMPLICATIONS

Net Zero Policy

Procurement Policy

STATUTORY IMPLICATIONS

Domestic Waste Rates and their application are governed by the Local Government Act.

Local councils must fund Domestic Waste Management (DWM) services through levying separate DWM charges (see Local Government Act 1993 (NSW) (Local Government Act) section 504(1) and (2)). Councils are required to set DWM charges that do not exceed the reasonable cost of providing DWM services, and revenue collected through DWM charges may only be used for DWM purposes (see sections 504(3) and 409(3)(a), Local Government Act). The NSW Office of Local Government's Council Rating and Revenue Raising Manual requires that revenue from the DWM charge must be kept separate from general rating income, and only used for expenditure related to DWM (see p 56 of the manual).

LEGAL IMPLICATIONS

Nil

OPERATIONAL PLAN IMPLICATIONS

United Nations Sustainable Development Goal 12.3: "By 2030, halve per capita global food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses."

National: The *National Food Waste Strategy* was launched on 20 November 2017 by the Minister for the Environment and Energy at the National Food Waste Summit. The Strategy establishes a framework to support actions that can help work towards halving Australia's food waste by 2030.

State: The *NSW Waste and Sustainable Materials Strategy 2041* mandates the separate collection of food and garden organics from all NSW households by 2030, to help achieve the State targets of halving food waste to landfill and achieving net zero emissions from organics in landfill by 2030

Local: The *Muswellbrook Shire Council Operational Plan*, 2021/22 includes the following Key Delivery: "Commence a communication program for the Food Organics Garden Organics waste service".

RISK MANAGEMENT IMPLICATIONS

The change in service creates two potential risks:

Reputational risk – if the Communications & Education Plan is not rolled out, or rolled out incorrectly, the community may not be prepared for the change and blame Council for confusion created.

Significant increase in DWM charges – until a tender process is completed for the processing of the collected FOGO Council will not be fully aware of the likely costs to ratepayers.

WASTE MANAGEMENT IMPLICATIONS

There are many waste management implications of introducing a new FOGO service including:

1. Diverting waste from landfill.
2. Increasing the workload of Waste and other staff.
3. Fulfilling the requirements of The NSW Government's Waste and Sustainable Materials Strategy 2041 – Stage 1.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

The success or failure of the rollout of the FOGO service will rely on successful community engagement, thus the Community Education & Engagement Plan is prepared to guide actions and timing of activities to most effectively prepare the community for the change in service.

9.2.2. Wybong Road Rectifications- Temporary Full Road Closure Proposal

Attachments:	1. MACH Energy Wybong Road Rectification Works GHD Technical Memorandum - Spray seal remedial design ([**9.2.2.1** - 7 pages]
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	{authors-names-with-position}
Community Plan Issue:	*5 - Community Infrastructure*
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	5.1.3 - Facilitate investment in high quality community infrastructure necessary to a Regional Centre. 5.1.4.1 - Capital works programmes prioritised to demonstrate continual improvement in community infrastructure.

PURPOSE

MACH Energy Mount Pleasant Operation (MPO) is requesting the closure of Wybong Road from the Mount Pleasant Mine entry to Overton Road to facilitate the road works required to rectify defects of the Wybong Road pavement. The closure will be under similar conditions to the closure performed for the Wybong Road Rehabilitation Works carried out in 2021. The report sets out the details of this proposal for consideration by Council.

OFFICER'S RECOMMENDATION

Council approves the temporary closure of Wybong Road East from the Mount Pleasant Mine Entrance to Overton Road for a period of approximately 6 weeks, to facilitate the proposed road works to be undertaken.

Moved: _____Seconded: _____

BACKGROUND

As a condition of MACH Energy's Section 138 approval 2021-0019 - 27/08/2020, MACH Energy were required to undertake works to rehabilitate Wybong Road, from the Mount Pleasant Operation (MPO) entry to the Overton Road intersection (~4.9km).

An extract of the S138 special condition, relating to these works is provided below:

13. *The Consent Holder is to enter into a Deed of Agreement with Council for:*

*…**b.** the applicant to, as soon as practicable after the execution of the Deed of Agreement and prior to peak traffic loadings associated with the rail infrastructure construction, design and reconstruct the Wybong Road pavement only from the MTP entrance to Overton Road to meet the Council's RC1M standard to the Council's satisfaction.*

MSC required the works to be undertaken to bring the section of road up to a mine affected road standard and improve road safety for the public road users. The rehabilitation work widened the road's travel lane widths and provided sealed shoulders throughout as well as

upgrading the road pavement to provide a road surface for improved serviceability and a reduction in ongoing maintenance.

The construction works were undertaken in 2021, however at the completion of the work numerous defects were identified and it was determined that further works would be required to rectify the premature surface failures for the construction to meet Council's satisfaction. MACH Energy, in consultation with Council officers, have been working together since the completion of the works to determine the cause and rectifications required to bring this project to completion to the satisfaction of Council.

The defect rectification methodology and scope of work have now been quantified and agreed by all parties, and MACH Energy are finalising detailed planning for carrying out the defect rectification works.

CONSULTATION

Roads Drainage and Technical Services Team

GHD (Technical memo attached)

MACH Energy Project Team

REPORT

Scope

The Wybong Road Rectification Project ("the project") involves the rectification of pavement defects within the recently constructed 4.9 km section of Wybong Road. The attached technical memorandum (attachment 1) summarises the defects identified, and the methodology required to rectify these defects. The defects subject to this work are largely, localised pavement failures and bleeding seal. Investigations have been undertaken to develop an acceptable methodology and scope of work. The methodology involves recycling of the existing base layer using a deep in situ recycler and re-compaction of the road pavement followed by an application of a new bitumen seal. This will achieve a pavement that is consistent with the original pavement design. The project ties into the existing upgraded pavement at the current Mount Pleasant Operation (MPO) entry and the designed upgraded pavement associated with the MPO Rail 2 Project, east of Overton Road, as per the s.138 approval 2021-0019 - 27/08/2020 condition.

Construction of the project will require regular movements of earthmoving equipment, including pavement pulverisation/ milling plant. The project is proposed to be constructed by temporarily closing Wybong Road to the public for the duration of the works which is expected to be approximately 6 weeks. The road designers have advised commencement from late-October would be best suited for the required construction and sealing works due to most likely ambient and pavement temperatures from this time.

The temporary full closure of Wybong Rd would include the section between the MPO entry and Overton Road. This section of the road does not contain any residences or general public accesses. It is bound wholly on the south by Bengalla Mine and wholly on the North by MPO.

Benefits of Wybong Rd Temporary Full Closure

Although a temporary full closure will create some inconvenience to road users, MACH Energy considers that a full closure will be preferable to construction under traffic control. The benefits will include Safety, Time and Quality. The impacts are described in the following:

Safety

The temporary full closure of Wybong Road will result in improved safety to public road users in comparison to adopting a staged delivery approach with public traffic flow continuing under

traffic control. The temporary full closure eliminates risks such as public vehicle interactions with mobile construction equipment, vehicle incidents resulting from travel on unsealed pavements (exacerbated in wet conditions), driver distraction watching work crews/plant, as well as improving work force safety by removing interactions with public vehicles.

Time / Schedule

Figure 1 reflects the construction durations for both construction methods. These schedules assume there are no weather or other uncontrollable delays to works.

Completing the works with a full road closure, enabling larger work frontages without having to manage traffic, results in a minimum 4-week schedule of works. MACH propose a 2-week contingency period, enabling a 6-week window to complete the works and reopen the road to the public.

Construction under traffic management would increase the disruption to the public and increased safety risk exposure by a minimum of an additional 4-weeks, this would likely be a total of 10-weeks of interactions with the community, as opposed to the proposed 6-weeks.

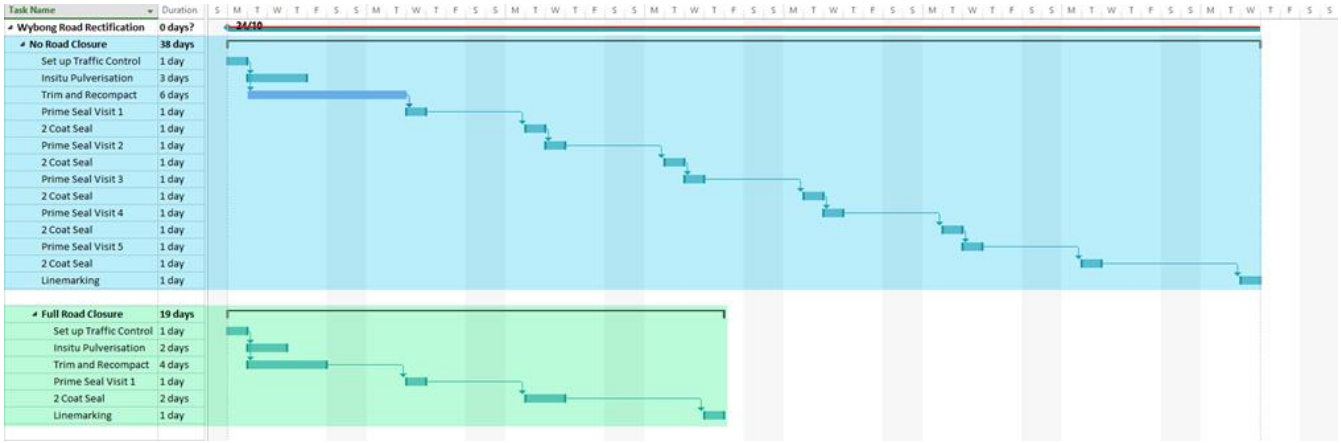


Figure 1 Comparison of Works Schedules – Full Closure vs Traffic Controlled Partial Closure (Dry Weather Schedule)

Rosebrook Bridge Replacement Project

MACH Energy have proposed the work will likely commence late October 2022 weather permitting. Council received grant funding under the Transport for NSW Fixing Country Bridges Program for the replacement of Rosebrook Bridge on Wybong Road. This project is included in Council's 2021-22 Capital Works Program, with the project intended to be delivered under a 'Design and Construct' Contract. The Design and Construction tender was accepted by Council at the June 2022 Ordinary meeting of Council. Construction is expected to commence late 2022. The tendered lump sum price and budget accepted by Council does not allow for the bridge to be constructed under traffic by way of a side track. It will be necessary to close the affected section of Wybong Road for the period of construction, expected to be from February to July 2023 in accordance with the contractor's submitted schedule. Council proposes that the two projects cannot be undertaken concurrently under Wybong Road closure conditions, due to restricted access issues for the local residents on Logues Lane, Overton Road and Wybong Road caused by having the two ends of Wybong Road closed concurrently. Whilst this will necessitate two road closure periods and temporarily inconvenience the travelling public, the closure for the rectification works should be limited to a six (6) week period. The projects will also be independent of each other, thereby limiting contingencies which may have implications that affect one or the other project.

Quality

While the construction methodology would not reduce the technical requirements specified for the pavement, the avoidance of a staged construction approach would eliminate the large construction tie-ins between travel lanes as well as the required use of partially constructed pavements prior to completion which could result in rework of damaged works.

Proposed Suitable Detour

Available traffic data shows that most of the traffic utilising this section of Wybong Road, is either accessing the Muswellbrook township or continuing further north toward Aberdeen via the New England Highway and the same in the opposite direction.

There is an existing suitable detour available for the duration of the temporary full closure of Wybong Road. This detour route from Bengalla/Wybong Road intersection is via Bengalla Road/ Denman Road/ Sydney Street/ New England Highway (see Figure 2 - Proposed detour via Bengalla Road).

This detour was previously utilised by MSC from March 2020 for just over three (3) months during the full closure of this same section of road due to a road failure, and during the MACH Energy Wybong Road Rehabilitation Project from March 2021 for 7 months.

Some estimated travel times for the available detour, depicting the potential delays associated with traffic control, have been provided in Table 1.

The estimates in Table 1 show that the use of Wybong Road, under traffic control, would result in longer travel times for the public than the use of the proposed detour route.

Table 1 - Estimated travel durations

Route from the Wybong/Bengalla Road intersection, via:	Pre-construction recorded (mins)	Likely during project construction (mins)
Wybong Road to New England Highway	*10*	*15-18 **
Bengalla Road to New England Highway	*13*	
Wybong Road to Kayuga Road	*9*	*14-17 **
Bengalla Road, through Muswellbrook to Kayuga Road	*14*	

* Calculated with the difference from existing speed limit to the required 40km/h and 60km/hr construction zones through the work area shown in Figure 2 (5.9km), for the lower estimate. The higher estimate includes likely stoppage time by Traffic Control for 3 minutes, which could be higher still, if stopped at each construction work zones.

Figure 2 - Proposed detour via Bengalla Road

Permitted Access

MACH Energy would make provision for escorted access for external Oversize/Overmass vehicles through the closed work zone if required, with suitable request and notice by the external parties. MACH Energy has already advised ARTC of this proposed full closure and have also advised that MACH Energy would provide ARTC with escorted access through the works zone for their required deliveries to and from Logues Lane for any required maintenance access they require.

No general public access would be permitted through the work zone during the full closure period. The road would be suitably closed and protected to ensure no accidental access could occur by unaware members of the public. Access for local residents on Logues Lane, Overton Road and Wybong Road East will be via Kayuga Road.

OPTIONS

Option 1: Closure of Wybong Road from Overton Road to Mt Pleasant Access Road for the duration of the proposed Rectification Works for a period of approximately 6 weeks;

Option 2: Wybong Road to remain open during the proposed Rectification Works with construction to occur under traffic control for a period of approximately 10 weeks;

Option 3: Closure of Wybong Road for the proposed Rectification Works to coincide with the closure of Wybong Road for the construction of the Rosebrook Bridge Replacement.

CONCLUSION

It is considered that Option 1 is the preferred option as it would permit the works to be undertaken over a shorter timeframe.

SOCIAL IMPLICATIONS

There will be disruption to the users of Wybong Road during the construction period, however the rectification works to improve the road will benefit the community in the long term. As indicated above, the estimated time for road users to use the detour will be comparatively the same if the work was to be undertaken under traffic control.

FINANCIAL IMPLICATIONS

All works and costs associated with the Wybong Road Rectification will be the responsibility of MACH Energy as required under Section 138 approval 2021-0019 - 27/08/2020.

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

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

   Nil

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

   MACH Energy has the responsibility of the maintenance of the portion of Wybong Road where the proposed rectification works will be undertaken for 2 years post practical completion of the Mt Pleasant Mine Loop Project

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

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

LEGAL IMPLICATIONS

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

OPERATIONAL PLAN IMPLICATIONS

Facilitate investment in high quality community infrastructure necessary to a Regional Centre.

RISK MANAGEMENT IMPLICATIONS

The temporary full closure of Wybong Road will result in improved safety to public road users in comparison to adopting a staged delivery approach with public traffic flow continuing under traffic control. The temporary full closure eliminates risks such as public vehicle interactions with mobile construction equipment, vehicle incidents resulting from travel on unsealed pavements (exacerbated in wet conditions), driver distraction watching work crews/plant, as well as improving work force safety by removing interactions with public vehicles.

WASTE MANAGEMENT IMPLICATIONS

Not applicable.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

MACH Energy will undertake Community Notification for the temporary full closure of Wybong Road using its current Rail 2 Project Stakeholder Engagement Plan as a guide to the methods of communication. This would include:

Maintain consistent messaging to all stakeholders - provide with maps indicating alternate route, timelines, project information, the who, why, where and when of the proposed full road closure and what the outcome of the proposed full closure will mean for road users, that is, a better/safer road.

1:1 near neighbour visits.

Letter drops to residents.

1:1 visit and communication via email and SMS with ALL emergency services, Police, Ambulance, Fire, RFS, SES.

Email, WhatsApp (established local mining communication group) and SMS - four weeks prior to the proposed full closure advising both Bengalla and Mangoola workforces to ensure

all shifts are prepared. As a courtesy, advise BHP Mt Arthur and Muswellbrook Coal.

Local newspaper, print and digital advertising.

Local radio advertising.

Update MACH Energy website and MSC's MACH Energy Project pages.

SMS to already established local neighbour notification database.

Update Community Hotline and Enquiries Hotline.

Communicate with all local schools via telephone call/email/letter.

Communicate with local bus service via telephone call/email/letter and provide regular updates.

Communicate with ARTC.

Communicate with local transport companies, Muswellbrook, Aberdeen, Scone, Denman, Sandy Hollow, Merriwa, and

Variable Message Boards will display advanced notice of the upcoming full closure as well as during the full closure.

MACH ENERGY have already provided and will continue to provide communication with the public through its Community Consultation Committee (CCC) regarding the proposed full closure. The CCC will be advised of the possibility of the full closure during the next meeting.

Technical Memorandum

August 12, 2022

To	Daniel Ashton – Mach Energy Peter Neville – Mach Energy	**Tel**	+61 7 33163131
Copy to	Michael Monroe	**Email**	Hechter.Theyse@GHD.com
From	Hechter Theyse	**Ref. No.**	12542753
Subject	Wybong Road – Spray seal remedial options		

1. Introduction

GHD undertook the detail design for pavement rehabilitation and widening of the Wybong Road in Muswellbrook for MACH Energy – Mount Pleasant Mine. Unfortunately, some premature surface failures of varying degrees of severity emerged towards the end of 2021. GHD was subsequently approached by MACH Energy to assess the condition of the road, identify likely causes of the failures and recommend remedial actions.

The initial technical memorandum from January 2022 provided an assessment of the failures based on the visual conditions recorded during a site visit in December 2021, listed factors that may have caused or contributed to the failures and provided recommendations on remedial actions depending on the type, severity and extend of the failures. It must be noted that several factors may have resulted in the failures but without detail assessment, it was not possible to identify the exact cause with a reasonable degree of certainty. Recommendations from the first memorandum included patching of areas where potholes started to form and blinding of the bleeding seal with precoated 5 mm seal stone. However, blinding of the seal can only be done successfully in summer at high pavement temperatures. The temperature has since dropped to levels that will prevent this remedial action from being successful.

A second investigation was completed in March 2022, including trenching and visual inspection of the pavement. The main findings from the March 2022 investigation were:

– The subgrade of the pavement on Wybong Road is moist but not overly wet and provides adequate support to the structural pavement layers. Rutting of the pavement because of inadequate subgrade protection is highly unlikely.
– Based on crude measurements in the trenches, the thickness of the pavement layers appeared to be in accordance with the design. Visually the material used in the pavement appeared to be of adequate quality containing sufficient fractions of coarse and fine aggregate to ensure adequate strength.
– The defects observed on Wybong Road are surface defects and not related to the structural capacity of the pavement. Some of the photographs from the March 2022 trench inspections revealed that the upper portion of the base layer was moist, more so than the remainder of the pavement structure. These moist conditions likely softened the upper base layer, resulting in punching of the seal stone into the base which subsequently contributed to the bleeding of the seal.
– The accumulation of excess fines on the surface of the base that were not swept from the base prior to sealing likely resulted in poor adhesion of the seal to the base and punching of the seal stone into the base, thereby contributing to the bleeding.

– The traffic on sections of Wybong Road appears to have been very aggressive during hot periods soon after placement of the seal. The seal binder is still relatively soft during the initial period after construction and aggressive traffic loading during this period will have contributed to the bleeding.

As noted earlier, a number of factors could have contributed to the bleeding of the seal, not all related to material quality and pavement construction. It is therefore unlikely that additional geotechnical investigation will provide any conclusive outcome on the exact cause of the bleeding and subsequent defects that developed.

A third investigation was undertaken during May 2022 using Falling Weight Deflectometer (FWD) and laser scan data that were collected in December 2021 soon after completion of construction in October 2021. In addition to these data, a visual inspection of the pavement was done on 18 May 2022. The outcome of this third investigation was recorded in a memorandum dated June 6, 2022. Several localised defects were tabled in the memorandum which require repair prior to the application of a treatment to address bleeding of the spray seal. Deep asphalt patching was recommended for the repair of the localised defects. Two alternative treatments options were recommended to rectify the bleeding of the spray seal i.e. an inverted seal or a thin asphalt inlay. These recommendations were submitted to Muswellbrook Shire Council followed by a meeting with Council on 14 June 2022.

Concerns were raised at the meeting regarding the long-term durability of the asphalt patches in a granular pavement, specifically at the interface between the aggregate base and asphalt patch. This memorandum therefore presents an additional alternative to reconstruct the base layer of the pavement by means of recycling and recompaction of the existing base layer material. The information from the previous memoranda is not repeated here, only the information relevant to determine the scope of the remedial work.

Additional site visit was undertaken with GHD pavement lead Hechter Theyse, MACH and Daracon on 23 June 2022 to define the scope of the repair treatments to be undertaken. The agreed approach with GHD, MACHG and Daracon based on the outcome of the site visit and coordination between GHD, MACH and Daracon on site. The agreed approach and treatment methodology is summarised in this TAN.

2. Applicable standards

The following standards apply:

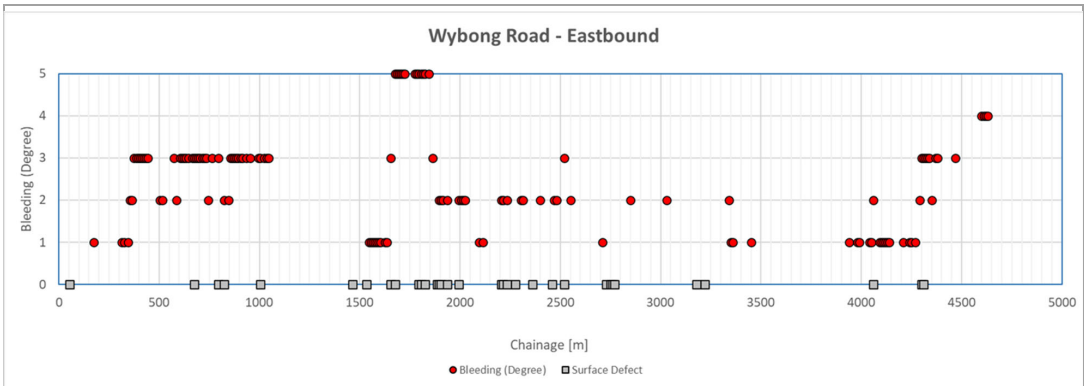
– Austroads Guide to Pavement Technology Part 4K: Selection and Design of Sprayed Seals –2018
– Austroads Guide to Pavement Technology Part 5: Pavement Evaluation and Treatment Design – October 2011
– Austroads Guide to Pavement Technology Part 7: Pavement Maintenance Edition 1.1 – August 2018
– TfNSW QA 3051 Granular Pavement Base and Subbase Materials
– TfNSW R071 Construction of Unbound and Modified Pavement Course
– TfNSW Sprayed Sealing Guide - 1999
– TfNSW QA Specification R117 – Light Duty Dense Graded Asphalt
– TfNSW QA Specification M250 – Heavy Patching (Flexible Pavements)
– AUS-SPEC 1141 – Flexible Pavements

3. Survey results

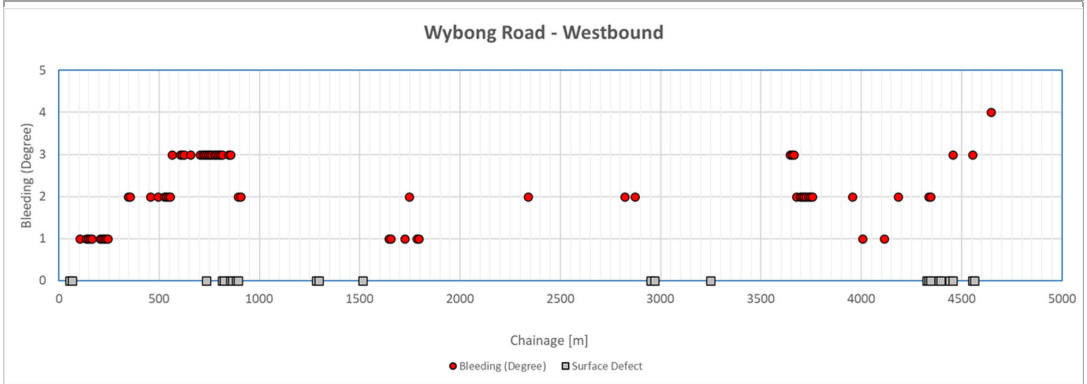
Locations where localised defects were noted are listed in Table 1. The primary distress noted on Wybong Road is bleeding of the spray seal and Figure 1 shows the degree of bleeding ratings recorded during the May 2022 visual condition survey. The location of the local defects listed in Table 1 are also shown in Figure 1 by the solid squares plotted on the horizontal axis.

Table 1 Additional defects recorded during the visual condition survey

Eastbound		Westbound	
Chainage [m]	**Defect**	**Chainage [m]**	**Defect**
55	Patch	55	Uneven surface
625, 675	Uneven small patch	65	Uneven surface
795	Uneven small patch	735	Shear deformation
825	Shear deformation	815	Shear deformation
1005	Uneven surface	825	Shear deformation
1465	Seal damage	855	Shear deformation
1535	Patch	865	Shear deformation
1655	Patch	885	Shear deformation
1675	Patch	895	Shear deformation
1795	Uneven patch	1285	Edge depression
1805	Uneven patch	1295	Edge depression
1825	Shear deformation	1515	Minor seal damage
1885	Ridge	2950	Uneven surface
1895	Ridge	2970	Uneven surface
1905	Ridge	3250	Depression
1935	Depression	4325	Rut
1995	Uneven surface	4335	Rut
2205	Uneven surface	4345	Rut
2215	Depression	4385	Rut
2235	Depression	4395	Rut
2275	Uneven patch	4440	Rut
2360	Large uneven patch	4455	Rut
2460	Large uneven patch	4555	Rut
2520	Uneven patch	4565	Rut
2730	Rut		
2750	Rut		
2760	Rut		
2770	Rut		
3180	Patch		
3220	Patch		
4060	Deformation		
4300	Rut		
4310	Rut		



(a) Eastbound



(b) Westbound

Figure 1 Degree of bleeding ratings from the May 2022 visual condition survey

4. Determined remedial actions

4.1 Treatments to be adopted for Wybong Road.

The dominant distress recorded on Wybong Road is the bleeding of the seal in addition to the other defects noted in Table 1. Two pavement rectification methods are proposed for the rectification of Wybong Road and proposed options to rectify the bleeding of the seal with a better long-term outcome and satisfy design and durability requirements are considered in this memorandum:

– The first option is Seal Repair only (Treatment Type C in attached sketches)
  - This will be a mill and seal only repair for the extents highlighted on the attached plans.
  - Daracon have advised they have an independent seal design to be conducted which will be independent of this TAN.
– The second option involves recycling of the existing base layer material with a Deep In Situ Recycler (DISR) and re-compaction, followed by the application of a spray seal. This option will have the following drawbacks and benefits. NOTE: This has been defined by Daracon as Pulverisation (Treatment Type A & B).
  - This option will require lanes to be closed for a period of one to two weeks to enable the recycling of the pavement, dry-back and application of a new spray seal
  - Given the spray seal surfacing, this option will have to be delayed to summer

- Localised defects will not require repair prior to the DISR process in the areas that are identified for recycling. Local defects outside the areas identified for DISR will require separate treatment in accordance with the requirements of M250
- The DISR will eliminate the rutting in the areas where it is applied
- The DISR will address possible deficiencies and high moisture contents at the interface between the base and spray seal noted during the March 2022 trenching investigation
- This approach relies on satisfying the original construction specification requirements of the base layer to ensure that the original design material requirements are met. In this regard three aspects are important
  - A detailed Inspection and Test Plan must be prepared for the work to establish the work and test procedures for meeting the construction specification requirements
  - Diligent Technical Site Surveillance will be required to maintain compliance with the specification
  - A trial section will be required to confirm that the recycled material can be reworked to achieve the requirements of QA 3051 and R071.

4.2 Treatment scope

4.2.1 DISR (Lane Pulverisation)

The scope for application of the DISR (Land Pulverisation), given the defects listed in Section 3, it is recommended that the DISR be applied in the areas shown in **Error! Reference source not found.** A including the following:

- Eastbound direction
  - From chainage 50 to chainage 100
  - From chainage 570 to chainage 1100
  - From chainage 1650 to chainage 1750
  - From chainage 1750 to chainage 1810
  - From chainage 1810 to chainage 2100
  - From chainage 2175 to chainage 2225
  - From chainage 2320 to chainage 2350
  - From chainage 2420 to chainage 2520
  - From chainage 2600 to chainage 2650
  - From chainage 3160 to chainage 3190
  - From chainage 3270 to chainage 3300
  - From chainage 4050to chainage 4110
  - From chainage 4300 to chainage 4350
  - From chainage 4450 to chainage 4480
  - From chainage 4590 to chainage 4620
- Westbound direction
  - From chainage 50 to chainage 100
  - From chainage 720 to chainage 920
  - From chainage 980 to chainage 1060
  - From chainage 1750 to chainage 1810
  - From chainage 2475 to chainage 2520
  - From chainage 4200 to chainage 4450
  - From chainage 4450 to chainage 4620

Prior to the placement of the asphalt inlay, the other defects listed in Table 1 must be repaired. The detail of the repair procedure and asphalt inlay are provided in Sections **Error! Reference source not found.** and **Error! Reference source not found.** respectively.

4.2.2 Seal Only Repair

The scope for application of the seal only repair is summarised as:

– Eastbound direction
  - From chainage 350 to chainage 450
  - From chainage 500 to chainage 505
– Westbound direction
  - From chainage 350to chainage 450
  - From chainage 550 to chainage 720
  - From chainage 3650 to chainage 3760

4.3 Repair procedures

4.3.1 Deep In Situ Recycling (Lane Pulverisation)

The objective of the in situ recycling and spray sealing of the existing base layer is to achieve a pavement that is consistent with the original pavement design, with the materials meeting the original specification requirements. The original pavement design included two sections with 150 mm thick DGB20 base layer and one section with 210 mm thick DGB20 base layer. It is recommended that the upper 150 mm of the base layer of the areas listed in Section 4.2.1 is recycled and recompacted. The repair of localised defects outside the areas identified for DISR shall be done in accordance with the TfNSW M240 granular patching option with minimum areas of 5 m^2 to achieve compaction of the material. In this regard, minor defects such as small existing patches that are listed in Table 1 will not be feasible to patch.

This option will require the construction of a trial section to confirm that the existing base layer material can be recycled and recompacted to the requirements of TfNSW QA 3051 and R071 to ensure that the original design intent is satisfied. The trial section should be used to assess if the pulverisation and mixing of the existing spray seal affects the grading of the base layer material to such an extent that the material is non-compliant in which case the existing spray seal will require removal prior to the recycling process. The recycling process will consist of a single pass of a Deep In Situ Recycler with water application in the mixing chamber to bring the material up to the optimum compaction moisture content. A primary roller must follow immediately behind the recycler at high amplitude, low frequency to achieve deep compaction followed by low amplitude, high frequency compaction. The ridge of material left between the wheels of the recycler must under no circumstances be spread by a grader as this results in the roller bridging over the wheel-paths of the recycler. The grader may only be used for final trimming of the compacted layer.

A detailed Inspection and Test Plan must be prepared for the work to establish the work and test procedures for meeting the construction specification requirements and diligent Technical Site Surveillance will be required to maintain compliance with the specification. If the material quality requirements cannot be met in an area where the existing base layer material is recycled, the recycled material will have to be boxed-out and replaced with imported material that meets the DGB20 requirements of QA 3051.

Once the recycled base layer has dried back sufficiently, a spray seal shall be designed and applied in accordance with the requirements of the original pavement design.

4.3.2 Seal Only

The seal only repair option applies to those areas where degree 3 or higher bleeding was identified over substantial length as represented in Appendix A without any base defects being evident. The type of seal

repair may consist of an inverted seal or conventional seal. Daracon will engage a specialist seal designer for a recommendation on the seal type and to prepare a seal design to be submitted to GHD.

5. Limitations

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. GHD disclaims liability arising from any of the assumptions being incorrect.

If the GHD document containing the disclaimer is to be included in another document, the entirety of GHD's report must be used (including the disclaimers contained herein), as opposed to reproductions or inclusions solely of sections of GHD's report.

The opinions, conclusions and any recommendations in this report are based on information obtained from a visual site inspection. Site conditions at other parts of the site may be different from the site conditions found at the specific visual observation locations. Investigations undertaken in respect of this report are constrained by the particular site conditions. As a result, not all relevant site features and conditions may have been identified in this report.

Site conditions may change after the date of this Report. GHD does not accept responsibility arising from, or in connection with, any change to the site conditions. GHD is also not responsible for updating this report if the site conditions change.

GHD has prepared this report on the basis of information provided by MACH Energy and others who provided information to GHD (including Government authorities), which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

Regards

Hechter Theyse
Technical Director

9.2.3. Concept Design Merton St Denman

Attachments:	1. Merton St Denman - Concept-211228 ENG ST G 1 COMPLETE SET (002) [**9.2.3.1** - 12 pages] 2. Merton St Denman- Denman Drainage Strategy Drawing [**9.2.3.2** - 1 page]
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	{Kellie Scholes} – {Manager Roads, Drainage and Technical Services}
Community Plan Issue:	*5 - Community Infrastructure*
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	5.1.4 - Maintain and continually improve community infrastructure across the Shire.

PURPOSE

To provide Council with the Concept for the rehabilitation and upgrade of stormwater drainage at Merton Street, Denman (Palace Street to Paxton Street), and to request Council's endorsement of the Concept.

OFFICER'S RECOMMENDATION

Council endorses the Concept Design attached as 1 and detailed in the report, for the rehabilitation and upgrade of Stormwater Drainage in Merton Street, Denman.

Moved: _____Seconded: _____

BACKGROUND

The 2022-23 Capital Program was reported to the 26 July 2022 Ordinary Council Meeting, and provided Council with a list of urban road segments which have been identified to be in poor condition (condition 5) as part of the most recent road condition assessment. The highest-ranking urban roads listed for Council's consideration based on current condition were listed. This list includes the section of Merton St, Denman, between Palace Street to Paxton Street. The report recommended that Merton Street, Denman (Palace St to Paxton St), be considered by Council as priority one (1) for renewal, and that a costed concept design be prepared and reported to Council for consideration under a separate report.

Works to renew the identified section of road would include construction of new road pavement, new kerb and gutter, and improvements to stormwater drainage. The report acknowledged that none of these projects could be undertaken based on the current budget allocation alone, and that there would need to be additional funding sources sought.

Approximately 90% of the kerb and gutter on the northern side of Merton St has failed, and due to its rotation, the kerb and gutter is not functioning effectively to drain water from the

road either longitudinally down the kerb or from across the road. The lack of adequate drainage function is progressively causing the road pavement to fail. Currently the pavement and kerb and gutter failure in the street is impacting access to properties. There is a need to regularly place cold mix as a temporary solution at the affected driveways in order to provide property access.

The Denman Drainage Strategy undertaken by Bruce Macfarlane Consulting (2013) identifies a number of shortcomings in the drainage of the town and recommends measures to progressively upgrade the drainage system. The purpose of this guiding document is to establish a drainage concept that addresses likely future development, intensification of existing residential areas of Denman, and to overcome existing drainage issues.

Although Denman has been well served by a system of retention basins through the golf course which have assisted in the control of runoff from the external catchments to the west of Denman, there is an historical problem with the drainage in the northern part of the town, notably Merton Street, Martindale Street and Kenilworth Street, which are subject to overland flow from development intensification. The report recommends upgrading of the drainage in Merton St and that a drainage system be constructed to pipe the Q5 discharge from the developed catchment in Merton Street.

CONSULTATION

MM Hyndes Bailey and Co – Design

Works Coordinator Parks

Technical Officer Roads and Drainage

REPORT

A detailed Concept Design for part reconstruction of the identified section of Merton Street, from Palace Street to Paxton Street, has been prepared and is attached for Council's consideration as attachment 1 to the report. The Concept provides the following general scope of work;

- Reconstruction of half road pavement where geo-tech testing will inform the pavement design;
- Full road bitumen seal upon completion;
- Kerb and gutter replacement on the northern side on a new alignment;
- Reconstruction of all existing driveways and laybacks;
- Construction of an overland flow path for major events within the footpath, including a concrete footpath;
- Planting of sixteen (16) Pyrus Calleryana 'Captial' Ornamental Pear trees;
- Construction of piped stormwater drainage consisting of twin 750mm dia Reinforced Concrete Pipe installed between Paxton Street to Palace Street then extending down Palace Street to the south (433.6m) and associated pits;
- Creation of an easement to drain water across properties along Palace Street;
- Construction of swale drainage along Palace St to drain to Denman Creek; and
- Modifications to utilities including sewer.

Currently the stormwater draining down Merton Street originates from four areas. See attachment 2 for diagram:

1. Local catchments. Inflows for local catchments have been modelled for the individual catchments C10, C11, C7;

2. Catchment C4 (refer attachment 2) controlled by 3/450Ø pipe culverts under Turner Street and the railway line adjacent to Kenilworth Street;
3. Catchments C8, and C12 controlled by the concrete box culvert under the railway west of Merton Street; and
4. Overflow from Catchment C13.

The drainage model was established, and pipe sizes determined, for a 1 in 5 year recurrence period on the basis of the assumptions and recommendations set out in the 'Denman Drainage Strategy' report. The 1 in 100 year case was checked. The worst-case flow was encountered between Palace and Paxton Streets where overland flows pass down the widened kerb and gutter. Flows of 1.4m3 /s give rise to a depth of 0.3m and a velocity of 1.27m/s. The resulting product of depth X velocity is less than the commonly recommended safe pedestrian value of 0.4m/s, and can be easily accommodated without disruption to traffic. Therefore, the recommendation of the strategy is that a drainage system be constructed to pipe the Q5 discharge from the developed catchment as listed in Table 3 of the report, and that the pipes be continued down Palace St to Lot 3 DP 1047984 on the corner of Crinoline and Palace Streets. At this point, flow from the pipe as well as overland flow from higher catchments, will discharge into a channel which then discharges into the 1500Ø pipe through the levee.

Geotechnical testing will be undertaken to confirm pavement specifications, however the principles proposed are aimed at reducing waste generated from the disposal of the existing gravel pavement. Where possible, as much of the existing pavement materials are to remain in situ and be strengthened, which will have positive outcomes in terms of waste and construction cost reduction.

OPTIONS

Council could endorse the Concept proposed in the report and attachment 1.

Or

Council could endorse the Concept proposed in the report and attachment 1 with other inclusions or modifications as specified by Council.

CONCLUSION

The endorsement of the Concept Design for the upgrading of Merton Street, Muswellbrook (Palace Street to Paxton Street) will allow the design to be finalised and construction drawings prepared. These actions will enable Council to seek sources of funding, undertake consultation with property owners, and tender for the construction of the road in the future.

SOCIAL IMPLICATIONS

The renewal of the road and upgrading of stormwater assets will have long-term positive benefits to the town. Residents are currently having difficulty accessing their properties due to the poor condition of the kerb and gutter and failure of the road pavement. Renewal of these assets will provide residents with acceptable access to their properties.

FINANCIAL IMPLICATIONS

This project is currently unfunded. Council is actively seeking sources of funding to undertake future construction of this project.

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

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

   The estimated cost of construction based on this concept and current unit rates is $2,805,400.

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

   Undertaking renewal of the road assets through reconstruction will decrease maintenance costs. Currently, due to the poor road condition, regular maintenance of the road surface is being undertaken.

POLICY IMPLICATIONS

Design is required to comply with Council's F10 – Footpaths and Kerb and Guttering Policy.

STATUTORY IMPLICATIONS

Council is the roads authority and is acting within its powers.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

Satisfies 5.1.4 Maintain and continually improve community infrastructure across the Shire.

RISK MANAGEMENT IMPLICATIONS

Council requires concepts to be endorsed by Council, for any projects exceeding the value of $75,000.

WASTE MANAGEMENT IMPLICATIONS

Alternate pavement designs, which reduce disposal cost and material waste, are recommended to be considered.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Consultation with the adjacent and directly impacted properties can be undertaken upon Council's endorsement of the Concept.

UPGRADE OF ROAD AND DRAINAGE
MERTON STREET, DENMAN

CLIENT: MUSWELLBROOK SHIRE COUNCIL

SHEET INDEX

SHEET 0 - COVER
SHEET 1 - GENERAL ARRANGEMENT PLAN AND DRAINAGE LAYOUT PLAN
SHEET 2 - GENERAL ARRANGEMENT PLAN AND DRAINAGE LAYOUT PLAN
SHEET 3 - ROAD LONGITUDINAL SECTION - LIP LEVELS
SHEET 4 - TYPICAL SECTION - CROSS SECTIONS CH0 - CH80
SHEET 5 - CROSS SECTIONS CH90 - CH200
SHEET 6 - CROSS SECTIONS CH205.37 - CH228.43
SHEET 7 - DRAINAGE LINE 1
SHEET 8 - DRAINAGE LINE 1 - OPEN CHANNEL DRAIN - LONG SECTION & TYPICAL CROSS SECTION
SHEET 9 - DRAINAGE LINE 1- OPEN CHANNEL DRAIN- CROSS SECTIONS CH436.66 - CH511.66
SHEET 10 - DRAINAGE LINE 1- OPEN CHANNEL DRAIN- CROSS SECTIONS CH526.66 - CH556.66
SHEET 11 - PIT DETAILS

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Version No.	Details	Date
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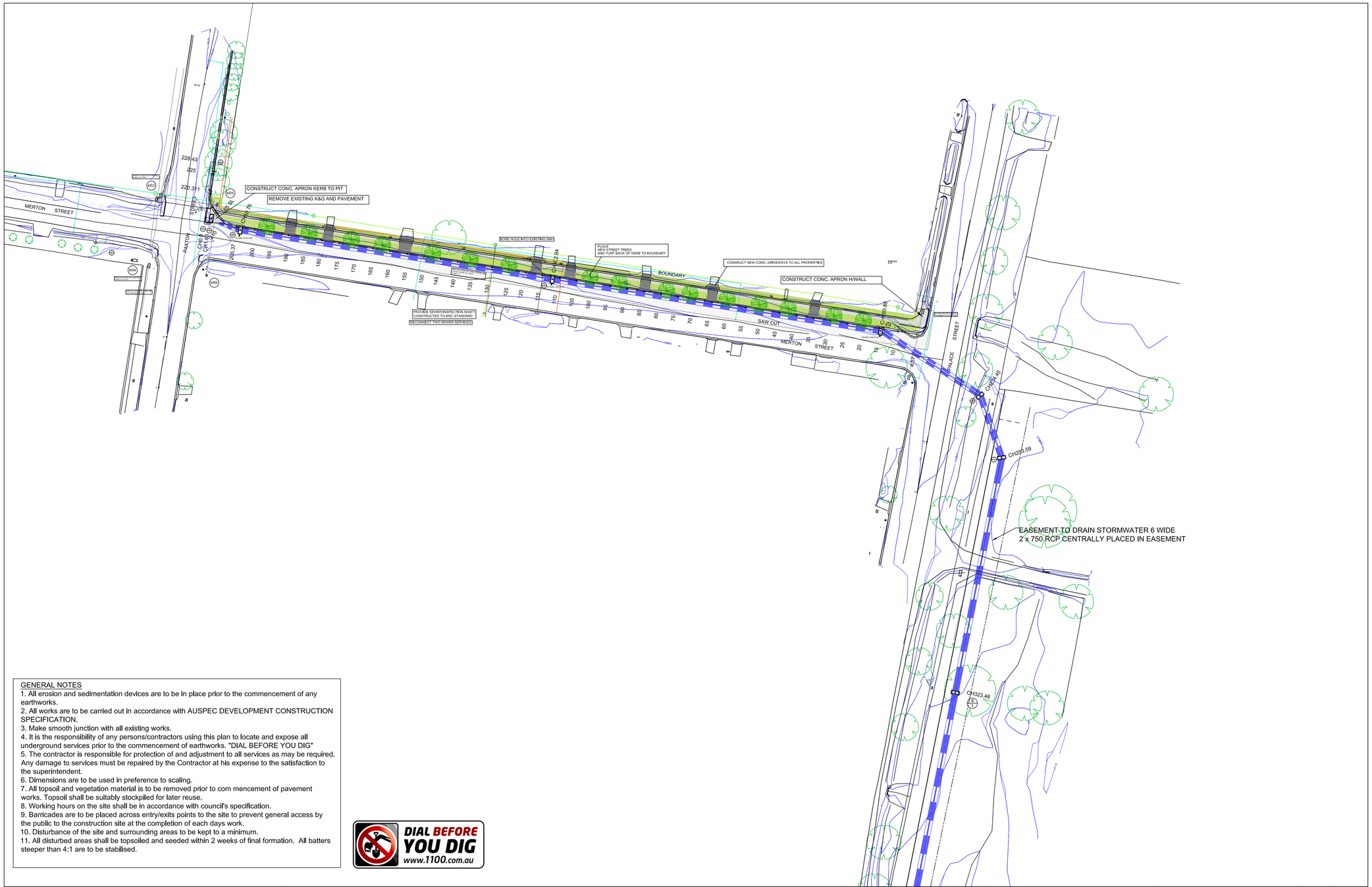

GENERAL NOTES
1. All erosion and sedimentation devices are to be in place prior to the commencement of any earthworks.
2. All works are to be carried out in accordance with AUSPEC DEVELOPMENT CONSTRUCTION SPECIFICATION.
3. Make smooth junction with all existing works.
4. It is the responsibility of any persons/contractors using this plan to locate and expose all underground services prior to the commencement of earthworks. "DIAL BEFORE YOU DIG"
5. The contractor is responsible for protection of and adjustment to all services as may be required. Any damage to services must be repaired by the Contractor at his expense to the satisfaction to the superintendent.
6. Dimensions are to be used in preference to scaling.
7. All topsoil and vegetation material is to be removed prior to com mencement of pavement works. Topsoil shall be suitably stockpiled for later reuse.
8. Working hours on the site shall be in accordance with council's specification.
9. Barricades are to be placed across entry/exits points to the site to prevent general access by the public to the construction site at the completion of each days work.
10. Disturbance of the site and surrounding areas to be kept to a minimum.
11. All disturbed areas shall be topsoiled and seeded within 2 weeks of final formation. All batters steeper than 4:1 are to be stabilised.

DIAL BEFORE YOU DIG www.1100.com.au

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MERTON STREET, DENMAN
GENERAL ARRANGEMENT PLAN & DRAINAGE LAYOUT PLAN

muswellbrook shire council

A	H.SCALE 1:500 (A1)	DATUM AHD
	VERT. SCALE	CONTOUR INTERVAL 0.25m
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DRAWING REVISIONS	
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SHEET 1 OF SHEETS 11
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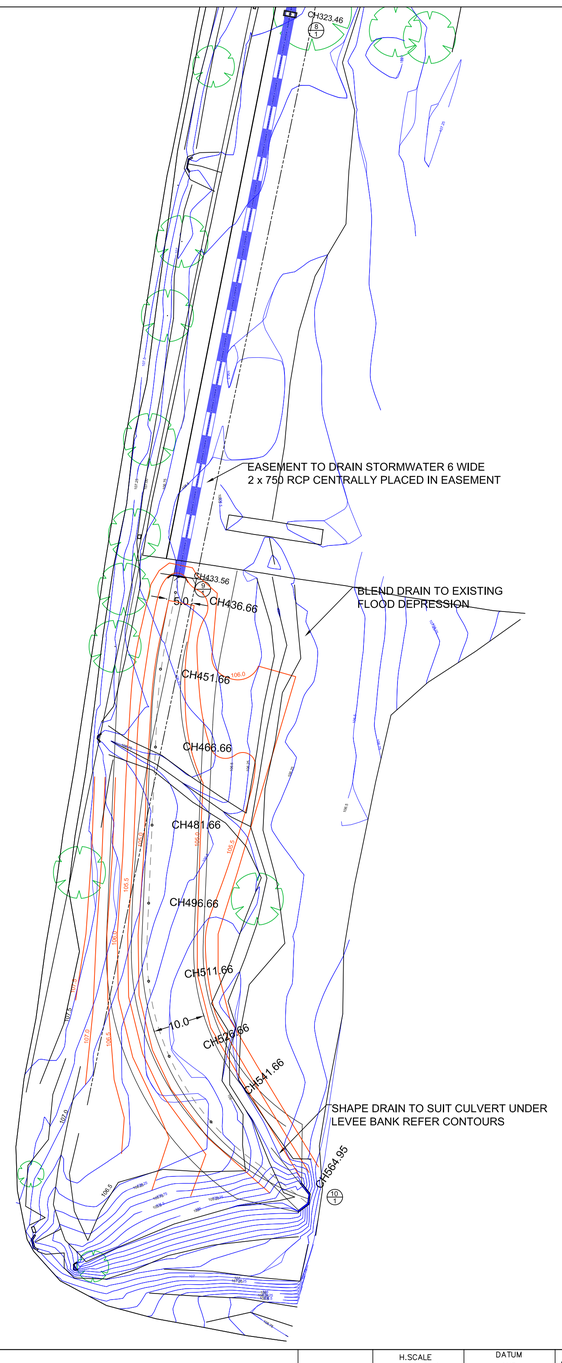
PIT SCHEDULE

Pit1-1	EXISTING HEADWALL
Pit2-1	GRATED SURCHARGE PIT 900x2200
Pit3-1	KIP 900x2200 WITH 3m LINTEL
Pit4-1	KIP 900x2200 WITH 3m LINTEL
Pit5-1	KIP 900x2200 WITH 3m LINTEL
Pit6-1	Junction Pit 750x2200
Pit7-1	Junction Pit 750x2200
Pit8-1	Junction Pit 750x2200
N9-1	HEADWALL



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MERTON STREET, DENMAN

GENERAL ARRANGEMENT PLAN &
DRAINAGE LAYOUT PLAN

muswellbrook shire council

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H.SCALE 1:500 (A1)	DATUM AHD
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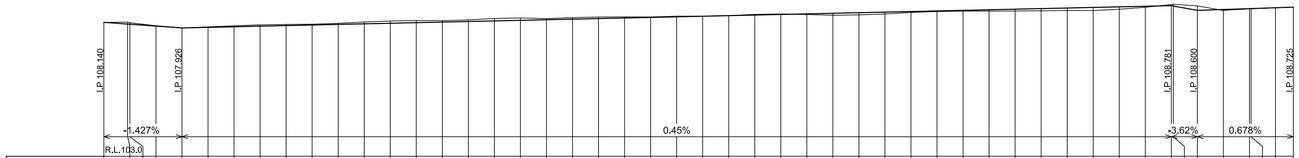
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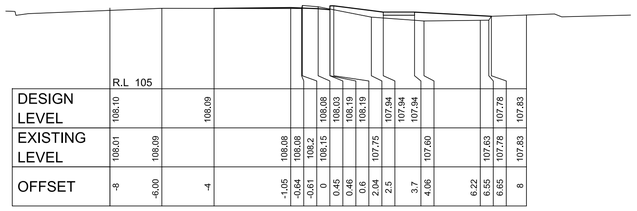

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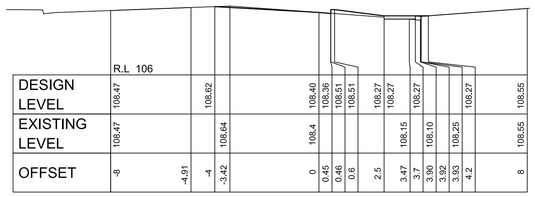

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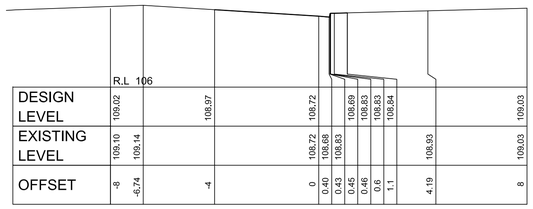

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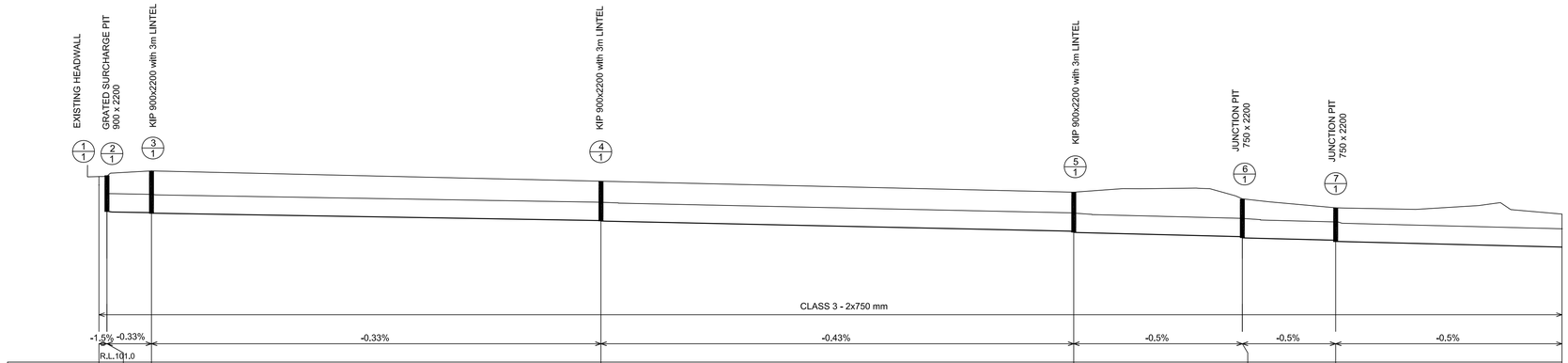
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GRATED SURCHARGE PIT 900 x 2200
2/1
KIP 900x2200 with 3m LINTEL
3/1
KIP 900x2200 with 3m LINTEL
4/1
KIP 900x2200 with 3m LINTEL
5/1
JUNCTION PIT 750 x 2200
6/1
JUNCTION PIT 750 x 2200
7/1
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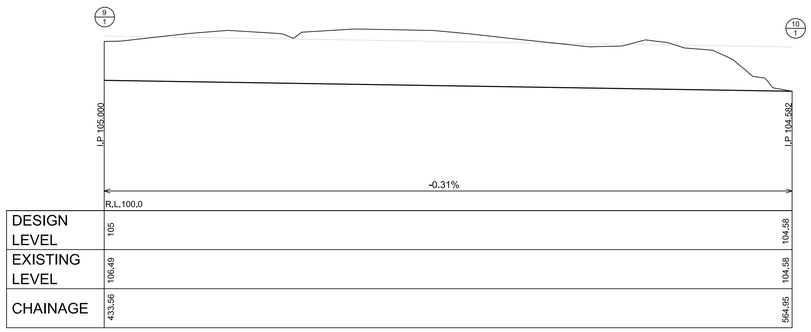

OPEN CHANNEL - FROM PIPE OUTLETS TO LEVEE BANK

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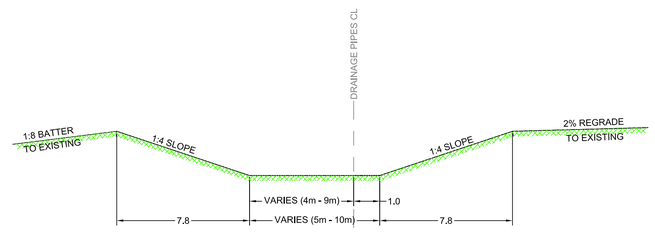

TYPICAL CROSS SECTION - OPEN CHANNEL DRAIN

N.T.S.

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MERTON STREET DRAINAGE
DRAINAGE LINE 1 - OPEN CHANNEL DRAIN
LONGSECTION & TYPICAL CROSS SECTION

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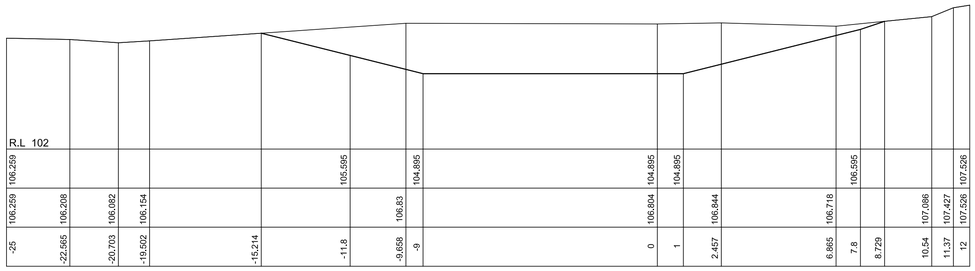
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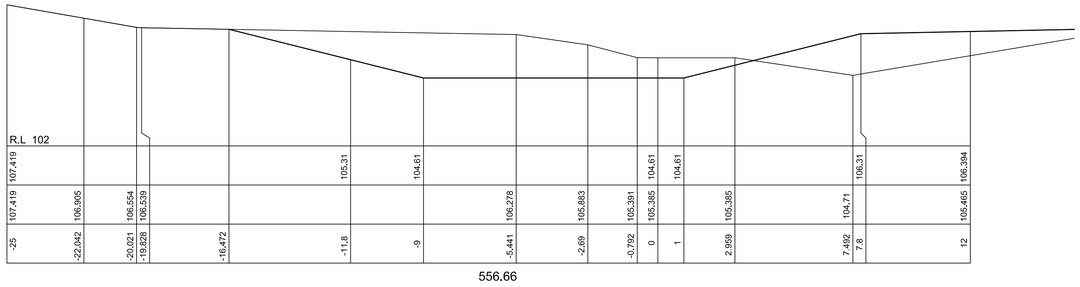

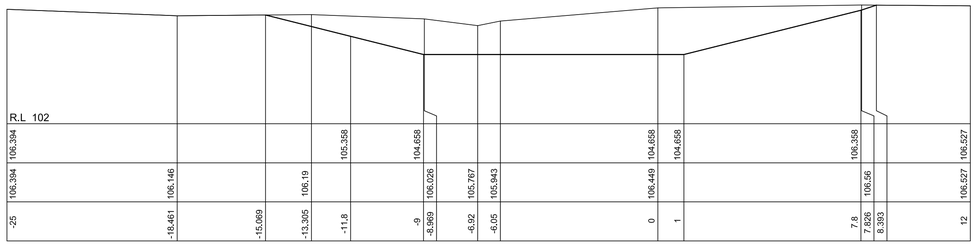

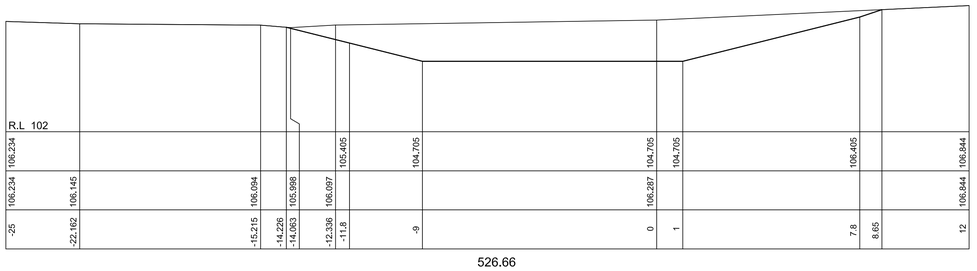

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MERTON STREET DRAINAGE
DRAINAGE LINE 1 - OPEN CHANNEL DRAIN
CROSS SECTIONS CH52.66 - CH556.66

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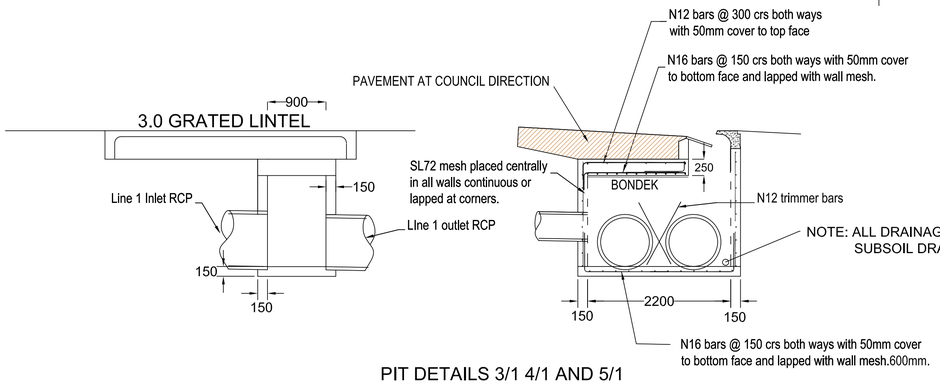
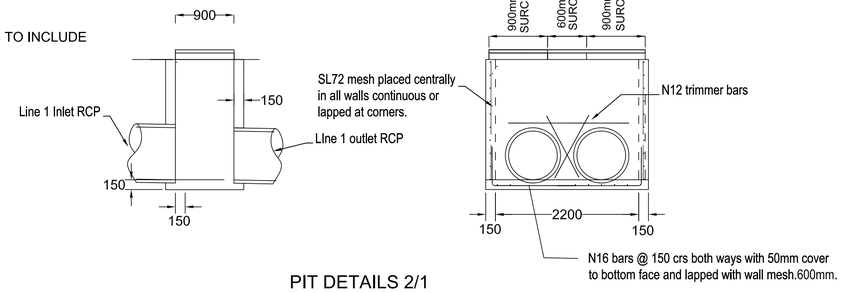


PIT DETAILS 3/1 4/1 AND 5/1
N.T.S



PIT DETAILS 2/1
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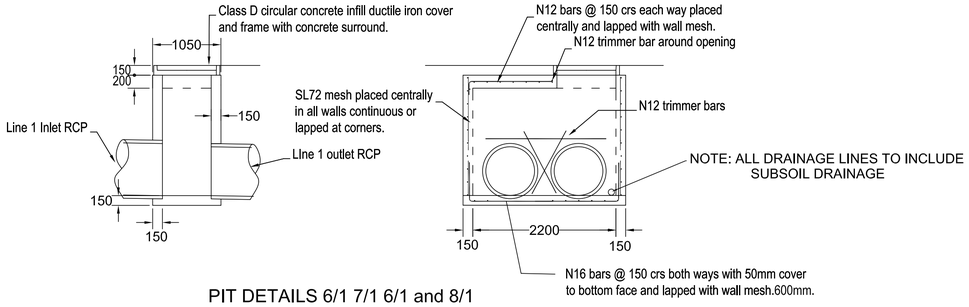

PIT DETAILS 6/1 7/1 6/1 and 8/1
N.T.S

NOTES FOR COMBINED DRAINAGE AND SUB-SOIL DRAIN:

1. Trench width shall be 1.4 times external diameter of pipe or ext Diameter plus 300, whichever is greater.
2. Filter material shall be approved Type B filter material with a minimum coefficient of saturated permeability of 8mm/dayof flow and shall conform with the following grading

Material passing AS sieve	% by mass
4.75mm	100
2.36mm	95-100
425um	20-80
300um	0-30
150um	0-2
75um	0-0.1

3. Upstream end of the PVC pipe shall be built into the upstream pit wall at a level as high as possible.
4. Filter material shall be compacted to a density index of 60.

COMBINED DRAINAGE AND SUB-SOIL

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MERTON STREET DRAINAGE
PIT DETAILS

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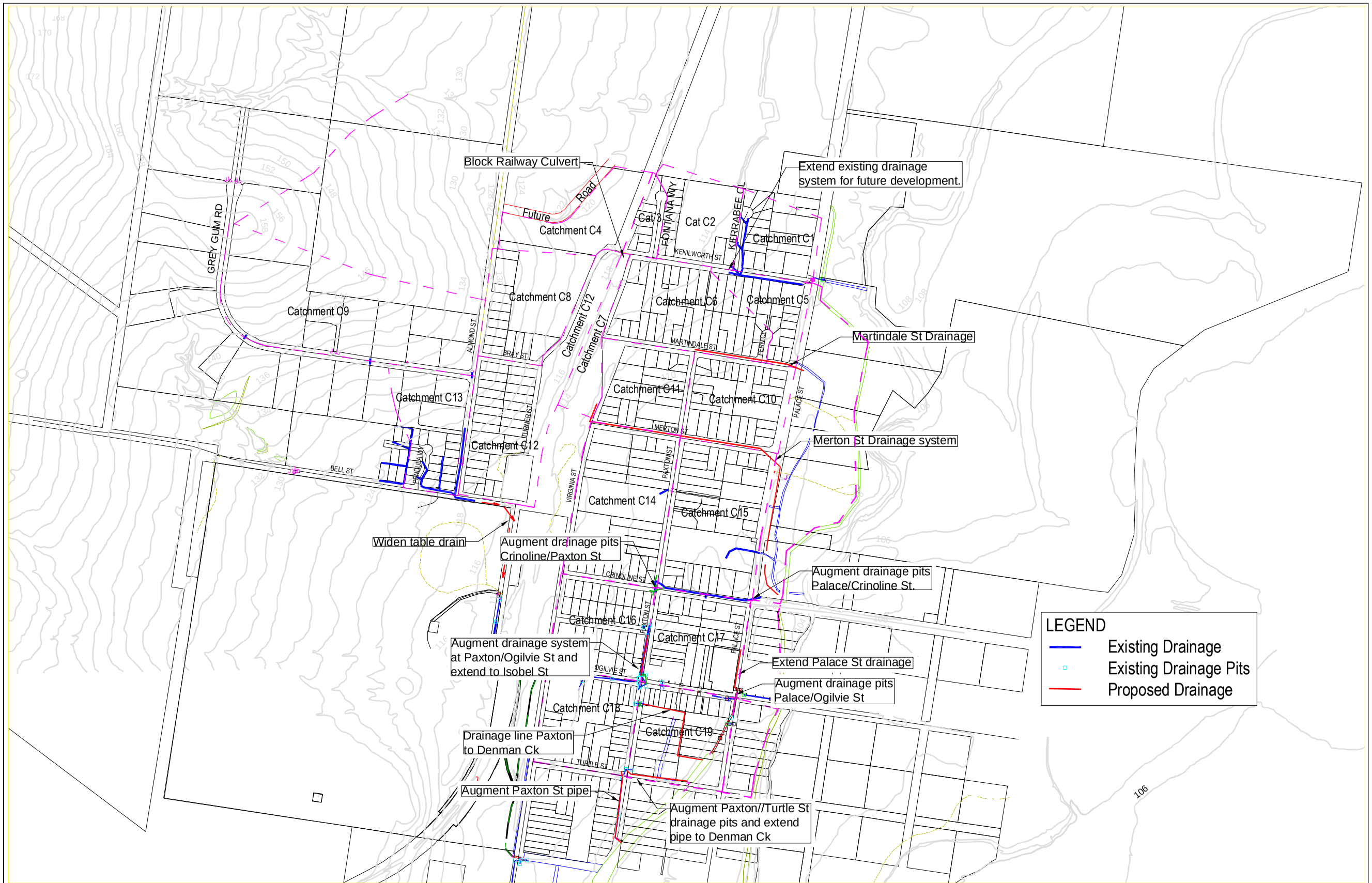

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BRUCE MACFARLANE
Consulting Engineer
57 Lake View Rd
WANGI WANGI NSW 2267
Ph: Mobile: 0448 412321

DENMAN DRAINAGE STRATEGY
North of Turtle St

H.SCALE 1:500 (A3)	DATUM AHD	CLIENT:	LGA: MUSWELLBROOK
VERT. SCALE	CONTOUR INTERVAL	MUSWELLBROOK SHIRE COUNCIL	DRAWING REVISIONS
DATE 24-01-2013	FILE		SHEET / OF SHEETS
			JOB REF: 1206

9.2.4. Drought and Emergency Response Management Plan

Attachments:	1. UHWUA Drought Management Plan [**9.2.4.1** - 74 pages]
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Irene Chetty – Operations Manager: Water and Wastewater
Community Plan Issue:	*5 - Community Infrastructure*
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	5.3.1 - Water, sewerage and waste services are provided in compliance with regulatory requirements.

PURPOSE

This report presents the new Drought and Emergency Response Management Plan (DERMP) that has been developed for the Upper Hunter Water Utilities Alliance (UHWUA). The UHWUA is a collaborative arrangement between Muswellbrook Shire Council (MSC), Upper Hunter Shire Council (UHSC) and Singleton Council (SC).

OFFICER'S RECOMMENDATION

1. Council endorses placing the review of the new Drought and Emergency Response Management Plan on public exhibition for a period of 28 days; and
2. Council ADOPTS the review of the Drought and Emergency Response Management Plan at the conclusion of the public exhibition period subject to receiving no public comment that materially affects the intent or application of the plan.

Moved: _____Seconded: _____

BACKGROUND

This Drought and Emergency Response Management Plan (DERMP) has been developed for the Upper Hunter Water Utilities Alliance (UHWUA) to provide a set of guidelines to manage drought and emergency events, communicate all issues related to drought and emergency events to the community, while also informing the community of their role during such events.

CONSULTATION

Singleton Council Water and Sewer Management Team
Upper Hunter Shire Council Water and Sewer Management Team
Muswellbrook Shire Council Water and Wastewater, Asset Management and Senior Management Team

REPORT

The new DERMP provides the drought and emergency response strategies and actions that the UHWUA Councils will undertake to respond to emergencies that will require reduction in water consumption and therefore water restrictions. These key emergency situations are:

- Severe drought conditions impacting water resources and dam storage levels;

- Major supply or service interruptions, critical infrastructure damage, investigation by statutory authorities and recurring incidents;
- Workplace injuries that affect the operation of a local water facility asset and depot or office, minor building fire, and short term localised health issues such as high turbidity in raw water;
- Significant or widespread impact on supply and service operations, bomb threat or search, significant asset failure or vandalism;
- Spill or emission which requires external resources to mitigate, high volume spill impacting the environment, contamination or failure of a depot storage system; and
- Disruption requiring corporate or external resources to address, limited industrial action, telemetry or SCADA (Supervisory Control and Date Acquisition) or IT (Information Technology) communications failure and significant power outage.

Table 1: Water Restriction Triggers

Level	**Storage (Dams) trigger**
Level 1 Restrictions	50% storage availability; Additional for UHSC: Merriwa and Cassilis - 2 bore pumps operate for 20 hrs/d for more than 5 consecutive days. Target Daily Usage: – SC – 9 ML/d * – MSC – Seasonal targets • Winter: 4-5 ML/d • Spring: 6-7 ML/d • Summer: 9-10 ML/d • Autumn: 6-7 ML/d – UHSC – Township targets * • Merriwa and Cassilis 765 kL/d • Murrurundi 270 kL/d • Scone and Aberdeen 4.5 ML/d
Level 2 Restrictions	40% storage availability; Additional for UHSC: Merriwa and Cassilis - If level 1 restrictions have failed to keep 2 bore pumps operating < 20 hr/d (for a period of at least 4 weeks). Target Daily Usage: – SC – 8 ML/d ** – MSC – Seasonal targets • Winter: 3.5-4.5 ML/d • Spring: 5.5-6.5 ML/d

Level	Storage (Dams) trigger
	• Summer: 8-9 ML/d • Autumn: 5.5-6.5 ML/d – UHSC – Township targets** • Merriwa and Cassilis 680 kL/d • Murrurundi 240 kL/d • Scone and Aberdeen 4.0 ML/d
Level 3 Restrictions	30% storage availability; Additional for UHSC: Merriwa and Cassilis - If level 2 restrictions have failed to keep 2 bore pumps operating < 20 hr/d (for a period of at least 4 weeks) or significant equipment breakdown or major failure of bore pumps or WTP. Target Daily Usage: – SC – 7 ML/d *** – MSC – Seasonal targets • Winter: 3-4 ML/d • Spring: 5-6 ML/d • Summer: 7-8 ML/d • Autumn: 5-6 ML/d – UHSC – Township targets *** • Merriwa and Cassilis 595 kL/d • Murrurundi 210 kL/d • Scone and Aberdeen 3.5 ML/d

Where:

*Target daily usage for Level 1 restrictions reduced by 10%

** Target daily usage for Level 2 restrictions reduced by 20%

*** Target daily usage for Level 3 restrictions reduced by 30%

kL/d is kilolitres per day

ML/d is megalitres per day

The implementation and review of water restrictions during drought and emergency events will be the responsibility of the Drought and Response Emergency Management Team (DERMT), appointed by Council and includes a Chair, Incident Manager, Communications Manager, Technical Administrative Support, Restrictions Compliance Officer, Administrative Support and Support Team.

Actions required by the community during water restrictions are summarised in Table 2

Table 2: Community Actions Required during Water Restrictions

Trigger Level	Level Demand	Community Actions
50% storage availability; Merriwa and Cassilis - 2 bore pumps operate > 20 hrs/d.	Level 1 Restrictions	No washing down walls or paved surfaces Washing cars with bucket and rinse with trigger hose on lawn only Topping up private and public swimming pools/spas only permitted between 0500-0700 and 1600-1800 hrs First fill of private and public swimming pools/spas only with council permission Large water (>10ML/year) users must prepare a WEMP
40% storage availability; Merriwa and Cassilis - If level 1 restrictions have failed to keep 2 bore pumps operating < 20 hr/d (For a period of at least 4 weeks).	Level 2 Restrictions	Watering of lawns not permitted for residential, and non-residential Large water users must implement their WEMP All non-residential business (>5ML/year) must prepare WEMP Hosing of vehicles, boats or building not permitted
30% storage availability; Merriwa and Cassilis - If level 2 restrictions have failed to keep 2 bore pumps operating < 20 hr/d (For a period of at least 4 weeks) or significant equipment breakdown or major failure of bore pumps or WTP.	Level 3 Restrictions	No filling of private swimming pools or spas or garden water features, including first fill No washing of vehicles, boats or buildings permitted Inflatable or temporary children's pools not permitted Public car and truck wash facilities not permitted All non-residential business's (>5ML/year) must implement their WEMP

Note: WEMP is the Water Efficiency Management Plan. A WEMP template is provided in Appendix C in the DERMP

The DERMP also outlines supply -side actions that should be implement by Council while the community takes action to reduce water demand, during water restrictions. These actions are to be implemented within a timeframe so that water supply is sufficient to sustain the estimated water demand at the imposed water restriction level. Table 3 provides a list of the actions that the Councils can consider to sustain the estimated water demand.

Table 3: Council Supply Side Actions for Water Conservation and Management

Level	Council Supply Side Activity
Water Conservation Measures	• Continued implementation of drought preparedness activities, short- and long- term projects and education; • Review DERMP and ensure it is up to date; • Exercise DERMP and update as required; • Prepare Community Awareness Campaign.
Level 1 Restrictions	• Preparatory measures that activate the DERMP and its components; • Establish the DERMT; • Commence regular (2 monthly) liaison with regulators; • Commence community awareness and education campaign; • Increase monitoring of stream flows (ML/d), dam levels, aquifer levels, etc. daily.
Level 2 Restrictions	• Increase liaison with key government stakeholders; • Step-up community awareness and education campaign with regular reminders; • Commence policing of water restrictions and issuing warnings and fines for violations; • Applications to DPE Water regarding water carting funding assistance, as required; • Water carting from sustainable supply to smaller water supply areas, if required; • Implement procedures for effluent recycled water carting for all non-essential potable water uses (e.g., dust suppression, road construction) if possible
Level 3 Restrictions	• Focus on policing of water restrictions and issuing warnings and fines for violations of water restrictions; • Regular (monthly) liaison with Regulators; • Step-up community awareness and education campaign with weekly reminders; • Commence discussion about water reductions in consumption with large commercial users; • Discuss options for exemption from Water Sharing Plans with DPE Water and the Natural Resources Access Regulator (NRAR) if dams are offline due to water quality.
Emergency Water Conservation Measures	• All out communications program to reduce all usage to absolute minimum levels, including residents reducing shower time, washing and evaporative cooling; • Increased focus on discussions with and policing of water restrictions for commercial businesses and continue regular (weekly) meetings with these users;

Level	Council Supply Side Activity
	• Further rationing of potable water for stock watering and continue regular (weekly) meetings with these users; • Regular (weekly) liaison with Regulators; • Implement emergency response / supply options in liaison with DPE Water; • Closure of non-essential and high-water dependent services; and • Water carting from sustainable supply to smaller water supply areas, if required.

OPTIONS

The report is submitted to Council for review and adoption of the Drought and Emergency Response Management Plan to ensure that water restrictions will be generally imposed in parity, on a shire-wide basis across the communities in the Upper Hunter Region, and implemented with ease of understanding and administration of the restrictions.

CONCLUSION

The new Drought and Emergency Response Management Plan demonstrates Muswellbrook Shire Council's commitment to provide a clear water restriction regime and a comprehensive drought and emergency management strategy that is aligned with that of the Upper Hunter Water Utilities Alliance Councils.

SOCIAL IMPLICATIONS

A comprehensive drought and emergency strategy that is aligned with the Upper Hunter Water Utilities Alliance Councils encourages collaboration and effective communication within the communities and successful implementation of the DERMP when drought and emergency events occur.

FINANCIAL IMPLICATIONS

Water Restrictions will reduce water consumption and therefore reduce water revenue when the DERMP is activated during drought and emergency events.

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

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

   Not Applicable to this report

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

   There are foreseeable Operational costs in the event of emergency situations such as failure of critical infrastructure and equipment and related emergency works. Water carting also impacts Operational costs during drought and emergency events.

POLICY IMPLICATIONS

Council's Revenue Policy
MSC21E – Financial Management Policy
MSC20E – Financial Reserve Management Policy
MSC00E Governance Policy

STATUTORY IMPLICATIONS

Local Government Act 1993.

Water Management Act 2000.
Protection of the Environment Operations Act 1997.
NSW Government Best Practice Management of Water Supply and Sewerage Guidelines, 2007.

LEGAL IMPLICATIONS

The Local Government Act 1993 and Local Government Regulations 2005 permits Council the authority to prevent waste or misuse of water generally and specifically to prevent water use "contrary to a Council notice restricting the use of water" which is Section 637 of the Act and Sections 159-160 of the Regulation.

OPERATIONAL PLAN IMPLICATIONS

The submission of this report complies with Community Strategic Plan Goal 5.3 of the Operational Plan 2022-23: “Provide safe, secure and reliable water supply and sewer services”.

RISK MANAGEMENT IMPLICATIONS

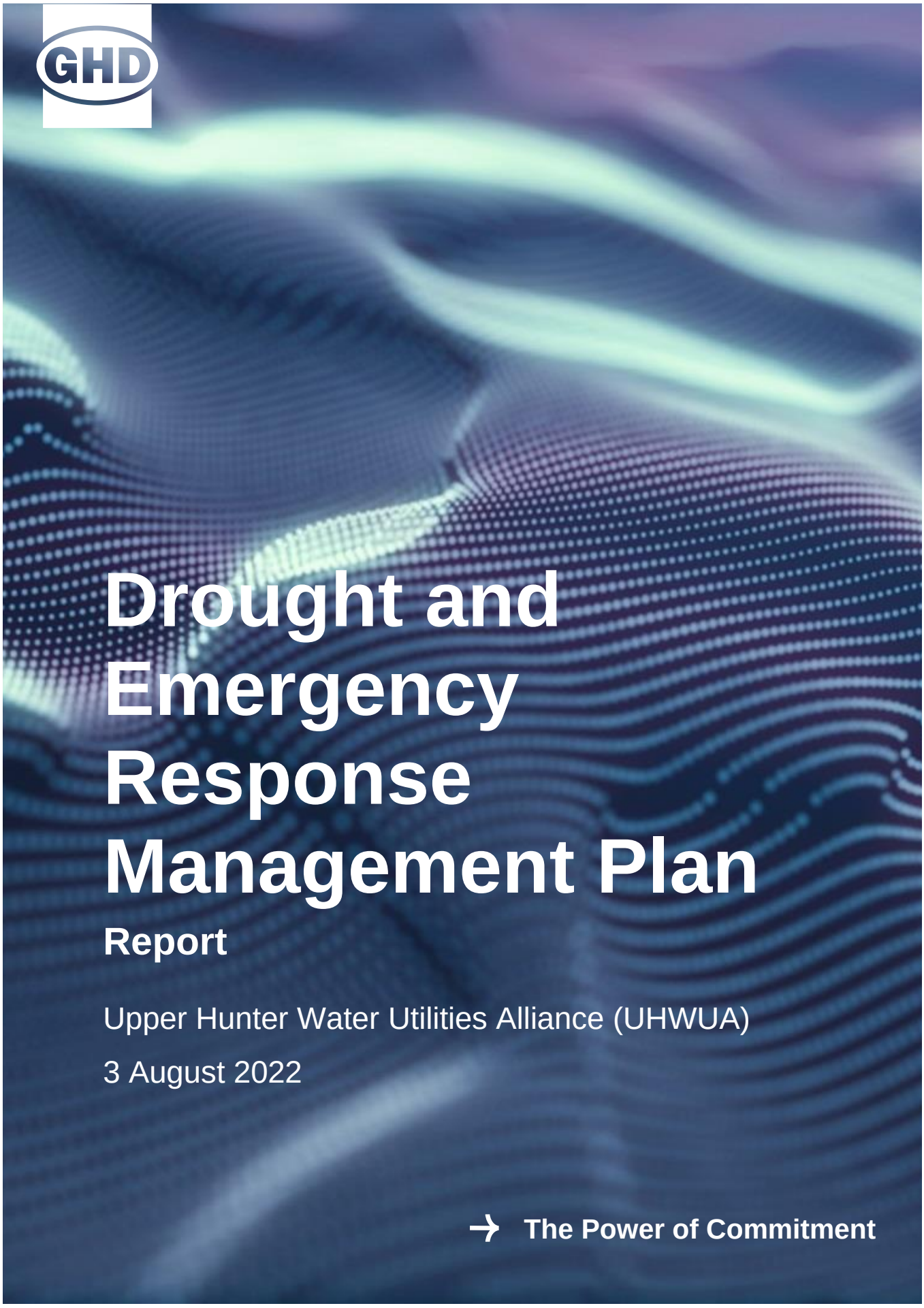
Council is encouraged to make every effort to deliver effective and efficient water supply to the communities of Muswellbrook Shire. Council is also encouraged to promote sustainable water conservation practices and water demand management in a responsible, proactive manner. The new Drought and Emergency Management Plan is used as a tool to assist with effectively providing safe, secure, sustainable, and efficient water supply to the communities of Muswellbrook Shire.

WASTE MANAGEMENT IMPLICATIONS

Not applicable.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Community consultation and review of the Drought and Emergency Response Management Plan are recommended through a public exhibition period of 28 days.



Drought and Emergency Response Management Plan

Report

Upper Hunter Water Utilities Alliance (UHWUA)

3 August 2022

→ The Power of Commitment

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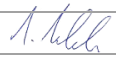
S4	4	T Cook	N Malcolm		N Malcolm		03/08/2022

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→ The Power of Commitment

Executive summary

This Drought and Emergency Response Management Plan (DERMP) has been developed for the Upper Hunter Water Utilities Alliance (UHWUA) consisting of Singleton Council, Muswellbrook Shire Council and Upper Hunter Shire Council, in order to:

– Provide guidance to staff when managing drought and emergency events.
– Inform the community of the issues associated with drought and emergency management and the community's role during drought and emergency events.
– Have a sound DERMP in place being a part of the NSW Government Best-Practice Management requirements for water supply.

This DERMP has the following uses with relation to drought and emergency management:

– Operational plan
– Resourcing strategy
– Authorised approach, that is, staff have the confidence that the actions in this plan have been authorised in advance
– Basis for government grant applications
– Basis of a public awareness and community communication program

This plan gives authority to Council's General Manager, in consultation with Council, to declare local drought conditions and emergencies and implement the actions herein described.

The DERMP has been prepared with a view to providing the UHWUA Councils with a clear water restriction regime and a comprehensive drought and emergency management strategy. This plan has been developed as an update of the previous plans from Singleton Council, Muswellbrook Shire Council and Upper Hunter Shire Council developed in 2010, 2014 and 2014 respectively. The plan had been prepared in accordance with the NSW Government Best-Practice Management of Water Supply and Sewerage Guidelines Drought Management Checklist, NSW Water Directorate Drought Management Guidelines and aligns with the Integrated Water Cycle Management Strategies that have been developed or are currently being developed by the Councils.

The NSW Local Government PPRR (Prevention, Preparation, Response and Recovery) emergency management approach has been applied. This approach provides a strategic and systematic drought management process to reduce risk to the community and the environment.

The PPRR approach is a continuous process that involves implementing strategies before, during and after drought and emergency events. An overview of the four phases is provided below:

Drought and Emergency Impact Prevention Strategy

Drought and emergency impact prevention actions are the measures that the Councils will undertake in order to increase the water supplies' coping capacity before and during a drought and reduce or eliminate the likelihood or effects of emergency events. These actions are provided in Section 2.

Drought and Emergency Preparedness Strategy

Drought and emergency preparedness actions are the actions that the Councils will undertake to prepare for drought and emergencies, including training, system monitoring and community consultation. These actions are provided in Section 3.

Drought and Emergency Response Strategy

Within the drought and emergency response strategy are the actions that the Councils will undertake to respond to emergencies, including reducing water consumption, match the demand with the diminishing water resources, how the Councils may supplement existing water resources, if required, and the continuous monitoring the Councils will implement. The implementation and review of these actions will be the responsibility of the UHWUA Drought and Emergency Management Team. These actions are provided in Section 4, with some actions summarised below.

Drought and Emergency Triggers

Drought triggers define situations that will activate staged response strategies in relation to the severity of the drought or emergency event. The triggers shown below are determined from monitoring the UHWUA Councils' water supply systems and historical restrictions implemented across the three Councils' LGAs. The actions are described in detail in Section 4.1.2.

Table E.1 Water restriction triggers

Level	Storage trigger
Level 1 Restrictions	50% storage availability; Additional for UHSC: Merriwa and Cassilis - 2 bore pumps operate for 20 hrs/d for more than 5 consecutive days. Target Daily Usage: – SC – 9 ML/d * – MSC – Seasonal targets • Winter: 4-5 ML/d • Spring: 6-7 ML/d • Summer: 9-10 ML/d • Autumn: 6-7 ML/d – UHSC – Township targets * • Merriwa and Cassilis 765 kL/d • Murrurundi 270 kL/d • Scone and Aberdeen 4.5 ML/d
Level 2 Restrictions	40% storage availability; Additional for UHSC: Merriwa and Cassilis - If level 1 restrictions have failed to keep 2 bore pumps operating < 20 hr/d (for a period of at least 4 weeks). Target Daily Usage: – SC – 8 ML/d ** – MSC – Seasonal targets • Winter: 3.5-4.5 ML/d • Spring: 5.5-6.5 ML/d • Summer: 8-9 ML/d • Autumn: 5.5-6.5 ML/d – UHSC – Township targets** • Merriwa and Cassilis 680 kL/d • Murrurundi 240 kL/d • Scone and Aberdeen 4.0 ML/d

Level	Storage trigger
Level 3 Restrictions	30% storage availability; Additional for UHSC: Merriwa and Cassilis - If level 2 restrictions have failed to keep 2 bore pumps operating < 20 hr/d (for a period of at least 4 weeks) or significant equipment breakdown or major failure of bore pumps or WTP. Target Daily Usage: – SC – 7 ML/d *** – MSC – Seasonal targets • Winter: 3-4 ML/d • Spring: 5-6 ML/d • Summer: 7-8 ML/d • Autumn: 5-6 ML/d – UHSC – Township targets *** • Merriwa and Cassilis 595 kL/d • Murrurundi 210 kL/d • Scone and Aberdeen 3.5 ML/d

* Target daily usage for Level 1 restrictions reduced by 10%

** Target daily usage for Level 2 restrictions reduced by 20%

*** Target daily usage for Level 3 restrictions reduced by 30%

Key water supply emergency triggers include:

– Serious supply or service problem, serious infrastructure damage (whether owned by Council or others), investigation by statutory authorities, recurring incidents.

– Serious injuries, affecting the operation of a local water facility asset, depot or office, minor building fire, short-term localised health issues, e.g. high turbidity in raw water (noting high turbidity is defined in the Council Drinking Water Quality Management Plans and varies between Councils).

– Significant or widespread impact on supply and service operations, bomb threat / search, significant asset failure or vandalism.

– Spill / emission which requires external resources to mitigate, high volume spill impacting the environment, contamination / failure of a depot storage system.

– Disruption requiring corporate / external resources to address; limited industrial action; telemetry / SCADA / IT communications failure; significant power outage.

Demand-Side Actions

Demand-side actions are those actions that Councils implement to reduce water consumption, to match the demand with the diminishing water resources. Implementing water restrictions is the main action. These details are provided in Section 4.4.

Supply-Side Actions

Supply-side actions are those actions that Councils implement to supplement the existing water resources, to match the demand. These details are provided in Section 4.5.

Drought and Emergency Management Team

A Drought and Emergency Response Management Team will be established for the UHWUA as part of the drought and emergency response and will be responsible for managing the activities implemented during drought and emergencies. Section 4.3 provides the details of the roles and responsibilities of the team.

Drought and Emergency Recovery Strategy

The drought and emergency recovery strategy sets out the actions Councils will undertake to support the affected community and the restoration actions required to return the Council's water supply operations to normal and restore community wellbeing. These actions are provided in Section 5.

Abbreviation list

Abbreviation	Abbreviation description
AGL	Australian Gas Networks Limited
AWD	Available Water Determinations
BASIX	Building Sustainability Index
DEMCS	Drought and Emergency Management Communications Strategy
DERMP	Drought and Emergency Response Management Plan
DERMT	Drought and Emergency Response Management Team
DPE	Department of Planning and Environment
DRC	Drought Recovery Coordinator
EMPLAN	Local Emergency Management Plan
FMECA	Failure Modes, Effects and Criticality Analysis
GM	General Manager
GHRWS	Greater Hunter Regional Water Strategy
HWC	Hunter Water Corporation
IT	Information Technology
IWCM	Integrated Water Cycle Management
JVA	Joint Venture Agreement
MSC	Muswellbrook Shire Council
NRAR	Natural Resources Access Regulator
NARCliM	NSW and ACT Regional Climate Modelling
OSSM	Onsite Sewage Management System
PPRR	Prevention, Preparation, Response and Recovery
RWMS	Recycled Water Management System
RPN	Risk Priority Number
STP	Sewage Treatment Plant
SC	Singleton Council
SOPs	Standard Operating Procedures
UFW	Unaccounted-for Water
UHWUA	Upper Hunter Water Utilities Alliance
UHSC	Upper Hunter Shire Council
WELS	Water Efficiency Labelling and Standards
WEMP	Water Efficiency Management Plan
WTP	Water Treatment Plant

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Appendix B Failure Modes, Effects and Criticality Analysis (FMECA)
Appendix C Template Water Efficiency Management Plan (WEMP)

1. Introduction

1.1 Context

This Drought and Emergency Response Management Plan (DERMP) has been developed for the Upper Hunter Water Utilities Alliance (UHWUA) consisting of Singleton Council, Muswellbrook Shire Council and Upper Hunter Shire Council, in order to:

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1.2 DERMP objectives

This DERMP provides an outline of the actions that the UHWUA Councils will undertake to prevent, prepare for, respond to and recover from drought and emergency events. The objective of the plan is to:

– Ensure that timely warning can be provided to the appropriate authorities and other stakeholders (including customers) in drought and emergency events.
– Provide relevant information for use in response to a situation when water availability becomes a concern.
– Implement Best Practice Management to determine the drought and emergency triggers and demand responses to water restrictions.
– Provide procedures to Council's staff, on how to respond to and mitigate drought and emergency events.
– Document how each Council will manage the water supply schemes during water shortages and emergency events.
– Provide clear guidance to customers (residential and commercial/industrial) on their responsibilities when the Councils implement water restrictions.

Key components of this plan and guidance for implementation are shown in Figure 1.1.

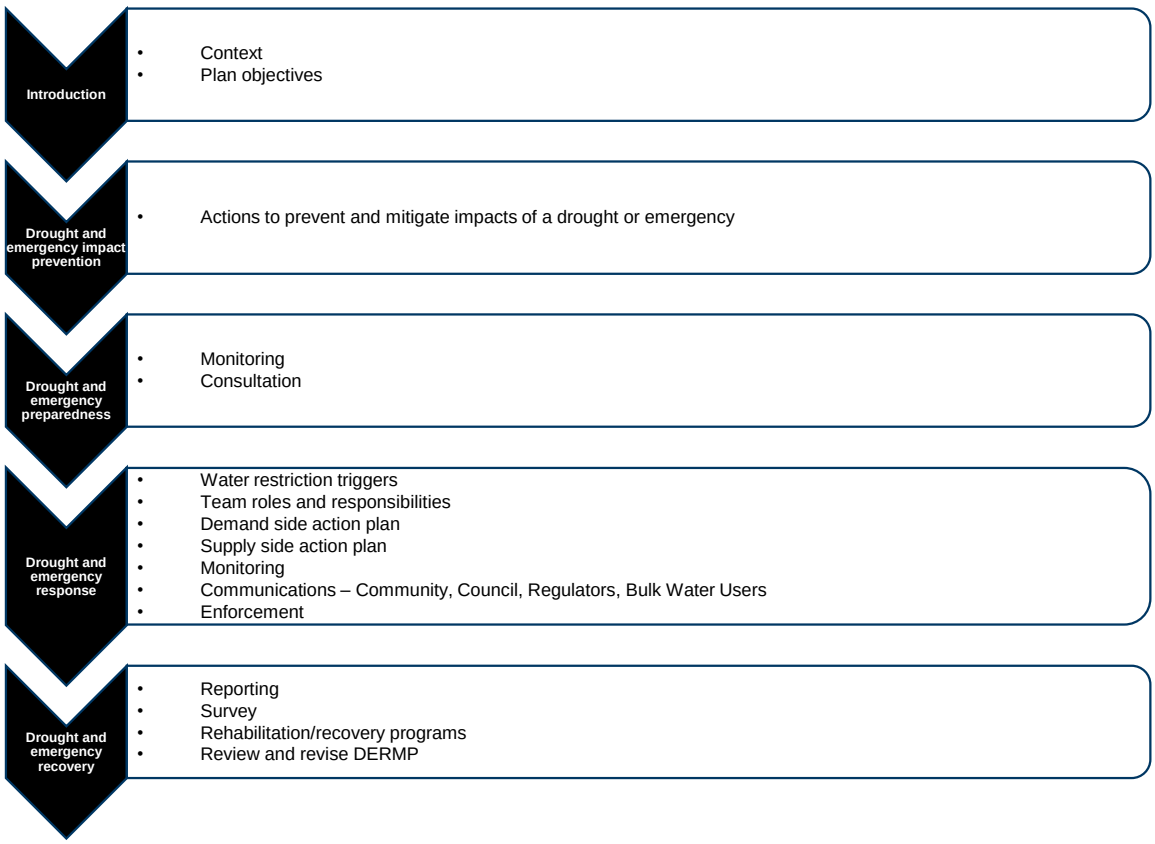

Figure 1.1 UHWUA DERMP implementation

1.2.1 The prevention, preparation, response and recovery approach

This DERMP is based on a four-step approach, referred to as the PPRR (Prevention, Preparation, Response and Recovery) approach. The PPRR is a continuous process that involves implementing strategies before, during and after drought and emergency events. An overview of the four phases is provided below:

- **Drought and emergency impact prevention strategy** – Actions to reduce or eliminate the likelihood or effects of drought and emergency events. These include understanding and analysing climate, water availability and past drought and emergency events and also implementing upgrade actions through capital investment.
- **Drought and emergency preparedness** – Developing strategies to be implemented before a drought or emergency event occurs, to ensure effective response and recovery.
- **Drought and emergency response strategy** – Actions to control and/or minimise the impacts of the drought and emergency events, including implementing demand side and supply side actions, such as water restrictions.
- **Drought and emergency recovery strategy** – Actions to assist the Councils to return to normal supply conditions and assist the Councils and community to recover from the impacts of drought and emergency events.

2. Drought and emergency impact prevention strategy

2.1 Overview

Drought and emergency impact prevention actions are proactive measures that Councils can undertake in order to prevent or delay water shortages due to drought. Preventative actions may be implemented prior to drought and emergencies or during drought-declared periods. This is determined at Council's discretion.

This section provides a summary of the key activities and strategies that the Councils are undertaking to manage water emergencies and demand prior to and during a drought, and the improvements being undertaken to increase water security and reduce the risk of emergency events for the future.

2.2 Impact prevention actions

2.2.1 Water conservation measures

The UHWUA Councils have implemented water conservation measures which provide simple and practical guidance that residents can implement to reduce water consumption and reduce their water bill.

At times of drought, these also serve to focus the community on water conservation and help prepare the community for the Councils' drought response, should it be required.

Proactive programs implemented by the UHWUA Council's to prevent water shortage and emergencies include:

– Water main renewals
– Water main preventative maintenance
– Active leak detection programs
– SCADA monitoring
– Water usage monitoring (bulk meters, customer meters)

The UHWUA Councils promote their water conservation campaigns to the communities through the UHWUA Councils' websites and initiatives as shown below.

2.2.2 Demand management

The UHWUA Councils incorporate demand management activities as an ongoing initiative to encourage efficient water use and ensure a secure water supply. These measures encourage common sense water use practices that develop a culture of water efficiency.

The UHWUA Councils' regulatory and planning controls support the Building Sustainability Index (BASIX) as implemented under the Environmental Planning and Assessment Act. This program aims to deliver equitable and effective water reductions across the state and applies to all residential dwelling development applications. This program also supports the Water Efficiency Labelling and Standards (WELS) scheme. Under this scheme all water using devices are rated according to AS/NZ 6400:2016, and this rating contributes to the BASIX water target savings requirements.

2.2.2.1 Singleton Council

Council's water saving strategies are summarised below and detailed on Council's website at:

https://www.singleton.nsw.gov.au/588/Water-Saving-Strategies

- Blue House:
  - Interactive animation including questions and tips on saving water in various locations around the house
- Saving Water in the House:
  - Bathroom
  - Kitchen and cooking
  - Laundry
  - Leaks
- Saving Water in the Garden and Yard:
  - Watering the garden and outdoors
  - Mulching and compost
  - Washing cars and other vehicles
  - Pools and spas
- Fact sheets and additional information
- Council's short-term works consist of implementing a water loss management plan 2021 – 2025 to address non-revenue water issues

2.2.2.2 Muswellbrook Shire Council

Council has the following demand management initiatives in place:

- Separate metering of existing multi-unit developments is encouraged – each unit is levied individual access charges
- Separate metering of new multi-unit developments
- Rainwater tanks are encouraged – required on new subdivisions. A rainwater tank rebate applies
- Water restrictions imposed when necessary
- Media and web site notices
- Public education program
- Implementation of Building Code program (including BASIX)
- Customer billing 3 times a year
- Full pay-for-use pricing

Council has completed a Demand Management Strategy (adopted in 2011) which assessed the feasibility of a range of initiatives, including:

- Water use efficiency
- Pricing policy
- Use of rainwater tanks
- Residential greywater reuse
- Reuse of reclaimed water
- Water sensitive urban design

Council has implemented an appropriate pricing policy and is actively encouraging the use of rainwater tanks.

This Drought Plan should be read in conjunction with Muswellbrook Shire Council's Demand Management Strategy.

Council's water conservation campaigns are summarised below:

– Pamphlets available including useful tips for rethinking water including:
  - Rethink water in the garden
  - Rethink water in the home
  - Rethink water about your water meter
  - Rethink grey water
  - Rethink water in the pool
  - Rethink water to onsite sewage management system (OSSM)
  - Rethink water pollution
  - Rethink water – bottled versus tap

2.2.2.3 Upper Hunter Shire Council

Council's water saving strategies are summarised below and detailed on Council's website at:

https://upperhunter.nsw.gov.au/Residents/Water-and-Sewage/Water/Water-Conservation

– Blue House:
  - Interactive animation including questions and tips on saving water in various locations around the house.
– Water efficiency audit:
  - A home audit form for residents to complete a self-assessment on their water use to encourage a reduction in water use.
– Smart water advice portal:
  - Saving water in the home
  - Saving water outdoors
  - Saving water in business
  - Additional water efficiency information videos

Council has implemented a rebate strategy for residents who install a rainwater tank (≥9000 L) on their property in addition to BASIX requirements.

2.2.3 Recycled water

The UHWUA Councils have implemented or will implement recycled water schemes to support the reduction in drinking water demand.

2.2.3.1 Singleton Council

The Recycled Water Reuse Scheme from the Singleton Sewage Treatment Plant (STP) is planned, however it is not yet operational. Excess effluent is discharged to Doughboy Hollow following UV treatment.

2.2.3.2 Muswellbrook Shire Council

The Muswellbrook Recycled Water Treatment Works (RWTW) was commissioned in late 2019. RWTW effluent is chlorinated and reused at two sites, Mt Arthur Coal Mine and Muswellbrook Golf Club. The Muswellbrook Golf Club has been receiving recycled water for irrigation since 1992. The Mount Arthur Coal Mine receives approximately 80% of the treated effluent from the RWTW. The current contract between MSC and HVEC/BHP Billiton expires 30 June 2022.

2.2.3.3 Upper Hunter Shire Council

Effluent from the Scone STP is routinely delivered to sites including the Scone Racecourse, Bhima Dam, Golf Course and Bill Rose Sports complex for irrigation or discharged to Kingdon Ponds during wet weather.

2.2.4 UHWUA System operating rules and agreements

Efficient operation of the Councils' water supply systems is an important preventative strategy for managing droughts. Due to the difficulty in predicting future drought conditions, it is important that the Councils manage their water supply storages, either surface or groundwater, to ensure they are not drawn down excessively during non-drought periods. Water extraction allowances are determined by Water NSW and have been developed as part of the NSW Water Sharing Plans.

The Hunter River is regulated by two major headwater storages, Glenbawn Dam on the Upper Hunter River and Glennies Creek Dam on Glennies Creek, as well as a number of minor dams. The volume and pattern of flows in the Hunter River system have been significantly altered by the construction and operation of these storages, which are operated by Water NSW to supply water for irrigation, town water, stock and domestic supplies, and industries.

The *Water Sharing Plan for the Hunter Regulated River Water Source Background Document* details the 2016 Plan Rules for the Hunter Regulated River consisting of the following:

– High Security Access Licences (21,740 ML/year) from the 2016 plan, consists of the following zones as shown in Figure 2.1:
  - Zone 1A: 5,182 ML/year
  - Zone 1B: 5,218 ML/year
  - Zone 2A: 2,809 ML/year
  - Zone 2B: 6,971 ML/year
  - Zone 3A: 1,650 ML/year

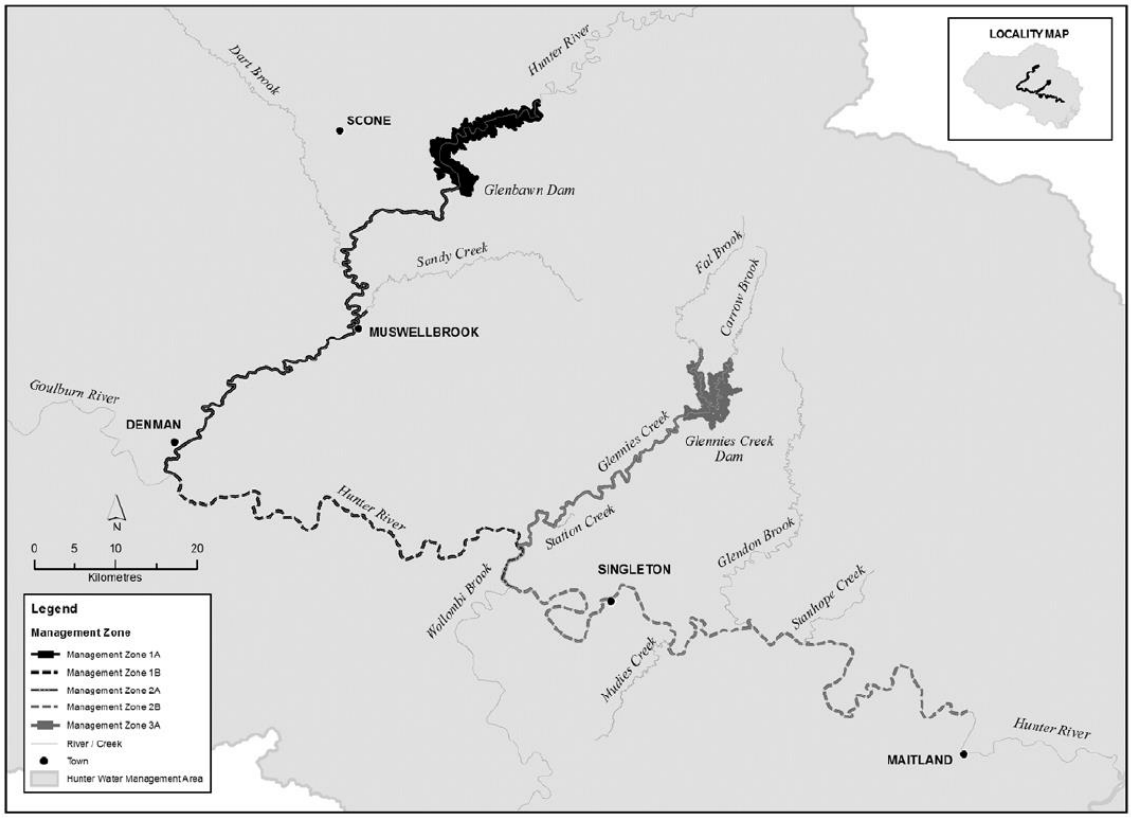

Figure 2.1 Hunter Regulated River (source, https://legislation.nsw.gov.au)

– Available Water Determinations (AWD):
  - Local Water Utility:
    – An AWD of 100% of the share component is made unless there is insufficient water, in which case a percentage is given. Further AWDs may be made to a total of 100% share in the year.
– Priority for extraction:
  1. Domestic and stock
  2. Local water utility (e.g. Councils)
  3. Major utility (Barnard River Scheme)
  4. Major utility
  5. High security access
  6. General security

2.2.4.1 Singleton Council

Singleton Council has two potable water supply schemes; Singleton water supply scheme and Jerrys Plains water supply scheme. The town of Branxton is supplied by Hunter Water. Singleton Council also has a number of non-potable water supply schemes.

Council has agreements with the following stakeholders:

– The Hunter – Central Rivers Water Sharing Plan – water supply entitlements and allocations
– Australian Gas Networks Limited (AGL) Macquarie Agreement – supplies Jerrys Plains
– Singleton Army Camp Agreement
– Mount Thorley Joint Venture Agreement (JVA)
– Abattoir – contract to supply water
– Deed of the agreement of the UHWUA – provides a unified approach to the sustainable delivery of water supply and sewerage services
– Hunter Water – scope of service area

The Singleton water supply scheme supplies the areas of Singleton, Mount Thorley and Broke with potable water. The Scheme is supplied from Glennies Creek Dam (Lake St Clair).

The Jerrys Plains scheme is subject to an agreement between Council and AGL Macquarie. AGL Macquarie draws raw water from the Hunter River and stores it in Plashett Dam prior to treatment. AGL Macquarie supplies treated water to the delivery point, where Council takes ownership and is responsible for distribution of water to its customers in Jerrys Plains.

The key obligations of AGL Macquarie and Singleton Council under the agreement, are provided below:

– AGL Macquarie's Obligations – Supply of Water:
  - AGL Macquarie will use its best endeavours to supply water in accordance with the agreement at no more than the Flow Rate of 4.5 L/s to the Delivery Point during the Term.
  - AGL Macquarie is not required to supply water to the Delivery Point at any specific pressure, rate or speed or time but will use its best endeavours to make water available at the Flow Rate at the same times as water is available for the use in the Bayswater Power Station.
  - Unless otherwise agreed by the parties, AGL Macquarie is required to use its best endeavours to supply no more than 32 ML of water to the Delivery Point in any 12-month period.

– Singleton Council's obligations – treated water allocation:
    - Council must, during the term, hold a high security treated water supply allocation of Hunter River water of at least 32 ML/annum.
    - For the purposes of obtaining and maintaining all necessary Approvals, Council must ensure the extraction point for water is nominated as AGL Macquarie's water pumping station on the Hunter River near Jerrys Plains.
    - On termination or expiry of the Agreement, Council must immediately do all things reasonably necessary to change the location for extraction of water to a location other than AGL Macquarie's water pumping station.

The operation of the AGL Macquarie owned Jerrys Plains Water Treatment Plant (WTP) will cease once AGL Macquarie stops operating the Liddell (past 2022) and Bayswater (past 2033) power stations. The options to maintain the supply to Jerrys Plains are to extract and treat river water, extract, and treat groundwater, or connect Jerrys Plains to the Singleton water supply at Apex reservoir.

Singleton Council's non-potable water supply schemes include:

– Glennies Creek non-potable water supply scheme – an irrigation and stock supply for property owners between Glennies Creek Dam and Council's Obanvale Water Treatment Plant. Customers of the Glennies Creek non-potable water supply scheme are covered by Council's Customer Service Plan with the exception that the water supplied will not meet the drinking water quality service standard.
– Mount Thorley non-potable water supply scheme – Council manages the bulk water supply of untreated water to three mines (Bulga Coal Mine, Mount Thorley Operations and Warkworth Mine) and Gromor Enterprises (mushroom composters). Council has entered into a Joint Venture Agreement (JVA) with Warkworth Mining Ltd, Bulga Coal management Mount Thorley Operations Pty Ltd, and Gromor Enterprises Pty Ltd for project management of the Mount Thorley Raw Water Supply Scheme. Customers of the Mount Thorley scheme are covered by Council's Customer Service Plan.
– Broke Fordwich Private Irrigation District pipeline – community funded and constructed irrigation water supply system serving members in the Broke Fordwich, Bulga and Milbrodale areas.

2.2.4.2 Muswellbrook Shire Council

The Muswellbrook Shire Council (MSC) water supply system currently provides potable water to Muswellbrook, Denman, and Sandy Hollow. Muswellbrook is supplied from regulated Hunter River downstream of Glenbawn Dam (750 GL). Denman also sources water from the Hunter River. Sandy Hollow is supplied from 2 borefields close to the unregulated Goulburn River. Muswellbrook Shire Council has plans to connect a pipeline from Denman to Hollydeen Abattoir and Sandy Hollow to improve security of supply.

2.2.4.3 Upper Hunter Shire Council

The Upper Hunter Shire Council (UHSC) water supply system currently provides drinking water to Aberdeen, Scone, Merriwa, Murrurundi and Cassilis. The water supply schemes for Aberdeen, Scone and Cassilis are provided with chlorinated unfiltered water. Murrurundi is supplied with either water from Murrurundi Dam through a membrane filtration plant or chlorinated unfiltered water from the Scone to Murrurundi Pipeline. Merriwa has a sand filtration water treatment plant (WTP).

Additional details of the water supply system are provided in Section 6.3.1.

2.2.5 Water supply emergencies

An emergency is any unplanned event that can cause deaths or significant injuries to employees, customers or the public; or that can shut down your business, disrupt operations, cause physical or environmental damage or threaten your financial standing or public image.

Water supply emergency events for the UHWUA Councils to consider include the following:

– Contamination of supply
– High raw water turbidity

- Blue-green and other harmful / cyano algae bloom alerts in raw water supply
- Algae, suspended material or other contaminants causing substantial loss of filtration capacity (where filtration ability exists)
- Fire / explosion
- Natural disaster – Flood, storm, earthquake
- Dam failure
- Hazardous materials spill or emission
- Widespread power failure affecting supply
- Major system failure – distribution mains, reservoirs, water pumping stations, water treatment plant
- Telemetry / SCADA / IT communications
- Criminal acts / security threats
- Pressure group action

A local water utility may need to increase the maximum volume of water it is permitted to take from the water source, or obtain water from a different water source, in situations where the amount of water available at the location of the nominated water supply has decreased, for reasons such as drier and hotter conditions, drought, or compromised water quality as a result of high turbidity, blue-green algae and other harmful algae blooms. This additional extraction must be authorised by a water access licence. Local water utilities may potentially access additional water by seeking to increase the extraction amount authorised by their existing water access licence, or by obtaining an additional water access licence, such as a high security water licence.

Council can apply for a new water access licence with the category 'local water utility' or sub-category 'town water supply' under s 61(1)(a) of the Water Management Act which states that:

A person may apply to the Minister for an access licence if:

(a) the application is for a specific purpose access licence in circumstances where:

(i) the regulations provide, or a relevant management plan provides, that an application for the licence may be made, and

(ii) the application does not contravene any restriction on the making of such an application contained in a relevant management plan.

2.2.5.1 Singleton Council

The Rose Point Park bore and associated groundwater access license can be developed to supplement the water supply during drought. If this option is pursued, further investigations into the quality of the bore water will be required. The water could be blended with the water from the Singleton water supply scheme by connecting this water supply to Gowrie reservoir.

Emergency improvement actions from the IWCM include:

- Develop a drinking water quality specific incident and emergency response plan, including staff de-brief and learning and improving from the experience.
- Formalise a communication protocol with Water NSW.

2.2.5.2 Muswellbrook Shire Council

Emergency improvement actions from the IWCM include:

- Developing a documented strategy for public and media communication.
- Preparing communications protocols, nominate the staff members responsible in certain incidents, and communication methods and mobile phone numbers to contact them.
- Developing incident and emergency response protocols in consultation with NSW Health, Water NSW and water supply Stakeholders.
- Documenting a process for investigating incidents, evaluating emergency response plans in that incident and implementing improvements if necessary.

Groundwater as a water supply source for Muswellbrook during drought is not considered a feasible alternative to make-up any shortfall.

Council also has a groundwater entitlement of 830 ML/year with a bore at Denman. However, the water quality from the bore is very poor with high salinity and high hardness, and hence this source has not been considered as an option for emergency water supply. The sustainability and resilience of the bore yield is also unknown. Further investigation is required to determine the potential to use the bore water during periods of drought or high turbidity water events in the Hunter River.

2.2.5.3 Upper Hunter Shire Council

Emergency improvement actions include:

– Developing a drinking water quality specific incident and emergency response plan, including staff de-brief and learning and improving from the experience.
– Formalising a communication protocol with Water NSW.
– Developing a documented strategy for public and media communication.
– Preparing communications protocols, nominating the staff members responsible in certain incidents, and communication methods.

Based on recent discussions between Council and NSW Health, deepening of the Scone No. 1 and 3 groundwater bores is not an option. The Scone groundwater bores do not have adequate chlorine contact time for disinfection and UHSC is only permitted to use the bores with special permission granted from NSW Health. Council has also investigated a proposed site for a future bore for Merriwa to address the issue that extraction capacity is significantly below the peak day demand.

Further groundwater investigations are being carried out as part of IWCM process.

2.2.6 Funding strategy

The costs associated with managing the water supply during a drought and emergencies can have a significant impact on the Councils' finances, due to some of the following factors:

– Reduced revenue due to reductions in water consumption, especially during the later stages of water restrictions.
– Additional costs to the Councils to manage community awareness campaigns, increased monitoring, increased liaison with government agencies and policing of the restrictions.
– Increased expenditure associated with investigations and emergency works related with managing the demand and reduced water availability.

To assist in the administration of the costs associated with drought and emergencies, the Councils will need to ensure that sufficient funds are set aside to manage the drought and emergency management activities. All costs will also need to be tracked and available to be reported to Council and other stakeholders as required. This will also be required if any of the Councils are looking to apply for drought emergency funding or to justify the implementation of capital works programs for future drought security.

2.2.7 Improved monitoring

Implementation of online water depth monitoring in each of the groundwater aquifers extracted from by each relevant Council could be considered. Dams managed by Water NSW that supply the towns are monitored adequately.

2.2.9 Water security studies

2.2.9.1 Singleton Council

In the event of a repeat of critical drought, e.g. if the allocations were to be reduced by 25 percent, the unrestricted annual demand at Singleton past 2032, would not be met.

The Greater Hunter Regional Water Strategy (GHRWS) outlines policy infrastructure options to improve water security within the Greater Hunter. The infrastructure options identified for further investigation are construction of a two-way pipeline between Lostock Dam and Glennies Creek Dam and construction of a potable pipeline from the Hunter Water Corporation (HWC) network to Singleton. Gateway 0 and Gateway 1 reviews of the business case for the two-way pipeline between Lostock Dam and Glennies Creek Dam have been completed. This project is progressing to a Gateway 2 review for the Final Business Case. These options will improve the drought reliability of the Hunter regulated river system.

In addition to the above, at a local level, Singleton Council can develop the Rose Point Park bore water source to supplement the Singleton water supply and provide reliability during drought.

2.2.9.2 Muswellbrook Shire Council

In the event of a repeat of critical drought, e.g. if the allocation were to be reduced by 25 percent, the unrestricted annual demand at Muswellbrook would not be met by 2030. Water security risk can be addressed through the following options:

– Construction of a pipeline to obtain water from Glenbawn Dam, with or without supplementing from the Hunter River source during peak demand periods.
– Increase the amount authorised by the existing license or apply for a new access licence under s 61(1)(a) of the Water Management Act 2000.

2.2.9.3 Upper Hunter Shire Council

Council's IWCM Issues Paper (completed in 2019) identified the potential future scheme supplying water to Scone, Aberdeen, Murrurundi and villages (with the exception of Merriwa and Cassilis) from Glenbawn Dam.

The *Aberdeen WPS, Rising Main and Scone Wells Improvement Proposal Report* completed in 2020, indicated the potential deepening of the existing Scone No. 1 and 3 groundwater bores could be considered to improve security when there are poor water quality events simultaneously in Glenbawn Dam and the Hunter River. However, based on recent discussions between Council and NSW Health, deepening of the Scone No. 1 and 3 groundwater bores is not an option. Investigations are currently in progress as part of IWCM to determine the yield potential of future bore sites outside of Scone. Council is planning to investigate a proposed site for a future bore for Merriwa to address the issue that extraction capacity is significantly below the peak day demand.

Poor water quality events have occurred several times simultaneously in Glenbawn Dam and the Hunter River, leading to boil water alerts and Scone relying on the town's reservoir storage only for supply. Council is calling tenders for Stage 1 (UV disinfection) of the Scone WTP, to provide dosing improvements, with Stage 2 proposed for the future to provide full filtration to allow Glenbawn Dam water (identified as a relatively secure supply) to be accessed more reliably to a suitable quality standard.

2.2.9.4 All Councils

The Councils continue to undertake secure yield analysis of their numerous water supply systems (via the Integrated Water Cycle Management (IWCM) process), to improve understanding of the systems, and hence improve the efficiency with which each manage these resources (noting that Water NSW manage the major dams).

3. Drought and emergency preparedness

3.1 Overview

The Councils have developed action plans to ensure they are prepared to cope with the consequences of drought and emergencies and minimise the effect on their communities. These action plans include implementation plans as well as ongoing activities to prepare each Council's staff for drought and emergency situations. The benefits of being prepared for a drought and emergencies include:

– Having a pre-determined and agreed list of actions to be taken in case of drought and emergencies
– Allow Councils to promptly obtain drought relief funding
– Have well defined protocols for restriction activation and escalation

This DERMP documents the Councils' preparedness in regard to managing drought and emergency impacts on its water supply systems. The actions described in this plan have been endorsed by the Councils, therefore the appointed staff can quickly implement the predetermined drought and emergency response actions (as outlined in Section 4) and acquire the resources necessary to manage the drought and emergencies. The following sections describe some of the ongoing actions that the Councils will undertake to ensure they are prepared for drought and emergency situations.

3.2 Exercising drought and emergency management

In order to ensure the ongoing effectiveness of this plan, Councils will develop a periodic program of exercising this drought and emergency response management plan. This will be incorporated along with other emergency training programs, to prepare staff for emergency situations. As a minimum, Councils will ensure that an exercise that incorporates drought and emergency management actions, will occur biennially.

3.3 Water supply emergencies

Water supply emergency impact prevention strategies for the UHWUA Councils to prepare/update and implement include:

– Accident/Emergency Contact Numbers
– Failure Modes, Effects and Criticality Analysis (FMECA) presented in Appendix B
– Water infrastructure risk management plans
– Dam safety plans
– Fire protection and evacuation plans
– Safety and health programs
– Environmental policies
– Security procedures
– Site induction procedures
– Employee manuals
– Incident management procedures
– O&M procedures
– Material Safety Data Sheets (MSDS)
– Pandemic response plan

3.4 Data availability

All technical information relevant to the water supply system has been provided in the Sections 6 and 7 of this Plan. This ensures that in case of an emergency, all relevant key information, and links to more detailed information, are available to facilitate a prompt response. This information will be updated as part of the ongoing review of the DERMP.

3.5 Monitoring

Continuous monitoring of the water supply schemes is undertaken by each Council, to monitor and understand the performance of the water sources and manage the supply demand (along with monitoring provided by Water NSW for both major dams for several key parameters including level). Daily treated water production data for each source is monitored and recorded. Water quality is regularly monitored at each water source, water treatment plant and throughout the distribution network as part of each Council's Drinking Water Quality Management Plan and operational requirements. The Councils undertake a combination of the following routine monitoring dependent on the water supply systems:

– Stream flows
– Total water production
– Groundwater bore level
– Water quality

Algae monitoring for the two major dams is undertaken by Water NSW, with an alert sent to the relevant Councils if unacceptable levels are recorded.

During drought, the Councils continue the routine monitoring and data analysis is used to balance the supply from the available water sources and determine the need for restrictions. Regular monitoring of dam levels, stream flows, water extraction, treated water production and monitoring of actual water consumption compared to target demands are critical during drought periods. The data obtained from this monitoring provides important feedback on the effectiveness of the various drought response levels.

The following monitoring actions will also be implemented during drought:

– Daily water production for all sources will be compared to the respective target water production of the current restriction level.
– Additional water quality sampling and testing will be carried out depending on the source of water and the identified risks.
– Algae testing to be undertaken independently by UHSC at all restriction levels (in addition to weekly algae testing/reporting conducted by Water NSW) and if amber algae alert levels are maintained for an extended period.
– MSC to implement similar process to UHSC, implementing additional independent testing if unacceptable algae levels are recorded for a prolonged period.
– SC to undertake weekly algae testing, regardless of water restriction levels.

3.6 Consultation

3.6.1 Community engagement

Engagement with the community is a critical element of an effective DERMP, as it ensures customer acceptance and encourages the behavioural changes required to reduce water demand.

This DERMP has been developed with future revisions to align with the development of IWCMs. During the development of the IWCMs, Project Reference Groups will be (were) established to inform and obtain community input to the strategies. As part of this process, Council will inform (informed) the community about the DERMP and the drought action plans in place. This will assist the community to understand the critical importance of drought and emergency management actions and the need to conserve water.

For the DERMP, community engagement consists of the following:

– Individual workshops to brief Councillors from each Council on the Draft DERMP and to receive comments to incorporate into the Final DERMP.
– Final DERMP public exhibition and community consultation.

3.6.2 Government consultation

During the development of the IWCMs, the government regulatory departments in NSW will be engaged as the key stakeholders providing direction and input to the strategies developed. The DERMP and the drought action plans will form a part of the development of these strategies.

Consultation with the government departments during the preparation of the IWCMs should be undertaken in the following way:

– Department of Planning and Environment (DPE) Water for review and approval of the IWCM and the DERMP. DPE will also be involved in decision making during restrictions.
– Local Public Health Unit for review of the DERMP and will be involved in decision making during restrictions, when alternative or emergency supplies are considered that may impact on the water quality of the drinking water.

4. Drought and emergency response strategy

4.1 Drought and emergency strategy activation plan

4.1.1 Overview

The drought and emergency response strategy will normally be activated in an event when the water supply is affected due to natural climate conditions or an emergency incident. The main scenarios that would activate a drought and emergency management response, including the introduction of supply restrictions, are water scarcity and emergency events.

4.1.2 Drought triggers

The drought restriction regime consists of 3 restriction levels.

Triggers are the situations that will activate the drought response strategy. The triggers are based on progressive reductions in water availability. The drought triggers for the region managed by UHWUA have been based on the Upper Hunter water supply system. The objective of these triggers is to ensure there is always sufficient water availability for the basic needs of the community. The regional approach for the implementation of drought restrictions provides uniformity and consistency between Councils and allows for flexibility in implementation.

The triggers for implementing drought restrictions are provided in Table 4.1. These triggers initiate demand-side actions which are expected to reduce the demand to a target daily demand.

For the storage dams, restrictions will be lifted when the dam levels reach 10% or greater than the current restriction level e.g. Level 1 restrictions will be lifted once dam levels return to 60% as shown in Table 4.1. The easing of water restrictions will not be implemented where it is likely that the revised restriction will not be sustained for more than one month before tighter restrictions need to be re-imposed.

Table 4.1 Water restriction triggers

Level	Storage trigger (to impose restrictions)	Storage trigger (to lift restrictions)
Level 1 Restrictions	50% storage availability. Additional for UHSC: Merriwa and Cassilis - 2 bore pumps operate for 20 hrs/d for more than 5 consecutive days. Target Daily Usage: – SC – 9 ML/d * – MSC – Seasonal targets • Winter: 4-5 ML/d • Spring: 6-7 ML/d • Summer: 9-10 ML/d • Autumn: 6-7 ML/d – UHSC – Township targets * • Merriwa and Cassilis 765 kL/d • Murrurundi 270 kL/d • Scone and Aberdeen 4.5 ML/d	60% storage availability. Merriwa and Cassilis - 2 bore pumps operate < 20 hr/d for more than 10 consecutive days.

Level	Storage trigger (to impose restrictions)	Storage trigger (to lift restrictions)
Level 2 Restrictions	40% storage availability. Additional for UHSC: Merriwa and Cassilis - If level 1 restrictions have failed to keep 2 bore pumps operating < 20 hr/d (for a period of at least 4 weeks). Target Daily Usage: – SC – 8 ML/d ** – MSC – Seasonal targets • Winter: 3.5-4.5 ML/d • Spring: 5.5-6.5 ML/d • Summer: 8-9 ML/d • Autumn: 5.5-6.5 ML/d – UHSC – Township targets** • Merriwa and Cassilis 680 kL/d • Murrurundi 240 kL/d • Scone and Aberdeen 4.0 ML/d	50% storage availability. Merriwa and Cassilis - 2 bore pumps operate < 20 hr/d for more than 10 consecutive days.
Level 3 Restrictions	30% storage availability; Additional for UHSC: Merriwa and Cassilis - If level 2 restrictions have failed to keep 2 bore pumps operating < 20 hr/d (for a period of at least 4 weeks) or significant equipment breakdown or major failure of bore pumps or WTP. Target Daily Usage: – SC – 7 ML/d *** – MSC – Seasonal targets • Winter: 3-4 ML/d • Spring: 5-6 ML/d • Summer: 7-8 ML/d • Autumn: 5-6 ML/d – UHSC – Township targets *** • Merriwa and Cassilis 595 kL/d • Murrurundi 210 kL/d • Scone and Aberdeen 3.5 ML/d	40% storage availability; Merriwa and Cassilis - 2 bore pumps operate < 20 hr/d for more than 10 consecutive days or significant equipment, bore pumps, WTP return to operation.

* Target daily usage for Level 1 restrictions reduced by 10%

** Target daily usage for Level 2 restrictions reduced by 20%

*** Target daily usage for Level 3 restrictions reduced by 30%

4.2 Emergency triggers

Key water supply emergency triggers for activating Drought and Emergency Response Management Team (DERMT) are:

– Serious supply or service problem, serious infrastructure damage (whether owned by Council or others), investigation by statutory authorities, recurring incidents.

– Serious injuries, affecting the operation of a local water facility asset, depot or office, minor building fire, short-term localised health issues.

– Significant or widespread impact on supply and service operations, bomb threat / search, significant asset failure or vandalism.

– Spill / emission which requires external resources to mitigate, high volume spill impacting the environment, contamination / failure of a depot storage system.

– Disruption requiring corporate / external resources to address, limited industrial action, telemetry / SCADA / IT communications failure, significant power outage.

When emergencies occur, action must be taken to mitigate the effects on the water supply and to ensure that a reliable water supply is available to meet the health and safety needs of the community. A coordinated response to the emergency event from the UHWUA Councils will be required if assistance is requested from a member Council or if the emergency extends over shire boundaries. The Emergency response documentation for each Council to refer to includes:

– Business Continuity Plan
– Local Emergency Management Plan (EMPLAN)
– Dams Safety Plan
– Standard Operating Procedures (SOPs)
– Communication Plan

4.3 Drought management team roles and responsibilities

4.3.1 Activation and setting restriction levels

Each Council's General Manager (GM), in consultation with their Council, can proclaim this drought and emergency response management plan to be in force once the GM determines that Trigger Level 1 has been reached. The GM has the authority to change the restriction levels, on the advice of the Chair of the DERMT.

4.3.2 Drought and emergency response management team

The appointed DERMT is outlined in Table 4.2.

Table 4.2 DERMT roles and preliminary responsibilities

Role	SC Staff Responsible	MSC Staff Responsible	UHSC Staff Responsible	Responsibilities
Chair	Director of Planning and Infrastructure Services / Operations and Planning	Director of Planning and Infrastructure Services / Operations and Planning	Director of Planning and Infrastructure Services	– Coordinate the activities of the team – Communicate with each GM and Councils – Organise regular DERMT meetings – Communicate with government agencies – high level – Determine completion of the response phase and commenced recovery, in conjunction with DERMT
Incident Manager	Manager Water and Sewer	Manager Water and Sewer	Manager Water and Sewer	– Monitor and assess data – Provide an assessment of the situation – Brief the DERMT chair – Allocate roles to team members – Prioritise tasks and response actions – Ensure adequate resources available – Communicate with government agencies and major customers – operational level – Stand in as Chair if Chair unavailable – Monitor effectiveness of actions – Coordinate review of incident and update of the DERMP as required

Role	SC Staff Responsible	MSC Staff Responsible	UHSC Staff Responsible	Responsibilities
Communications Manager	Manager Community Partnerships	Manager Community Partnerships	Senior Communications Advisor	– Support the DERMT with all customer communications – Prepare communications material as appropriate – Issue media statements and interviews as appropriate – Maintain media database including social networks – Monitor and manage social networks communication – Develop and Implement DERMP Communications Strategy
Technical Administrative Support	Water and Sewer Engineer – Treatment / Water Quality Officer	Water and Sewer Engineer – Treatment / Water Quality Officer	Water and Sewer Engineer – Treatment	– Update all appropriate data on a daily basis once the DERMP is activated by the GM of each Council – Support the Incident Manager in the provision of technical data required to monitor and assess – Support the Incident Manager by providing the technical information required to assess the situation
Restrictions Compliance Officer	TBD by Chair	TBD by Chair	TBD by Chair	– Compliance and enforcement monitoring – Community advice and warnings – Issuing fines for violation of water restrictions
Administrative Support	Water and Sewer Administration Officer	Water and Sewer Administration Officer	Infrastructure Services Administration Officer	– Attend and maintain meeting minutes for all meetings of the DERMT – Prepare weekly progress report for distribution to DERMT members and Customer First team – Provide all general administrative support to the DERMT, first line of contact – Maintain Water Restriction approval/exemption records
Support Team	Varied	Varied	Varied	– Support the Incident Manager and chair as required – Would normally include the following people but would be determined by the Chair or Incident Manager as required – Team Leader Water Treatment – Water and Sewer Process Engineer

4.4 Demand-side action plan

4.4.1 Water restrictions

Water restrictions are an effective and low-cost strategy for responding to drought. Water restrictions aim to reduce water demand of Council's customers through regulating the type and duration of water-using activities. If not specifically mentioned, the restrictions of each level apply to all the higher levels. As outlined in Section 4.1.2, water restriction triggers are determined by levels in the two major storage dams. Water restrictions will generally be imposed on a UHWUA shire-wide basis to ensure equity across a unified customer base and for ease of understanding and administration of the restrictions. At Level 3, variations to this may be considered by the GM, in exceptional circumstances.

4.4.2 Demand targets

The demand targets, as listed in Table 4.3, have been provided by each Council.

Table 4.3 Demand targets during water restrictions

Level	Singleton	Muswellbrook	Upper Hunter
Permanent	- - -		
1	9 ML/d *	Winter 4-5 ML/d Spring 6-7 ML/d Summer 9-10 ML/d Autumn 6-7 ML/d	Merriwa and Cassilis 765 kL/d * Murrurundi 270 kL/d * Scone and Aberdeen 4.5 ML/d *
2	8 ML/d **	Winter 3.5-4.5 ML/d Spring 5.5-6.5 ML/d Summer 8.5-9.5 ML/d Autumn 5.5-6.5 ML/d	Merriwa and Cassilis 680 kL/d ** Murrurundi 240 kL/d ** Scone and Aberdeen 4.0 ML/d **
3	7 ML/d ***	Winter 3-4 ML/d Spring 5-6 ML/d Summer 8-9 ML/d Autumn 5-6 ML/d	Merriwa and Cassilis 595 kL/d *** Murrurundi 210 kL/d *** Scone and Aberdeen 3.5 ML/d ***

* Target daily usage for Level 1 restrictions reduced by 10%

** Target daily usage for Level 2 restrictions reduced by 20%

*** Target daily usage for Level 3 restrictions reduced by 30%

4.4.3 Demand side actions

Council will implement a number of actions and water restrictions to ensure the demand targets are met. These actions, as well as the customer water use restrictions, are summarised in Table 4.4. If not specifically mentioned, the restrictions of each level apply to all higher levels. For example, washing down walls or paved surfaces of any kind is prohibited for Level 1, so they are also prohibited for all higher levels.

Failure to achieve the target demand at a particular restriction level within three weeks, may require adoption of the next more stringent level, even if a trigger level is not reached. The decision to introduce more stringent levels will be made by the DERMT using the information available at that time.

Severe water restrictions will only occur in very rare circumstances, due to the potentially high costs this can impose on residential amenities and commercial businesses.

During these restrictions, all outdoor watering will be banned, and this will have a major impact on lawns and gardens. Commercial businesses may also be impacted as some activities have higher level restrictions imposed.

In the event that emergency water restrictions do not sufficiently reduce demands, water rationing will be considered by the Councils, to limit usage to only essential uses. For residential properties, a minimum essential supply requirement of 120 L/p/day or less may be achievable. Commercial businesses and industries may be required to reduce water consumption to minimal essential use.

Table 4.4 Residential water restriction demand side actions

Trigger Level	Level	Demand Side Activity
50% storage availability; Merriwa and Cassilis - 2 bore pumps operate > 20 hrs/d.	Level 1 Restrictions	No washing down walls or paved surfaces Washing cars with bucket and rinse with trigger hose on lawn only Topping up private and public swimming pools/spas only permitted between 0500-0700 and 1600-1800 hrs First fill of private and public swimming pools/spas only with council permission Large water (>10ML/year) users must prepare a WEMP
40% storage availability; Merriwa and Cassilis - If level 1 restrictions have failed to keep 2 bore pumps operating < 20 hr/d (for a period of at least 4 weeks).	Level 2 Restrictions	Watering of lawns not permitted for residential, and non-residential Large water users must implement their WEMP All non-residential business (>5ML/year) must prepare WEMP Hosing of vehicles, boats or building not permitted
30% storage availability; Merriwa and Cassilis - If level 2 restrictions have failed to keep 2 bore pumps operating < 20 hr/d (for a period of at least 4 weeks) or significant equipment breakdown or major failure of bore pumps or WTP.	Level 3 Restrictions	No filling of private swimming pools or spas or garden water features, including first fill No washing of vehicles, boats or buildings permitted Inflatable or temporary children's pools not permitted Public car and truck wash facilities not permitted All non-residential business's (>5ML/year) must implement their WEMP

A template Water Efficiency Management Plan (WEMP) is provided in Appendix C.

4.5 Supply-side action plan

When drought occurs, actions must be taken to mitigate the effects of water shortage and to ensure that a reliable water supply is available to meet the health and safety needs of the community. These actions aim to support the restrictions as well as prepare for worsening situations.

4.5.1 Staged action-plan

Drought management supply-side actions should be implemented by the Councils while the community takes action to reduce water demand, during water restrictions. The supply-side actions are proposed to be implemented within a timeframe so that water supply is sufficient to sustain the estimated water demand at the particular water restriction level. Table 4.5 provides a list of the actions that the Councils can consider, to sustain the estimated water demand.

Table 4.5 Supply-side action plan

Level	Supply side activity
Water Conservation Measures	– Continued implementation of drought preparedness activities, short- and long- term projects and education (Blue House) – Review DERMP and ensure it is up to date – Exercise DERMP and update as required – Prepare Community Awareness Campaign

Level	Supply side activity
Level 1 Restrictions	– Preparatory measures that activate the DERMP and its components – Establish the DERMT – Commence regular (2 monthly) liaison with regulators – Commence community awareness and education campaign – Increase monitoring of stream flows (ML/d), dam levels, aquifer levels, etc. daily
Level 2 Restrictions	– Increase liaison with key government stakeholders – Step-up community awareness and education campaign with regular reminders – Commence policing of water restrictions and issuing warnings and fines for violations – Applications to DPE Water regarding water carting funding assistance, as required – Water carting from sustainable supply to smaller water supply areas, if required – Implement procedures for effluent recycled water carting for all non-essential potable water uses (e.g., dust suppression, road construction) if possible
Level 3 Restrictions	– Focus on policing of water restrictions and issuing warnings and fines for violations of water restrictions – Regular (monthly) liaison with Regulators – Step-up community awareness and education campaign with weekly reminders – Commence discussion about water reductions in consumption with large commercial users – Discuss options for exemption from Water Sharing Plans with DPE Water and the Natural Resources Access Regulator (NRAR) if dams are offline due to water quality
Emergency Water Conservation Measures	– All out communications program to reduce all usage to absolute minimum levels, including residents reducing shower time, washing and evaporative cooling – Increased focus on discussions with and policing of water restrictions for commercial businesses and continue regular (weekly) meetings with these users – Further rationing of potable water for stock watering and continue regular (weekly) meetings with these users – Regular (weekly) liaison with Regulators – Implement emergency response / supply options in liaison with DPE Water – Closure of non-essential and high-water dependent services – Water carting from sustainable supply to smaller water supply areas, if required

4.5.2 Water carting

Water carting may be necessary to provide basic town water needs during an emergency. It is anticipated that such arrangements will only be for a short period and water rationing will also be implemented in line with restrictions.

Singleton Council has water carters that access their supply (under Water Carters Policy POL/10066.1). A register of water carters is maintained by the Trade Waste Officer and the Environmental Health Officer. Databases for water carters servicing the Muswellbrook and Upper Hunter Shire Councils are maintained by the individual Councils.

UHSC has developed an online application procedure for water carting. It is recommended that Singleton and Muswellbrook Shire Councils also implement an online application procedure.

During drought, it is likely that these water carters will be heavily utilised for topping up of rainwater tanks for residential domestic use and they may not all be available for use. The Councils have a number of towns with existing reticulated supplies that have a normal population of less than 1000 people, with a demand that could possibly be sustained through water carting. These are listed below.

– Singleton Council:
  - Jerrys Plains
– Muswellbrook Shire Council:
  - Sandy Hollow

– Upper Hunter Shire Council:
  - Murrurundi
  - Parkville, Wingen and Blandford (if connected in the future)
  - Cassilis

DPE Water have historically provided assistance toward the costs for water cartage (i.e. Murrurundi). DPE Water can provide assistance with the initial assessment of options for water carting and an application will need to be made by Council to DPE Water to receive funding. This should be included as an agenda item in regular meetings with the regulators to ensure Council is prepared for obtaining financial assistance, prior to undertaking any carting.

4.6 Monitoring during drought

All monitoring during a drought will be carried out as per the monitoring listed in Section 3.5.

4.7 Communications

A Communications action plan should be developed to provide guidance to the DERMT on what communications are to be undertaken prior to and during water restrictions and emergency events.

One of the most important aspects of emergency response is communications, which are required with a wide variety of internal and external parties. The handling of this aspect can have a major bearing on the effectiveness of the response, and perceptions about the UHWUA Councils, and so needs to be tightly controlled.

The key principles of communication during an emergency response include:

– Check adequacy of facilities and resources
– Gather, assess and check facts
– Inform key stakeholders at an early stage
– Develop communications strategy and key messages

The emergency response and communications are to be undertaken with consideration of the individual Council Business Continuity Plans (if available).

4.7.1 Community

A comprehensive Drought and Emergency Management Communications Strategy (DEMCS) should be developed by the Councils. The purpose of this communications strategy is to:

– Communicate the restriction levels, expected water use behaviours at each restriction level, any enforcement measures and relevant emergency information.
– Provide general information on how to use water wisely and implement everyday water conservation measures.
– Provide general information to the community on what each Council is doing to conserve water and specific actions during drought and emergency situation.

The communications strategy would also provide the details to be communicated at each level of water restrictions, such as:

– The channels of communication to be utilised, such as website, media releases etc.
– The target audience.
– The specific messages and issues to be communicated.

The specific messages that would be developed within the DEMCS are listed below:

– Restriction levels and what they mean, for residential or commercial business users.
– Background and the need for conservation or restrictions.
– What is each Council doing to manage the water supply?

– What requires exemptions and how to obtain an exemption.
– How to obtain further information, such as Customer First Contact or FAQ on website.

The Councils would maintain all contact details, including contact lists, for all community communications requirements.

The Water and Sewer Section of each Council will ensure that town centre entrance signs advertise the correct level of restrictions.

4.7.2 Council

Each Council will undertake the following communication activities, within each Council, to ensure that staff and Council are aware of the requirements during water restrictions and emergencies and to ensure each Council is demonstrating compliance to the public:

– Communications through internal media such as intranet, staff newsletters and email.
– Detailed and regular briefings to the Customer Service Centre and the provision of information prompts for managing Customer enquiries.
– Liaison with Infrastructure Delivery Section to ensure awareness of restrictions and emergencies and their particular application (e.g. irrigation of sporting fields, water for road construction etc.).
– Priority 1 attendance upon customer reported water leaks.
– Enforcement of restrictions in response to customer complaints.
– Water carting from mains flushing, once into higher restrictions categories if operationally possible.

4.7.3 Regulators

Advanced notifications are provided to the following relevant agencies in respect of impeding and implementing restrictions:

– DPE Water – regarding progress through restrictions, emergency supply options, technical advice and attendance through teleconference to regular meetings throughout the implementation of restrictions.
– NSW Health, Local Public Health Unit – regarding health impacts upon residential and commercial business customers, water quality, restriction levels and monitoring of water quality for emergency supply options.
– Water NSW – regarding water access licences and regulations.

Contact details are maintained as part of Council's Drinking Water Quality Management Plan contact list for all stakeholders, including the regulators.

4.7.4 Large water users

Larger water users will be contacted and, in some cases, engaged through regular meetings, during water restrictions. These are listed below:

– Approved drinking water carters – will be contacted on an individual basis, upon the implementation of water restrictions, and as restrictions levels increase. This will ensure they understand the appropriate use of drinking water during restrictions.
– Large commercial consumers – will be engaged initially on an individual basis upon implementation as per the restrictions table, to discuss opportunities to reduce water consumption and further engagement will occur upon implementing increasing levels of restrictions.
– Agricultural users – will be engaged through a working group upon implementation of Level 3 restrictions, to discuss opportunities to reduce water consumption and further engagement will occur upon implementing increasing levels of restrictions and the potential to impose water rationing at emergency levels.

The SC top ten large water users are shown in Table 4.6 below.

Table 4.6 SC top ten large water users

Rank	Major customer	Water usage (ML/yr)
1	Defence Force	3,909
2	Shellden Abattoir	292
3	Mercy Nursing Home	62
4	Greenhouse / Nursery	19
5	Saxonvale Coal Mine	18
6	Alroy Oval / Singleton Heights Preschool	15
7	Singleton Square Shopping	14
8	Singleton Gym and Swim	13
9	Thrifty Car Wash	10
10	Bloomfield Coal Mine	10

The UHSC top ten large water users are shown in Table 4.7 below.

Table 4.7 UHSC top ten large water users

Rank	Major customer	Water usage (ML/yr)
1	JBS Australia Pty Limited	379
2	Scone Saleyards	39
3	Aberdeen Golf Club	29
4	Scone High School	14
5	Scone Park Sports Field	9
6	Elizabeth Park Scone	8
7	Merriwa Oval	8
8	Hammond Care Scone	7
9	Merriwa Pool	7
10	Scone Pool	7

Contact details are maintained as part of Council's Drinking Water Quality Management Plan contact list for all stakeholders.

4.8 Enforcement

The *Local Government Act 1993* and *Local Government Regulations 2005* confer on Councils the authority to prevent waste or misuse of water generally and specifically to prevent water use "contrary to a Council notice restricting the use of water" (Section 637 of the Act and Sections 159-160 of the Regulation). A water authority has a number of legal avenues available for the misuse of water, including formal warnings, fines, installation of flow restriction devices and cut off of supply (Clause 144 of the *Local Government (General) Regulation 2005*). It is recommended that the UHWUA Councils develop an agreed methodology for consistent enforcement of restrictions and tools to be used across the region.

To ensure compliance of daily usage targets implemented by the UHWUA, it is recommended that Councils improve the level of communication to all users. Possible communication strategies include:

– Increased advertising, with an emphasis on what the daily usage targets in the region are to establish greater awareness.
– Additional online resources that highlight regional usage compared to set daily targets.
– Greater correspondence with major water users (top 20) to ensure compliance of daily targets.

Singleton Council adopted a Water Restriction Enforcement Policy in 2021.

5. Drought and emergency recovery strategy

The drought recovery process will be implemented only when Level 3 or emergency measures have been lifted by the Councils. The process will commence when the General Manager's agree, in consultation with Council, to remove all water restrictions and hence have revoked drought conditions. A Drought Recovery Coordinator (DRC) may be appointed by the DERMT to oversee the recovery process and in this instance, the DERMT will cease to operate. The DERMT members will however assist the DRC, as required.

The DERMT / DRC recovery responsibilities are recommended to include:

– Preparing a response report, including recommended actions, to be submitted to the GM and Council for endorsement, within 8 weeks of the drought conditions being revoked.
– Assessing the remaining drought impacts and determining the appropriate personnel to coordinate the recovery activities.
– Implement a drought recovery and emergency survey, detailed below, following a drought that implemented water restrictions at Level 3 or emergency measures.
– Develop rehabilitation/recovery programs based on the drought recovery strategy, including determining areas appropriate for government financial assistance.
– Review of the DERMP.

5.1 Drought and emergency recovery survey

The drought recovery survey is recommended following the implementation of water restrictions at Level 3 or emergency measures. This survey will be developed to evaluate the physical, emotional, social, and economic impact of the drought and determine the recovery process required to restore the community to normal operations. The survey will assess the following criteria in order to determine the recovery actions required:

– **Ownership**: Determine the ownership of private and public assets and the source of assistance that may be available.
– **Severity of impact:** Develop a scale that measures the severity of social, economic, and financial impact of the drought or emergency.
– **Time to recover:** Determine a timeframe required to recover from the drought or emergency impact.
– **Cost of Impact:** Determine the financial loss due to the drought or emergency impact.
– **Resources required:** Determine all resources required to complete the recovery process.

With the outcomes of the survey, Councils will be able to identify appropriate resources to address the recovery needs to restore the community to normal social and economic activities.

Councils will not compensate private customers for costs for financial losses caused by the drought.

Emergency recovery documentation includes:

– UHSC Detailed Investigation Report – Accident Major Incident
– UHSC Information Technology (IT) Disaster Recovery Plan

6. Water supply schemes

6.1 Location

The UHWUA includes the Singleton, Muswellbrook Shire, and Upper Hunter Shire Council areas. The region being managed by the UHWUA covers approximately 16,400 square kilometres and has a population of 53,185 people (2016 census). All Council areas are located in the Hunter Valley and the area of interest spans from Singleton in the southeast to Murrurundi in the north-west (approximately 115 km between these towns).

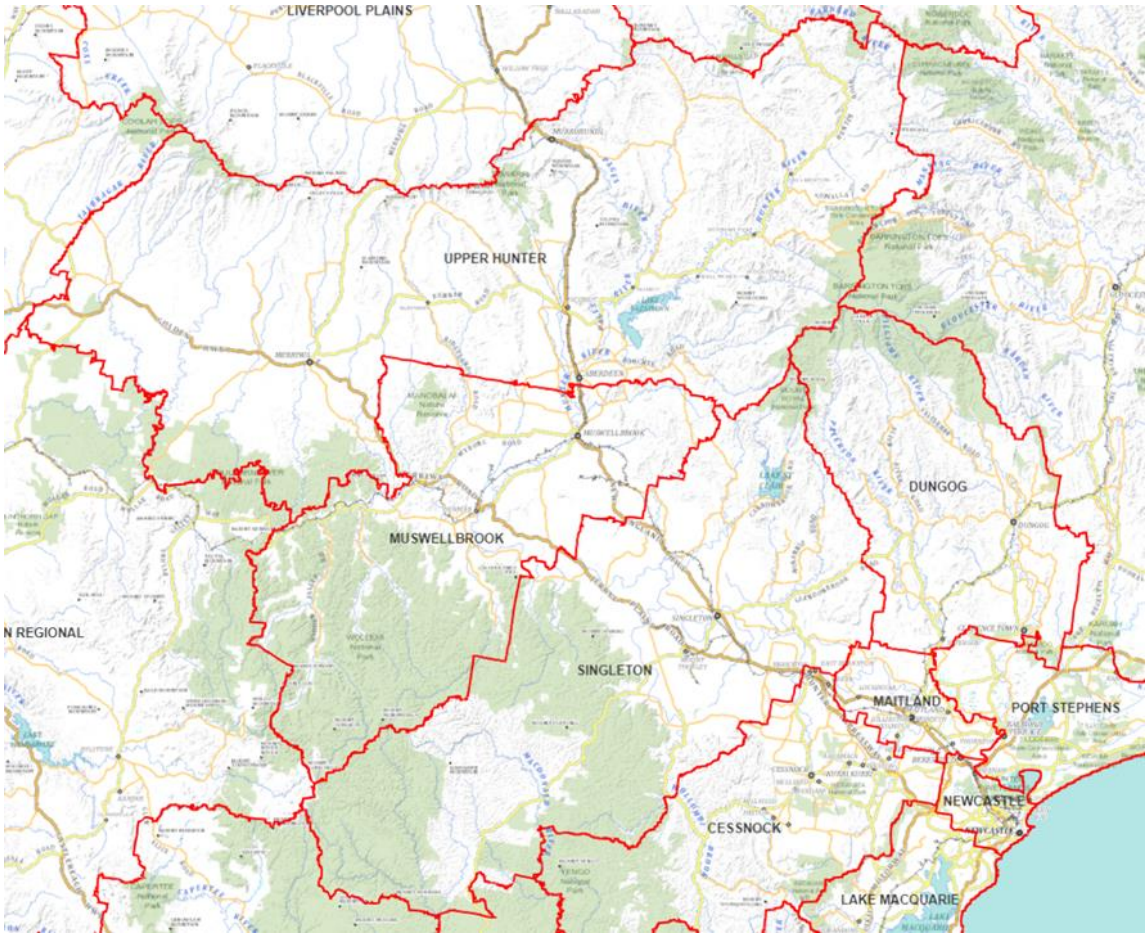

Figure 6.1 Singleton, Muswellbrook Shire, and Upper Hunter Shire LGAs

Singleton Council supplies water to the Singleton township and surrounding areas.

Muswellbrook Shire Council supplies water to the towns of Muswellbrook, Denman, and Sandy Hollow.

Upper Hunter Shire Council supplies water to Aberdeen, Merriwa, Murrurundi, Scone and Cassilis.

6.2 Existing water supply schemes

Singleton Council's water supply is sourced from Glennies Creek Dam and includes a series of eight reservoirs and five water pumping stations across the network. Water runs under gravity from the Glennies Creek Dam offtake to the Obanvale Water Treatment Plant, where it is treated and pumped to the various storage reservoirs in the region.

Muswellbrook Shire Council owns/operates three water treatment plants that supply treated water to the towns in the region. The towns of Muswellbrook and Denman both source water from the Hunter River downstream of Glenbawn Dam. Two borefields close to the unregulated Goulburn River are utilised to supply water to Sandy Hollow. The Muswellbrook water supply network includes six storage reservoirs, with Denman and Sandy Hollow both having one storage reservoir each.

Upper Hunter Shire Council has a variety of water supply schemes given the distance between towns within the Council region. The water supply schemes are summarised below:

- Aberdeen: Water is sourced from either the Scone to Aberdeen pipeline fed from the three reservoirs in Scone or via the infiltration gallery on the Hunter River at Aberdeen. One supplementary bore is always used when Hunter River supplies Aberdeen. Chlorination is used for treatment prior to distribution. Three low level reservoirs and one high level reservoir are used for storage.
- Merriwa: Three bores are used for supply, with three storage reservoirs available. Water is passed through the Merriwa Water Treatment Plant prior to distribution to customers.
- Murrurundi: Water is supplied primarily from the Scone to Murrurundi pipeline (which includes three water pumping stations), as well as three river inlets on the Pages River which is stored in Murrurundi Dam. A membrane WTP with dosing lagoon is used for treatment prior to distribution. Note the dosing lagoon and WTP is not used when the Scone to Murrurundi pipeline is in use. One reservoir is used for storage.
- Scone: Water is supplied from either Glenbawn Dam or by the infiltration gallery on the Hunter River at Aberdeen. Four low level reservoirs and one high level reservoir are used for storage. Chlorination is used for treatment prior to distribution.
- Cassilis: Water is supplied from two bores, with four storage reservoirs available. Chlorination is used for treatment prior to distribution.

6.3 Water sources

6.3.1 UHWUA water sources

The Hunter Regulated River Water Source is treated as a surface water source in the Water Sharing Plan. The Hunter River is divided into five management zones as follows:

- Zone 1A: Hunter River from Glenbawn Dam to Goulburn River Junction.
- Zone 1B: Hunter River from Goulburn River Junction to Glennies Creek Junction.
- Zone 2A: Hunter Rive from Glennies Creek Junction to Wollombi Brook Junction.
- Zone 2B: Hunter River from Wollombi Brook Junction to downstream extent of the Hunter Regulated River.
- Zone 3A: Glennies Creek.

Singleton Council

Raw water for the Singleton Council area is sourced from Glennies Creek Dam. Singleton town supply consists of a gravity system from the Glennies Creek Dam offtake. There is a pumping station available at the site however it is only required if dam storage level drops below 25% of capacity. Glennies Creek Dam has a storage capacity of 283,000 ML, with a major use of regulating flows for the Hunter River downstream. An additional eight reservoirs provide 25 ML of storage for the Singleton region. In a significant drought event, Singleton Council has the opportunity to develop the Rose Point Park bore water source as a supplementary option to the existing Singleton water supply to improve supply reliability.

Raw water delivery for Singleton is at a maximum 500 L/s (under high storage conditions). The Obanvale Treatment Plant can process up to 30 ML/day. Treatment is undertaken via a filtration process in which alum and other filter aids are added to the water to cause flocculation of suspended particles. Chlorination also occurs to remove bacteria, with fluoride and lime also being added.

Muswellbrook Shire Council

Water supply to the Muswellbrook and Denman townships is sourced from the regulated Hunter River flows downstream of Glenbawn Dam. Glenbawn Dam has a capacity of 750,000 ML with an additional 120,000 of flood storage available. There are six reservoirs across the town of Muswellbrook providing an additional storage capacity of 23 ML. The Denman supply scheme includes one storage reservoir with a capacity of 5 ML. The township of Sandy Hollow sources raw water from two bore fields in close proximity to the unregulated Goulburn River. There is one storage reservoir in this region with a capacity of 0.2 ML.

Muswellbrook supply is treated in a water softening and filtration plant, with Denman water supply undergoing initial sand filtration followed by treatment in a membrane filtration Water Treatment Plant. Supply for the township of Sandy Hollow is treated by ozone-oxidisation with macrolite and carbon filtration.

Upper Hunter Shire Council

Aberdeen sources water from the Scone to Aberdeen pipeline fed from the three reservoirs in Scone. An alternative source is via the infiltration gallery on the Hunter River at Aberdeen. One supplementary bore is always used when the Hunter River supplies Aberdeen. Aberdeen has 3 low level and one high level reservoir with a total capacity of 4.85 ML.

Scone raw water can be sourced from the Glenbawn Dam and pumped to the Brushy Hill Reservoir / Balance Tank where it is chlorinated and gravitates to Barton Street Reservoirs. Scone has a total of 4 low level and one high level reservoirs with a total capacity of 13.4 ML. The pipeline noted above was constructed in 2012.

Scone can also receive water from an infiltration gallery on the Hunter River at Aberdeen before being chlorinated. Scone also has back-up groundwater bores, however, the bores do not have adequate chlorine contact time for disinfection and UHSC is only permitted to use the bores with special permission granted from NSW Health. In the 2019 – 2020 drought, the bores were unusable as the aquifer dropped below the intake level.

Merriwa supply is sourced from three groundwater bores that access both artesian and sub-artesian groundwater. Merriwa has 2.7 ML of additional storage capacity from three reservoirs.

The town of Cassilis sources raw water from two groundwater bores, with four reservoirs providing an additional 0.4 ML of storage capacity for the region.

Raw water for the township of Murrurundi is sourced from either the Scone to Murrurundi pipeline (in operation since 2020) or the Pages River which is stored in Murrurundi Dam. The dam is a storage reservoir with no catchment area. Murrurundi dam has a capacity of 150 ML and there is an additional storage reservoir within the supply network providing another 1.65 ML storage capacity. There are two balance tanks along the Scone to Murrurundi Pipeline with a total capacity of 0.7 ML.

Water supplied for Aberdeen, Scone, Murrurundi (including Scone to Murrurundi pipeline) and Cassilis is treated through chlorination only. The Merriwa water supply is treated by a conventional filtration WTP and the Murrurundi water supply is treated by an ultra-filtration (UF) membrane WTP prior to distribution.

The towns of Parkville, Wingen and Blandford along the Scone to Murrurundi pipeline alignment may possibly be connected to this system in the near future.

6.3.2 Potential sources

The three Councils have engaged consultants to assess water supply opportunities throughout the region with a variety of potential water sources being identified. The Singleton groundwater access license is associated with the Rose Point Park bore and is classed as a Hunter unregulated and alluvial water source (emergency). The current entitlement is 4,090 ML/year, meaning this bore could be utilised to supplement the existing water supply network in drought conditions.

A potential pipeline transfer system between the existing Lostock Dam and Glennies Creek Dam provides another opportunity for improving water security in the Singleton region through increased storage capacity. Preliminary investigations are also being undertaken regarding connecting the Singleton supply network to the Hunter Water Supply Scheme at Branxton. This connection would reduce the draw on Glennies Creek Dam. A river offtake supply for Jerrys Plains, to replace the current supply from AGL's Bayswater plant that will be decommissioned in coming years, is currently being investigated.

For the Muswellbrook Shire region, a potential source that has been investigated is utilising Glenbawn Dam as the primary raw water source for Muswellbrook Shire. This option would involve maintaining the existing Hunter River intake for the region as a supplementary supply which can used during emergencies. Other options for Muswellbrook include utilising Glenbawn Dam only as a supplementary supply and a combination of the Hunter River and Glenbawn Dam both as primary raw water sources.

The purchasing of additional high security entitlements may provide increased water security for Muswellbrook Shire during drought periods. However, these entitlements are not guaranteed during extreme drought periods as they are not the same priority as 'Local Water Utility' licenses. Another potential supply source for Muswellbrook is connection to Hunter Water supply through an extension of the potential potable pipeline from Singleton through to Muswellbrook. This source would require the construction of an additional 50 km of pipeline.

Groundwater provides another potential source for the Muswellbrook Shire region. A desktop study has indicated that bores within the Muswellbrook area would yield a flow rate of approximately 10 L/s. Further investigation is required to assess the quality of this water, however even if it were appropriate for potable use the yield would not meet the required shortfall. Muswellbrook Shire Council does hold groundwater entitlements of 830 ML/year from a bore in Denman. Water quality from this bore is also unknown therefore it cannot be confirmed if it would be appropriate for use during drought events.

In Upper Hunter Shire:

– Groundwater investigations at Murrurundi (undertaken during Level 6 restrictions and prior to the pipeline from Scone being completed) only yielded very low flows from test bores, less than 2 L/s. Therefore, development of a permanent back-up supply was not investigated further.
– If the Denman to Sandy Hollow Pipeline is installed, the design is understood to allow for future connection for an approximately 35 km long pipeline to Merriwa.
– Further groundwater investigations are to take place under IWCM process.

6.4 Water demand

6.4.1 Water pricing

The Councils have implemented water supply pricing structures in line with the Best-Practice Management of Water Supply and Sewerage Guidelines. Customers in all Council areas are subject to an annual access charge. The access charge applied to customers in Upper Hunter Shire Council is dependent on water meter size for all user types. Each Council utilises a two-tiered usage pricing system where residential customers are subject to a step price increase when usage exceeds the high-water consumption threshold.

The Singleton Council high-water consumption threshold is 450 kL/yr. Muswellbrook and Upper Hunter Shire Councils adopt a high-water consumption threshold of 350 kL/yr. Non-residential customers in Muswellbrook Shire are subject to a flat-rate usage charge. Upper Hunter Shire Council applies variable step allocation for water consumption periods, with 75 kL per quarter allocated for the winter/autumn seasons and 100 kL per quarter allocated for the spring and summer seasons.

Water rates are sent out quarterly and include average consumption data to provide effective consumption and pricing information to customers.

6.4.2 Water users

The non-residential sector is quite significant in the UHWUA water supply zone. Several large industrial and institutional water customers operate in the region.

The defence force base in the Singleton Council region is a major institutional user, with a daily use of approximately 10,709 kL/day. Agricultural connections are mostly used for domestic and stock watering purposes. Extended dry periods and seasonal temperature and rainfall patterns do result in peaks in demands occurring in the rural supply areas. Agricultural consumption increases during drought as potable water reliance increases where other cattle watering supplies may have dried up. As the drought worsens, water supply to local saleyards and Shellden abattoir may also increase as property owners start to de-stock properties.

Many of the commercial businesses, such as the abattoir in Singleton and the abattoir in Scone, will need to continue to utilise potable water to ensure they continue to operate business as usual. The correctional services are a large consumer, and it may be possible to reduce consumption through reduced internal consumption, during a drought event.

A summary of projected occupied dwellings by reservoir zone and towns within the Singleton, Muswellbrook and Upper Hunter Shire Council water supply systems is provided in Table 6.1, Table 6.2 and Table 6.3 respectively.

Table 6.1 Growth in residential connections by pressure zone in Singleton Council area

Zone	2021	2026	2031	2036	2041	2046
Rixs Creek and CWT Reservoir Zone	97	192	269	325	411	523
Apex Reservoir Water Supply Area	140	266	392	522	605	646
Retreat Reservoir Water Supply Area	17	34	49	62	75	86
Rural, No Water Supply	5	9	14	17	21	24
Total	**260**	**501**	**723**	**927**	**1,112**	**1,278**

Table 6.2 Growth in residential connections by town in Muswellbrook Shire Council area

Town	2021	2026	2031	2036	2041	2046
Muswellbrook	302	85	87	89	90	92
Denman	86	11	12	12	12	12
Sandy Hollow	2	1	1	1	1	1
Total	**390**	**97**	**100**	**101**	**104**	**106**

Table 6.3 Growth in residential connections by town in Upper Hunter Shire Council area

Town	2021	2026	2031	2036	2041	2046
Aberdeen	22	21	19	9	9	9
Cassilis	0	0	1	0	0	0
Merriwa	24	21	19	11	12	12
Scone	60	54	46	22	37	37
Murrurundi and Villages	15	14	13	4	4	4
Total	**121**	**110**	**98**	**46**	**62**	**62**

6.4.3 Current water usage

Water usage for the Hunter River catchment area is provided in the Water Sharing Plan for the Hunter Regulated River Water Source Background Document (2017). Water usage under each license entitlement varied significantly between 2004/05 to 2015/16. The highest license usage in this period was from regulated river (general security) license holders followed by major water utility and supplementary water use. A summary of water usage by license type between 2004/05 to 2015/16 is provided in Figure 6.2.

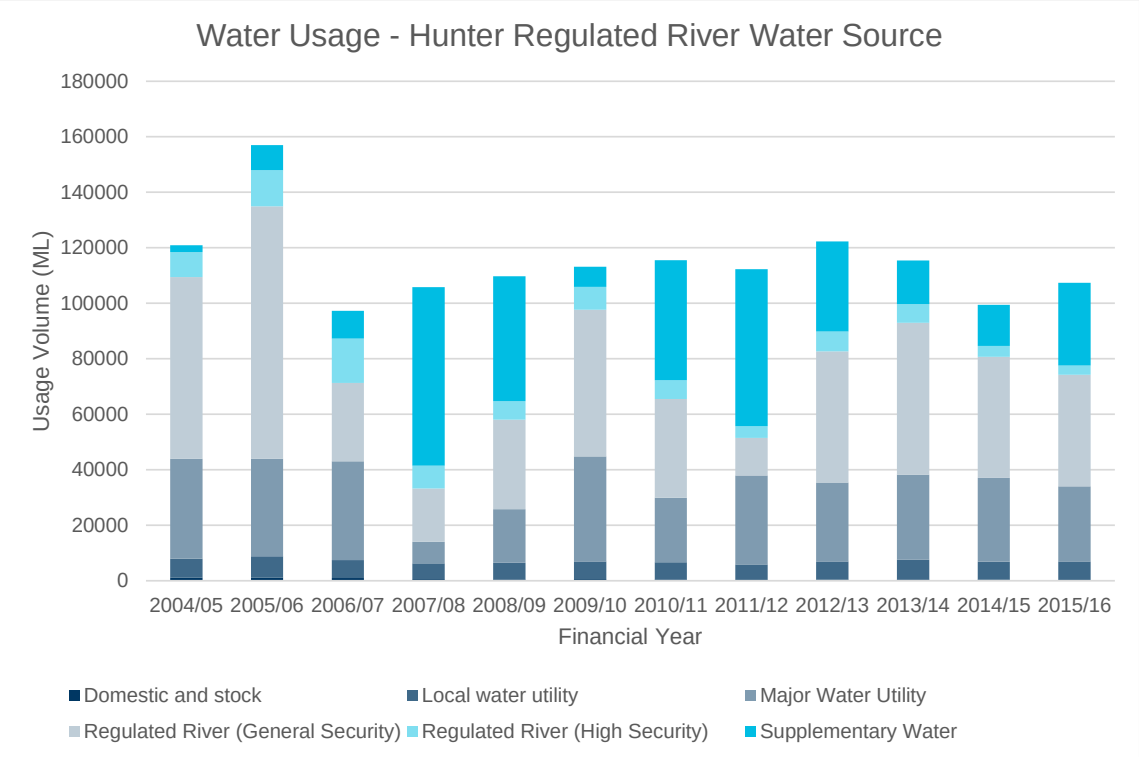

Figure 6.2 ***Water Usage by License Type (Water Sharing Plan for the Hunter Regulated River Water Source Background Document - 2017)***

Average consumption for the Hunter Regulated River Water Source over this period was 114,675 ML/yr. Water usage has been relatively stable in the region since 2007/08.

6.4.4 Current water usage by sector

The average water usage data for each council between 2016/17 to 2020/2021 is provided in Table 6.4.

Table 6.4 ***Water usage per Source and Type of Use***

Source	Residential	Commercial	Industrial	Rural	Institutional	Parks	UFW	Total (ML)
Singleton	1,608	607	265	-	97	-	240	2,817
Muswellbrook	1,418	335	44	-	118	76	262	2,253
Upper Hunter	1,001.2	233	423.2	8.3	293.8	125	431.4	2,405
Total (ML)	4,027	1175	732.2	8.3	293.8	201	933.4	7,475

Based on available data for the Upper Hunter catchment water supply system, residential use accounts for approximately 65% of water consumption. Water usage by sector is highlighted in Figure 6.3.

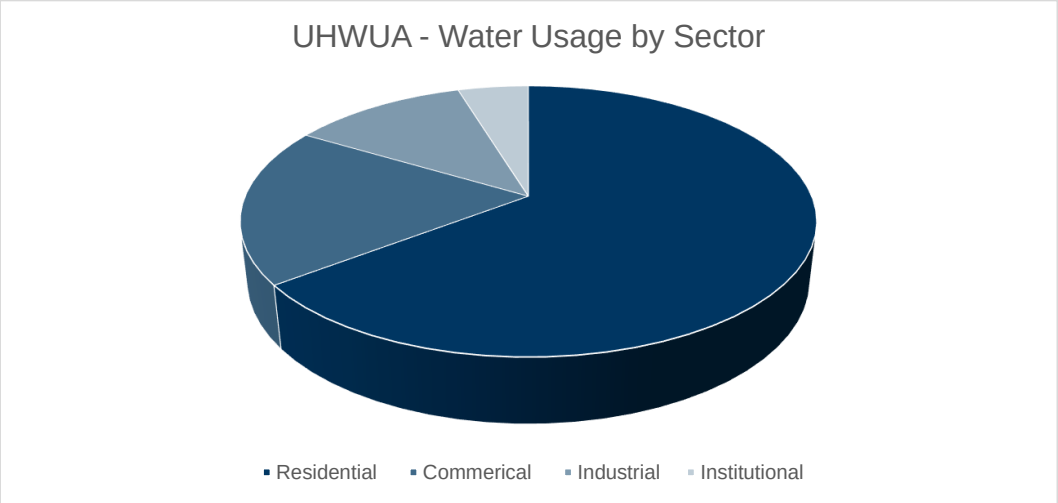

Figure 6.3 Water Usage by Sector

6.4.5 Residential end use

The estimated average residential consumption for the Singleton, Muswellbrook and Upper Hunter Shire Council water supply systems in 2020-21 was 230 kL/yr, 235 kL/yr and 194 kL/yr respectively sourced from the *2020-2021 NSW Water and Sewerage Benchmarking Report*.

6.4.6 Highest non-residential consumers

The most significant water dependent non-residential consumers in the Singleton and Upper Hunter LGAs are listed in Table 6.5.

Table 6.5 Highest Non-Residential Users

Business	Supply System
Defence Force	Singleton
Abattoir (Shellden Pty Ltd)	Singleton (separate supply agreement)
Swimming Pools	Singleton/Muswellbrook Shire
Hospitals	Singleton/Muswellbrook Shire/Upper Hunter Shire
Primo Meats Abattoir (Now Named Jbs Australia Scone)	Upper Hunter Shire
Saleyards	Upper Hunter Shire
Aberdeen Golf Club	Upper Hunter Shire

6.4.7 Rural demands

Some of the towns across the council areas provide water for limited agricultural use such as stock watering but this volume is relatively small.

6.4.8 Unaccounted for water

The Unaccounted-for Water (UFW) has been estimated for the Upper Hunter catchment supply by determining the difference between the volume of water produced and the total consumption. This may be due to leakage or illegal connection of unbilled data. The previous DERMPs for each council region indicate that approximately 11% of water produced in the UHWUA managed region is unaccounted for. Water loss management in the UHWUA system provides an opportunity for Councils to improve future secure yield capacity as well as improve drought response management.

6.5 Rainfall and temperature

Typically, the climate zone is temperate (no dry season) with an average annual rainfall of 620 mm to 1600 mm (depending on location within catchment). The Upper Hunter experiences extended periods of below average rainfall, while the Lower Hunter is influenced more by coastal rain and shorter drought periods.

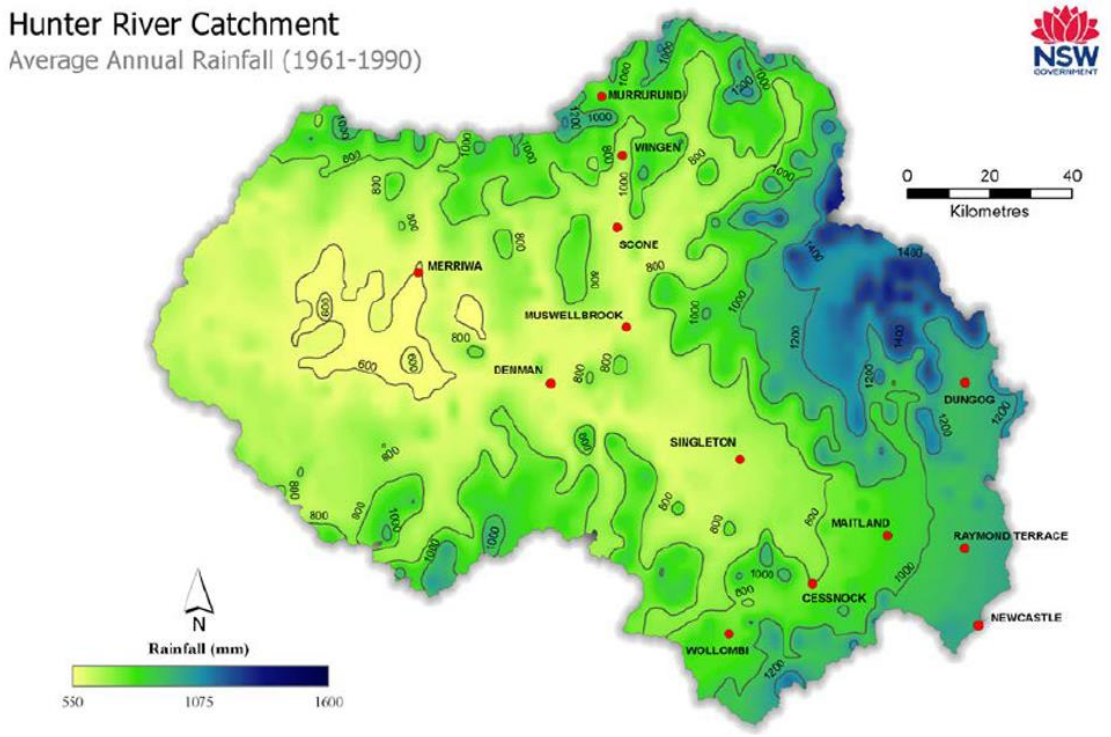

Figure 6.4 ***Average Annual Rainfall: 1961-1990 (Water Sharing Plan for the Hunter Regulated River Water Source Background Document 2017)***

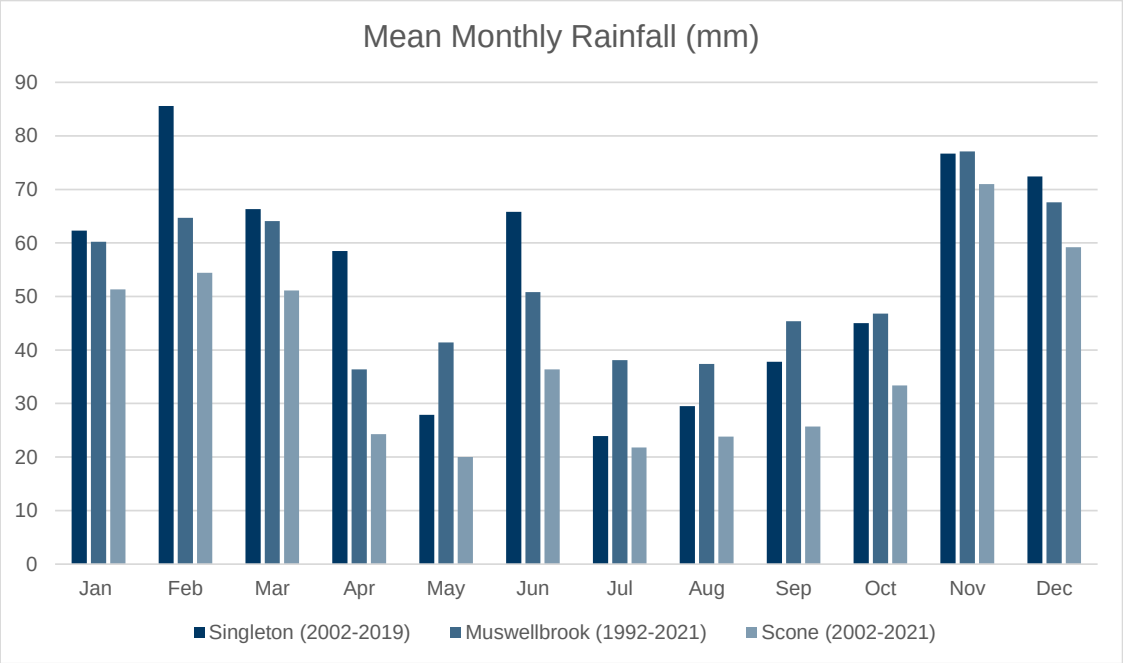

Figure 6.5 Mean Monthly Rainfall (BOM)

Typically, the temperature across the region varies from a mean maximum of 32 °C and a mean minimum temperature of 4 °C. The mean maximum and minimum temperatures for Singleton are shown in Figure 6.6 and Figure 6.7 respectively.

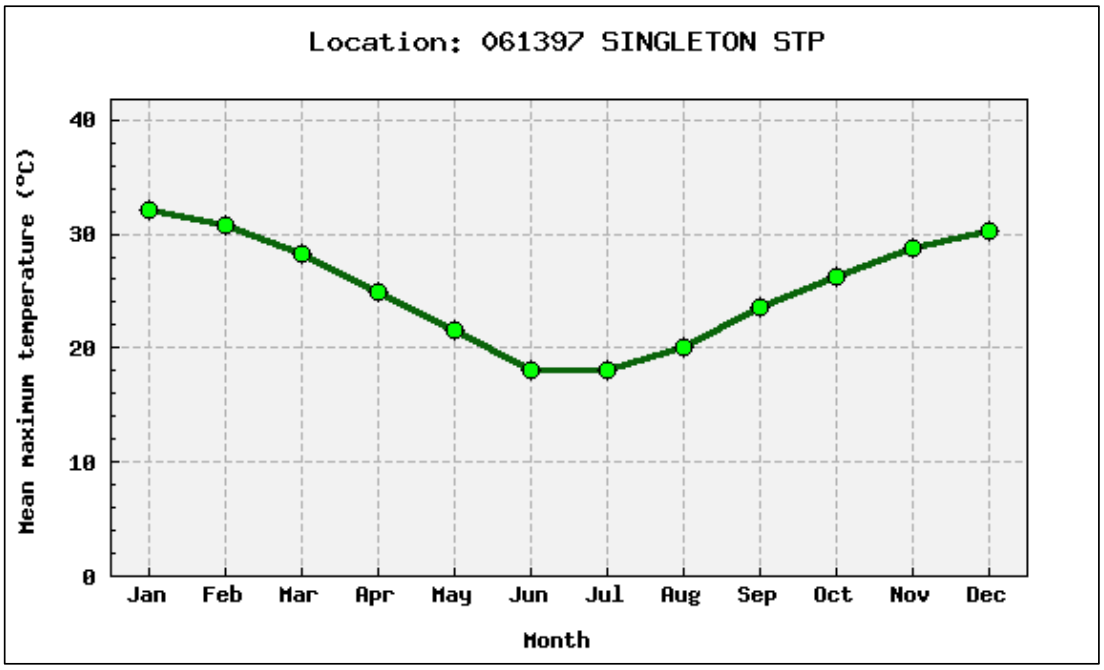

Figure 6.6 Singleton Mean Maximum temperature 2002 to 2019 (BOM)

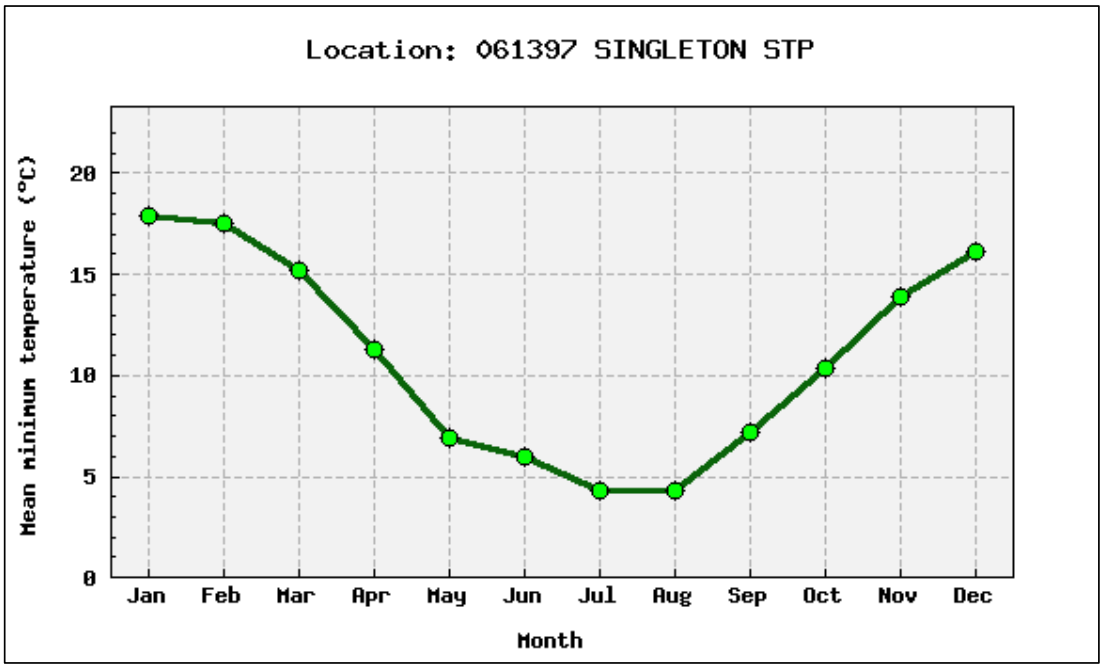

Figure 6.7 Singleton Mean Minimum temperature 2002 to 2019 (BOM)

6.6 Climate change

The Hunter catchment's climate is highly variable with periods of severe drought and flood. The catchment is situated within a transitional zone between winter dominated rainfall in the south and summer dominated rainfall in the north. Annual rainfall in the region ranges from 620 mm to 1600 mm depending on location. The Upper Hunter region experiences long periods of below average rainfall.

The key climactic changes from the NSW and ACT Regional Climate Modelling (NARCliM) climate projections for the Hunter Catchment include the following:

- Average temperatures will continue to increase in all seasons (very high confidence).
- Decreases in summer, winter, and spring rainfall are projected. Autumn rainfall is projected to increase significantly in the near future (to 2039).
- An increase in high fire danger days throughout summer.
- A significant increase in days of extreme temperature (>35 °C) – an additional 5.77 days in summer projected in the future.
- On annual and decadal basis, natural variability in the climate system can act to either mask or enhance any long-term human induced trend, particularly in the next 20 years and for rainfall.

These factors, along with increasing rainfall variability, will result in an increase in per capita demands for potable water in the Singleton, Muswellbrook Shire, and Upper Hunter Shire regions for all outside end-uses.

6.7 Drought restrictions history

Historical records for previous drought restrictions have not been maintained in detail. The details that are available are provided in Table 6.6. Records that the worst drought for the Singleton region was experienced between 1937-1949. During this period, the Hunter River ceased to flow at Singleton for longer than 6 months. It should be noted that the towns of Merriwa and Cassilis in the Upper Hunter Shire have been less impacted by drought as they are supplied by groundwater.

Table 6.6 Drought restrictions history

Muswellbrook Shire Council	Upper Hunter Shire Council	Singleton Council
Muswellbrook: Level 1 restrictions briefly in 2006 **Sandy Hollow**: Level 1 restrictions between Aug 2002 and Feb 2003 **Denman**: Interrupted level 1 restrictions between 2003 and 2006 Currently under level 1 restrictions, experienced level 2 restrictions during 2020	**Murrurundi:** Level 1 restrictions Dec 2009 and Jan 2014, dam level fell to 75%. Restrictions increased to Level 5 in Feb 2014, due to high algal concentrations (water was trucked into Murrurundi from Scone) Level 1- restrictions May 2021 to the foreseeable future Level 2- restrictions October 2017, June 2021 Level 4- restrictions November 2017, February to May 2018 Level 5- restrictions December to January 2017, May 2018 Level 6- restrictions July 2018, July 2019, March 2020 **Scone:** Summer 2002/03 – four months of level 1 restrictions Summer 2003/04 – three months of level 1 and two weeks of level 2 restrictions Autumn 2004 – two day of level four restrictions due to pump failure Summer 2004/05 – three months of level 1 restrictions December 2009 – level 1 restrictions **Merriwa/Cassilis/Scone/Aberdeen/Murrurundi**: Level 1 - restrictions July 2019 Level 1 - restrictions March and June 2020 (Merriwa and Cassilis) Level 2 – restrictions March and June 2020 (Scone, Aberdeen and Murrurundi) Level 1 - restrictions May to June 2021 (all towns in shire)	Restrictions imposed for six months during a severe drought in 1981 - 1982 Prior to 1992, several short-term restrictions due to reduced supply capability Summer 2008-2009 - Singleton Level 3 restrictions - Glennies Creek Dam down to 30% March 2020 Level 2 water restrictions reduced to Level 1 restrictions from May 2021

6.8 Effects of restrictions on water demand

An analysis undertaken on the recent restriction data and water usage data demonstrates that restrictions have an impact on reducing water demand for the three Councils.

6.9 Failure modes, effects, and criticality analysis

A failure modes, effects, and criticality analysis (FMECA) is a process used to determine the critical maintenance or renewals required for assets in a water distribution network. The determination of critical failure modes in the water supply systems allow Councils to target and refine maintenance plans, capital expenditure plans, and investigative activities to address the potential failures. A FMECA Workshop was undertaken by GHD on 29 October 2021 for each of the network supply schemes managed by the UHWUA. The result of the analysis provides the Councils with a detailed register of the consequences of asset failure throughout the networks and identifies the corrective actions required to control the risks.

The risk of asset failure was assessment used the Risk Priority Number (RPN). The RPN for each asset is a measure of design/process risk and is calculated using the following inputs:

– Likelihood of failure Occurrence
– Consequence of failure Severity
– Predictability of failure Detectability

A RPN > 33 suggests that Councils investigate the possibility to renew or replace the asset based on:

– Condition (Poor grade 4)
– Total Maintenance cost in last 5 years > than 60 % of replacement value
– Remaining Life less than 5 years
– Spares availability (long lead time, obsolescence)

A summary of the most critical assets for each supply network in the UHWUA based of the FMECA (noting some with RPN's below 33 were added to the list for various reasons) is provided in Table 6.7 below.

Table 6.7 Summary of FMECA results

Council	Supply Scheme	Asset	RPN
Singleton	Glennies Creek	Rix's Reservoir	36
	Jerrys Plains	Sodium Hypochlorite Dosing	32
Muswellbrook Shire	Muswellbrook	Common Reservoir Acasia Reservoir	18
	Denman	Denman Reservoir	36
	Sandy Hollow	Sandy Hollow Reservoir	24
Upper Hunter Shire	Aberdeen	Aberdeen Chlorine Dosing Plant	60
	Merriwa	Transfer Mains	30
	Murrurundi	Transfer Mains to Murrurundi Pages River Offtakes (1 & 2)	32
	Scone	Chlorination for Scone to Aberdeen/Scone (Gundy Road)	60
	Cassilis	Chlorine Analyser	60

Refer to Appendix B for the FMECA for the UHWUA Councils.

7. Regulatory framework

Legislative requirements relating to management of water supplies during drought include:

– *Local Government Act, 1993* - provides the legal framework for the system of local government in NSW. The Act confers service functions on Councils including the provision, management and operation of water supply facilities. Section 637 of the Act permits Council to apply a penalty to a person who wilfully or negligently wastes or misuses water from a public water supply. From s637, the maximum penalty for a person who wilfully or negligently wastes or misuses water from a public water supply or causes any such water to be wasted is 20 penalty units. At the time of this report, one penalty unit is equivalent to $110.

– Part 6 Division 1 Clause 137 of the *Local Government (General) Regulation, 2005* permits Council to restrict water supply (by public notice published in a newspaper circulating within the council's area) if Council considers that the available stored water is insufficient to allow unrestricted consumption. Schedule 12 of the Regulation details the penalty notice offences applicable under the Local Government Act, 1993. At the time of this report breaches of section 637 of the Local Government Act, 1993 attract a penalty notice of $220.

– *Water Management Act 2000* - the key NSW water legislation for the sustainable management of water. The Act promotes the sharing of responsibility for the sustainable and efficient use of water between water users.

– Public Health Act 2010 and Regulations - The main objectives are to promote, protect and improve public health, to control the risks to public health, to promote the control of infectious diseases and to prevent the spread of infectious diseases.

– *Work Health and Safety Act, 2011 and Regulation*.

The NSW Best Practice Management of Water Supply and Sewerage Framework were developed by the NSW Government to demonstrate compliance with the Australian Government's National Competition Policy and the National Water Initiative. The framework and guidelines have been developed to aid Local Water Utilities to achieve best-practice management. Complying with the guidelines is mandatory to be considered "Fit for the Future" and provides incentives. The framework requires six main criteria, of which those listed below are relevant to the Recycled Water Management System (RWMS):

– Strategic Business Planning

– Pricing (including Liquid Trade Waste Policy)

– Water Conservation

– Performance Reporting

– Integrated Water Cycle Management

In 2021, Singleton and Muswellbrook Councils finalised their IWCMs (Upper Hunter Shire pending), as required by the DPE Water. In developing the IWCMs, issues and options for future demand management of the water supply were (will be) addressed.

Other related guidelines and standards include:

– Water Supply and Sewerage Strategic Business Planning and Financial Planning Checklist (NSW Office of Water, 2014)

– Drought Management Guidelines (Water Directorate, 2003)

– AS NZS ISO 31000-2009 Risk management - Principles and guidelines

– Australian Drinking Water Guidelines (NHMRC/NRMMC, 2004)

– NSW Health Guidelines for Water Carters (NSW Health, 2005)

– Backflow and Cross Connection Prevention Guidelines (NSW Water Directorate, 2010)

– Penalty Notices – Fixed Penalty Handbook for Local Councils (Infringements Processing Bureau, NSW Police Service)

7.1 Council powers

Councils deliver water under the provisions of the *NSW Local Government Act 1993.* Some aspects of the water business are carried out under the provisions of the *NSW Water Management Act 2000*. Councils are empowered to restrict water supply (e.g. by public notice published in a newspaper circulating within the LGA) under the *Local Government (General) Regulation 2005*.

The *NSW Local Government Act 1993,* Section 637 identifies that "a person who wilfully or negligently wastes or misuses water from a public water supply, or caused any such water to be wasted, is guilty of an offence" of which a maximum penalty of 20 units applies.

Consumers who are identified breaching water restrictions may have their supply restricted or cut off by any of the Councils in accordance with Clause 144 of the *Local Government (General) Regulation 2005*.

This plan is administered by the UHWUA Councils. During drought periods, this plan will be overseen by the Drought and Emergency Response Management Team (see Section 4.2).

7.2 Department of Planning and Environment

7.2.1 General

Under the *Local Government Act 1993*, the Minister is responsible for approving local water utilities operating water and sewerage schemes. The Minister has delegated this function to the NSW Government Department of Planning and Environment, Water (DPE Water).

DPE Water regulates and supports regional NSW's local water utilities in their provision of safe, secure and sustainable water supply and sewerage services. Their role includes setting policy, planning, infrastructure and regulatory priorities across regional NSW. They also provide expert strategic advice and technical support for local water utilities and other stakeholders.

DPE Water monitor the performance of local water utilities and are the approval authority for water supply dams and water treatment works. The Councils will work closely with DPE Water when implementing and managing ongoing Water Restrictions.

DPE Water provides a management framework for local water utilities to ensure the effective delivery of essential water services. The NSW Best Practice Management of Water Supply and Sewerage Framework is administered by DPE Water. DPE Water also manages and implements significant water infrastructure programs, such as the Safe and Secure Water Program.

7.2.2 Water sharing plans

The DPE is responsible for planning, policy development, and regulatory frameworks for regional water in NSW. It develops, assesses, and recommends changes to NSW's water legislation, water sharing/water resource plans and water management rules. These plans, rules and legislation form the regulatory framework that all water users and operators must work within.

The DPE ensures equitable sharing of surface and groundwater resources through the development of Water Sharing Plans. Water Sharing Plans are developed by DPE and in conjunction with community. They determine the environmental needs for a water system and allocate water volume licences to users. These plans provide the licence extraction allowances for Council's Water Supply.

By setting the rules for how water is allocated for the next 10 years, a water sharing plan provides a decade of security for the environment and water users. This not only ensures that water is specifically provided for the environment through a legally binding plan, but also allows licence holders, such as irrigators, who require large volumes of water to plan their business activities.

In accordance with the *Water Management Act 2000*, which is administered by DPE, the Councils can apply to the minister for an exemption to the water sharing plan.

Councils manage their water supplies according to the following Water Sharing Plans:

– Water Sharing Plan for the Hunter Regulated River Water Source.

The NRAR is directed by an independent board and sits within DPE. The NRAR is responsible for compliance with and enforcement of the regulatory framework for water including water management rules, and licence and approval conditions.

7.3 NSW Health

The Minister for Health has responsibility for the administration of health legislation within NSW. The Minister for Health has powers to issue orders and direct public authorities to take action to prevent public health risks in drinking water supplies.

NSW Health is the NSW state government agency responsible for monitoring and managing public health and improving public health through regulation and promotion. Its major role is to provide public health guidance and advice to other state and local government authorities.

7.4 Firefighting requirements

In spite of the water restriction actions, preference will be provided to accommodating firefighting requirements.

In the event that the emergency conditions last for more than 3 days, fire services will be directed to arrange alternate water source (e.g. water tankers) if appropriate.

8. Recommendations

To improve the success of the DERMP implementation, the following actions are recommended:

- Consultation with the government departments during the preparation of the IWCMs should be undertaken, such as the Department of Planning and Environment (DPE) Water for review and approval of the IWCM and the DERMP. DPE will also be involved in decision making during restrictions; and Local Public Health Unit for review of the IWCM and DERMP.
- It will be necessary to develop clear, consistent guidelines supported by tools and resources.
- Further improvements to Failure Modes, Effects and Criticality Analysis (FMECA) include distinguishing assets/procedures relating to drought and emergency supply.
- There may be a need to consider exemptions or lower reduction in water use where it is not possible to achieve the target reductions (e.g. for health and/or safety reasons).
- Businesses will be encouraged to develop and build cooperative personal relationships with their respective Council (through ongoing demand management programs).
- Reporting requirements to be streamlined where possible.
- Recognition of businesses achieving water savings.
- Enforcement actions to be agreed between all Councils and enforced equally across the region.
- Develop an agreed methodology for consistent enforcement of restrictions and tools to be used across the region.
- Develop a Drought Management Communications Strategy (DMCS) for each Council.
- Develop/update Communications Action Plan for each Council.
- Develop/update Water Restriction Enforcement Policy for each Council.
- Develop/update Business Continuity Plan for each Council.
- Develop/update Standard Operating Procedures (SOP's) for emergency events.
- Develop/update water restriction webpages and social media pages.
- Develop online application procedure for water carters.
- Consider identifying and stocking critical spares or aligning with a larger nearby water utility or suppliers to stock critical spares.
- Review after periods of water restrictions and emergencies to assess the effectiveness and identify areas for improvements.
- Continually review the effectiveness of the drought management procedures within this plan, while considering alternative measures that may be more effective.
- Further investigation needs to be undertaken by Muswellbrook Shire Council to confirm the sustainability and resilience of groundwater yields and quality.
- Improve monitoring by implementation of online water depth monitoring in each of the groundwater aquifers.
- Consider adopting a program such as Smart Water Choices utilised by Hunter Water to promote short-term actions for the management of water demand throughout the region.
- Adopted a Water Efficiency Management Plan (WEMP) similar to one utilised by Hunter Water to manage efficient water use by businesses throughout the region. A template WEMP is provided in Appendix C.

9. References

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CSIRO 2015. Climate Change in Australia, CSIRO & Bureau of Meteorology

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Upper Hunter Shire Council 2019. Accident / Emergency Contact Numbers, Upper Hunter Shire Council

Upper Hunter Shire Council 2021. Incident Management Procedures, Upper Hunter Shire Council

10. Scope and limitations

This plan has been prepared by GHD for Upper Hunter Water Utilities Alliance (UHWUA) and may only be used and relied on by UHWUA for the purpose agreed between GHD and UHWUA as set out in this report.

GHD otherwise disclaims responsibility to any person other than the UHWUA arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

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

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

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

Appendices

Appendix A

DPI Water Best Practice Management Guidelines – Drought Management Plan Checklist

Appendix D - Drought Management

Check List – August 2007

A comprehensive drought management plan details the demand and supply issues to be addressed during drought conditions and includes adoption of a schedule of trigger points for the timely implementation of appropriate water restrictions. Appropriate drought management planning will ensure that town water supplies with significant storage do not fail in times of drought.

Drought management planning includes documenting basic data on water demands, rainfall, evaporation, records of past droughts, the existing water supply system, and its water resources, and strategies to achieve the objective of having sufficient water to satisfy the basic needs of the community.

This check list is essentially a road map to assist LWUs to quickly implement sound drought management planning. LWUs should have a sound drought management plan in place and be ready to implement their plan when drought conditions arise.

Drought Management – Check List

Topic		Outcome Achieved
1. Executive Summary		☒ Covers all major issues, objectives, planning, strategies and monitoring for existing essential supplies of water to the service area(s). ☒ Includes a summary of the drought management plan and an adopted schedule of trigger points for timely implementation of appropriate water restrictions.
2. Background	A.	☒ Includes the existing water supply system(s) in the service area(s) and a locality map.
	B.	☒ Includes history of past droughts.
	C.	☒ Includes information on the impact of past droughts on water services, eg. restrictions, effect of restrictions on demands, any emergency sources identified, etc.
3. Objectives	A.	☒ Identifies key objectives required to maintain a basic/restricted supply to all users. There is a need to consider social and environmental impacts.
	B.	☒ Tailor strategies relevant to the service areas.
	C.	☒ Endorse and implement a plan that minimises the risk of the community running out of water.

Drought Management – Check List

Topic	Outcome Achieved
4. Data	A. ☒ Identification of all communities served by the LWU's reticulated water supply, those with private reticulated water services and those with no reticulated water services within the service area(s).
	B. ☒ Identification of any properties, businesses, other LWUs etc. that may seek water in times of drought.
	C. ☒ Identification of all water requirements. Identify the normal and minimum potable and non-potable water requirements.
	D. ☒ Identify water dependent industry/businesses, any fire fighting requirements and opportunities for recycled water use.
	E. ☒ Includes a description and plan of all water supply schemes in the service area(s).
	F. ☒ Includes height/storage volume and height/surface area graphs for all water supply dams and weirs.
	G. ☒ Historical performance of rivers, dams, weirs and bores in previous droughts.
	H. ☒ Includes the average rainfall figures and evaporation rates.
Note: All data to be specified on a daily basis.	
5. Plan	A. ☒ Demand management options.
	B. ☒ Restriction strategies including means and methods for the enforcement of restrictions and the expected results of imposing restrictions.
	C. ☒ Adopted schedule of trigger points for the timely implementation of appropriate water restrictions in order to minimise the risk of failure in times of drought.
	D. ☒ Availability of alternative water sources (including estimated costs and times to implement).
	E. ☒ Water cartage options.
	F. ☒ Identify legislation, local laws and council policies affecting the contingency arrangements.
	G. ☒ Links to water sharing plans/committees, water management plans/committees, irrigators, etc.

Drought Management – Check List

Topic		Outcome Achieved
	H.	☒ Impact of extraction on downstream stakeholders.
	I.	☒ Impact of reduced flows in watercourses.
	J.	☒ Level of prediction and intervention.
	K.	☒ Identify human resource requirements.
6. Monitoring During Drought	A.	☒ Daily monitoring of demands.
	B.	☒ Daily monitoring of water supply sources (dams, bores and streams).
	C.	☒ Monitoring impact of restrictions on consumption
	D.	☒ Monitoring the electrical conductivity, alkalinity and algae levels in the water sources.
7. Consultation		☒ Comprehensive media strategy and public consultation.
		☒ Regular consultation with appropriate government agencies (DWE, DECC, NSW Health etc).
8. Operation of Drought Management Plan (DMP)	A.	☒ DMP should discuss, analyse and identify any impact on other regions and localities ie. upstream, downstream or conjunctive water users.
	B.	☒ DMP should demonstrate a sustainable strategy that considers all other stakeholders.
	C.	☒ DMP documents an agreed procedure for progressive implementation of water restrictions.

REFERENCE

Drought Management Guidelines, NSW Local Government Water Directorate, December 2003.

For further information and assistance, please contact Stephen Palmer, Manager Planning on 8281 7331 or Stephen.Palmer@dwe.nsw.gov.au

Appendix B

Failure Modes, Effects and Criticality Analysis (FMECA)

Failure Modes, Effects and Criticality Analysis (FMECA) - Upper Hunter Shire Council (UHSC) Water Systems

Job Name:	**UHWUA - Drought and Emergency Response Management Plan**										**Client**	**Upper Hunter Shire Council (UHSC)**										
Workshop Attendees:	Irene Chetty MSC; Tegan Annas UHSC; Karen Davies UHSC; Alexander McKeowen SC; Clayton Miechel SC; Brian Oberdorf SC; Andres Munoz GHD; Tyron Cook GHD; Nathan Malcolm GHD ; Brie Fisher GHD																					
Ref.	**Site**	**Component / Plant Name**	**Failure Mode**	**Failure Cause**	**Effect/Consequence**	**Safeguards / Current Controls**	**Comments**	**Initial Risk Rating**			**Current RPN (S*O*D)**	**Corrective Action / New Controls**	**Comments**	**Responsibility**	**By When**	**Decision / Status**	**Residual Risk Rating**			**Residual RPN (S*O*D)**	**Comments**	
								Severity	**Occurrence**	**Detectability**							**Severity**	**Occurrence**	**Detectability**			
		Aberdeen Bore Pump	Failure of pumps (electrical)	Power failure to site	Pumps unable to switch 'on'	Assume no back up power source. No SCADA alarm for failure	Not wired to telemetry	2	5	5	50	Back up power - Modify for 'hardwired' generator connection aand connect to SCADA	Back up power source would need to be hard wired in	UHSC			2	5	1	10	No direct notification via SCADA is received if pump is not working. In direct notification will occur from the high lift pumps cutting out due to not enough water being received in the wet well. (The low lift pumps and aberdeen bore pump both run into the wet well and flowrate from both is needed to keep up with high lift pumps pumping out of wet well)	
		Aberdeen Bore Pump	Failure of pumps (mechanical)	Damage to pumps (e.g. cavitation, typical wear-and-tear)	Pumps unable to effective function and or unable to switch 'on'/'off' correctly.	Standard maintenance procedure and operations procedures. No SCADA alarm for failure	Standby pump not avaliable. Pump not off the shelf model, typically taking 12 weeks to arrive. Pump has been replaced twice in the last 18 months.	3	4	2	24	Install a reliable pump. Connect to SCADA	Keeping critical spare too expensive	UHSC			3	4	1	12	We don't get a notificatoin that the pump itself isnt working but as it runs with the low lift pump the wet well will not recieve enough water and the high lift pumps will stop running due to not enough water	
		Aberdeen Wet Well	Structural damage to the Collection well	Deterioration of well due corrosion or otherwise.	Collection Well leaking and/or rupture. Well required to be taken 'offline' for repairs.	Standard maintenance procedure and operations procedures.		4	2	1	8	Maintenance change - establish preventative maintenance program	No structural assessment completed	UHSC			4	2	1	8		
		Low Lift Pumps (Aberdeen)	Failure of pumps (mechanical)	Damage to pumps (e.g. cavitation, typical wear-and-tear)	Pumps unable to effective function and or unable to switch 'on'/'off' correctly.	Standard maintenance procedure and operations procedures.	Standby pump available (future marked for duty/standby arrangement)	3	2	2	12	Design review - assess system under current conditions and modify design if required		UHSC			2	2	2	8	Current valve arrangement only allows for one of the duty/standby pump to be used. Upgrade to fix this likely to occur next year (2022)	
		Low Lift Pumps (Aberdeen)	Failure of pumps (electrical)	Power failure to site	Pumps unable to switch 'on'	No back up power source	Switchboard so old repairs are not an option, it is unlikely an electrician would hardwire a back up power supply to pumps due to age of switchboard	3	2	2	12	Renew switchboard	Switchboard and electrics due for upgrade next year (2022)	UHSC			3	2	2	12		
		Aberdeen High Lift Pump Station	Failure of pumps (mechanical)	Damage to pumps (e.g. cavitation, typical wear-and-tear)	Pumps unable to effective function and or unable to switch 'on'/'off' correctly.	Standby pump available, but currently not working on telemetry. Standard maintenance procedure and operations procedures.	Aberdeen may drawdown the 3 reservoirs and High Level Tank, however pumps must be back online before tanks can no longer supply the end user demand	2	4	1	8	Maintenance change - keep critical equipment spare	Duty standby arrangement for pumps, no other spare.	UHSC			1	3	1	3	Aberdeen reservoir system will have 1.5 days of water before pumps are required to be running again	
		Aberdeen High Lift Pump Station	Failure of pumps (electrical)	Power failure to site	Pumps unable to switch 'on'	SCADA alarm for failure	SCADA would send a fault alarm notifying operators	3	3	1	9	Renew switchboard	Slightly newer than Low Lift PS. Has duty/standby. Is a critical asset to deliver to Aberdeen reservoirs. Electrical system becoming outdated, not as bad as low lift. On SCADA. Backup power can be hardwired in	UHSC			1	3	1	3	High lift pump has VSD	
		Aberdeen Chlorine Dosing Plant	Dose system fault	Low / high chlorine levels outside of CCP / OCP	Unable to treat system to a drinking water standard	Back up power source to be hardwired in	No SCADA alarm present to alarm dosing outside of parameters (system not shown on SCADA). System relies on operator to check chlorine levels at reservoir (checks occur once per day). Alarm for leak detection only	4	3	5	60	Install chlorine analyser. Connect to SCADA	1 chlorine dosing pump. 2 pumps, one to Aberdeen, one to Scone. No duty/standby arrangement. Spares are available.	UHSC			2	3	1	6	Severity reduced due to monitoring and SCADA alarm	
		Aberdeen Chlorine Dosing Plant	Failure to activate dosing process	Electrical, mechanical, or otherwise	Unable to treat system to a drinking water standard	Standard maintenance procedure and operations procedures. Spare pumps available	No SCADA alarm for failure. System relies on operator to check chlorine levels at reservoir (checks occur once per day)	2	4	5	40	Install No. 2 pump for chlorine dosing. Connect pumps to SCADA	1 chlorine dosing pump. 2 pumps, one to Aberdeen, one to Scone. No duty/standby arrangement. Spares are available.	UHSC			2	4	1	8	Severity reduced due to monitoring and SCADA alarm	
		Aberdeen Reservoir No.1, 2, 3	Structural damage to the tank.	Deterioration of tank due corrosion or otherwise.	Balance tank leaking and/or rupture. Tank required to be taken 'offline' for repairs.	Standard maintenance procedure and operations procedures.	Bidirectional flow between reservoirs, each can supply the end users. No way of isolating res 1 (old res) isolation valves not operational	2	3	3	18	Maintenance change - establish preventative maintenance program	Structural assessment done a couple years ago, to be confirmed.	UHSC			2	3	1	6		
		Aberdeen Reservoir No.1, 2, 3	Damage to the tanks ancillary items such as level sensors and inlet/outlet valves.	Mechanical, electrical, or otherwise.	Inaccurate measurements in SCADA and/or incorrect flow into/out of the tank.	Routine maintenance, system control alerts, and standard operation procedures followed.	Bidirectional flow between reservoirs, each can supply the end users.	1	2	2	4	Maintenance change - keep critical equipment spare		UHSC			1	1	2	2		
		High Level Tank	Structural damage to the Tank	Deterioration of Tank due corrosion or otherwise.	Tank leaking and/or rupture. Tank required to be taken 'offline' for repairs.	Standard maintenance procedure and operations procedures.	Due for replacement	4	3	2	24	Maintenance change - establish preventative maintenance program	Structural assessment done a couple years ago, to be confirmed.	UHSC			2	3	1	6		
		High Level Tank Pumps 1 & 2	Failure of pumps (electrical)	Power failure to site	Pumps unable to switch 'on'	Assume no back up power source. Assume SCADA alarm for failure	Back up pump available	2	3	1	6	Back up power - Modify for 'plug-in' or 'hardwired' generator connection as needed	In process of installing new VSD. Duty/standby arrangement	UHSC			2	3	1	6		

Ref.	Site	Component / Plant Name	Failure Mode	Failure Cause	Effect/Consequence	Safeguards / Current Controls	Comments	Initial Risk Rating			Current RPN (S*O*D)	Corrective Action / New Controls	Comments	Responsibility	By When	Decision / Status	Residual Risk Rating			Residual RPN (S*O*D)	Comments
								Severity	Occurrence	Detectability							Severity	Occurrence	Detectability		
		High Level Tank Pumps 1 & 2	Failure of pumps (mechanical)	Damage to pumps (e.g. cavitation, typical wear-and-tear)	Pumps unable to effective function and or unable to switch 'on'/'off' correctly.	Standby pump available, however if the Harlan inline pump that was installed in 1968 has not been replaced, can assume the pump is not useable. Standard maintenance procedure and operations procedures.	Back up pump available	2	3	1	6	Maintenance change - keep critical equipment spare		UHSC			2	3	1	6	
		Rotork Valve between Res 1 and 3	Failure of valve (Mechanical)	Damage to valves	Valve unable to open/close	isolation valve either side of the the rotork valve	Rotork valve has recently been replaced (2019)	2	3	2	12			UHSC			2	3	2	12	
		Rotork Valve between Res 1 and 3	Failure of valve (Electrical)	Power failure to site	Valve unable to open/close	Turn off valve manually	Valve not on telemetry but notication for high level in the reservoir 2 (will overflow inground res(2) before it overflows new res(3))	1	3	2	6			UHSC			1	3	2	6	
		Transfer Mains to Aberdeen Reservoirs/network	Pipeline rupture, cracking, leaking, or otherwise damaged resulting in a water egress point.	Unanticipated pressure surges, inappropriate jointing methods, ground settlement, root intrusion, pipes nearing end-of-design-life	Loss of supply to Aberdeen (reservoir provides back-up for certain period)	Standard maintenance procedure and operations procedures.		3	2	2	12	Maintenance change - establish preventative maintenance program	Main in good - fair condition	UHSC			3	1	2	6	
		Bore 1, 2 3 Pumps	Failure of pumps (electrical)	Power failure to site	Pumps unable to switch 'on'	Assume no back up power source.	Not on SCADA. Generator can be hardwired in. Ausgrid have planned shut down 4x a year for 6hrs each	2	3	4	24	Back up power - Modify for 'hardwired' generator connection and connect to SCADA	SCADA to be put online in future (early next year for whole township). Back up elect hardwired	UHSC			2	3	1	6	
		Bore 1, 2 3 Pumps	Failure of pumps (mechanical)	Damage to pumps (e.g. cavitation, typical wear-and-tear)	Pumps unable to effective function and or unable to switch 'on'/'off' correctly.	Standby pump available. Standard maintenance procedure and operations procedures.	Not on SCADA. 12 weeks to obtain backup. Fault light at WTP showing WTP is not receiving water from Bore pump	2	2	3	12	Connect to SCADA	Critical spare too expensive and not practical	UHSC			2	2	1	4	
		Merriwa WTP	Power failure	Power failure to site	Loss of water production	Back up power source. No SCADA alarm for failure	Assuming back up power source such as a generator is available and can be hardwired in. Not on SCADA yet	3	2	3	18	Back up power - Modify for 'hardwired' generator connection and connect to SCADA	Halls Rd transfer pump supplied by electricity on WTP site. Cemetery tank will run out in half a day	UHSC			3	2	1	6	SCADA should be avaliable for Merriwa WTP by May 2022
		Merriwa WTP	Failure to activate Sodium Hypochlorite Dosing	Electrical, mechanical, or otherwise	Unable to treat system to a drinking water standard	Standard maintenance procedure and operations procedures.	Not on SCADA. Manual dosing in system is possible in emergency situations	3	3	3	27	Maintenance change - keep critical equipment spare. Connect to SCADA	1 pump for chlorine dosing. Spare dosing pump avaliable	UHSC			2	3	1	6	SCADA should be avaliable for Merriwa WTP by May 2022
		Merriwa WTP	Tank structural failure	Deterioration of tank due corrosion or otherwise	Balance tank leaking and/or rupture	Standard maintenance procedure and operations procedures.	Not on SCADA	2	2	3	12	Maintenance change - establish preventative maintenance program		UHSC			2	2	3	12	
	Merriwa	Merriwa WTP	Failure of Chlorine analyser	Mechanical, electrical, or otherwise.	Loss of CCP monitoring		Not on SCADA. Manual testing avaliable	2	2	3	12	Maintenance change - keep critical equipment spare		UHSC			2	2	1	4	SCADA should be avaliable for Merriwa WTP by May 2022
		Merriwa WTP	Failure of pumps (mechanical)	Damage to pumps (e.g. cavitation, typical wear-and-tear)	Pumps unable to effective function and or unable to switch 'on'/'off' correctly.	Standby pump available. Standard maintenance procedure and operations procedures.	Not on SCADA	2	2	3	12	Maintenance change - keep critical equipment spare	Standby pumps avaliable	UHSC			2	2	1	4	SCADA should be avaliable for Merriwa WTP by May 2022
		Reservoir No. 1 & 2	Structural damage to the tank.	Deterioration of tank due corrosion or otherwise.	Balance tank leaking and/or rupture. Tank required to be taken 'offline' for repairs.	Standard maintenance procedure and operations procedures.	Not the only water storage providing supply to Merriwa. Not on SCADA	2	2	3	12	Maintenance change - establish preventative maintenance program		UHSC			2	2	1	4	
		Reservoir No. 1 & 2	Damage to the tanks ancillary items such as level sensors and inlet/outlet valves.	Mechanical, electrical, or otherwise.	Inaccurate measurements in SCADA and/or incorrect flow into/out of the tank.	Routine maintenance, system control alerts, and standard operation procedures followed.	Not the only water storage providing supply to Merriwa. Not on SCADA	2	2	3	12	Maintenance change - keep critical equipment spare		UHSC			1	2	3	6	
		Cemetery Reservoir	Structural damage to the tank.	Deterioration of tank due corrosion or otherwise.	Balance tank leaking and/or rupture. Tank required to be taken 'offline' for repairs.	Standard maintenance procedure and operations procedures.	Supply to garbage depot. Not on SCADA	3	3	3	27	Maintenance change - establish preventative maintenance program		UHSC			3	2	2	12	
		Cemetery Reservoir	Damage to the tanks ancillary items such as level sensors and inlet/outlet valves.	Mechanical, electrical, or otherwise.	Inaccurate measurements in SCADA and/or incorrect flow into/out of the tank.	Routine maintenance, system control alerts, and standard operation procedures followed.	Inlet/outlet valve	1	2	2	4	Maintenance change - keep critical equipment spare		UHSC			1	1	2	2	
		Transfer Mains	Pipeline rupture, cracking, leaking, or otherwise damaged resulting in a water egress point.	Unanticipated pressure surges, inappropriate jointing methods, ground settlement, root intrusion, pipes nearing	Loss of supply to Merriwa	Standard maintenance procedure and operations procedures.	Mains being upgraded in February 2022	3	2	5	30	Maintenance change - establish preventative maintenance program	Old AC mains due for renewal in February 2022. No known main breaks.	UHSC			2	1	5	10	
		Boyd St Intake Pump	Failure of pumps (electrical)	Power failure to site	Pumps unable to switch 'on'	Standard maintenance procedure and operations procedures.	Not set up for generator	2	3	1	6	Maintenance change - establish preventative maintenance program	New pump installed 2021				2	2	1	4	
		Boyd St Intake Pump	Failure of pumps (mechanical)	Damage to pumps (e.g. cavitation, typical wear-and-tear)	Pumps unable to effective function and or unable to switch 'on'/'off' correctly.	Standard maintenance procedure and operations procedures.	No back up avaliable, 3-4 weeks for new pump	2	2	1	4	Maintenance change - establish preventative maintenance program	New pump installed 2021				2	1	1	2	
		Pages river offtake 1&2	Valves (mechanical failure)	Typical wear and tear	Valve unable to open/close	Standard maintenance procedure and operations procedures.	Valves not used for 4 years now.	2	3	5	30	Maintenance change - establish preventative maintenance program					2	2	5	20	
		Pages river offtake 1&2	Pipeline rupture, cracking, leaking, or otherwise damaged resulting in a water egress point.	Unanticipated pressure surges, inappropriate jointing methods, ground settlement, root intrusion, pipes nearing end-of-design-life		Alternate supply via Boyd St intake and Scone to Murrurundi Pipeline	Not regularly inspected	2	4	4	32	Maintenance change - establish preventative maintenance program					2	3	4	24	
		Alum dosing	Dose system fault	No aluminium supply for dosing.	Unable to treat system to a drinking water standard	Standard maintenance procedure and operations procedures.	Supply reserves are kept in storage in case supply isn't able to arrive in time for routine dosing. Not on SCADA	2	3	2	12	Design review - assess system under current conditions and modify design if required		UHSC			2	2	2	8	Dosing has not occurred for 4 years (since pages river offtake last used).
		Alum dosing	Failure to activate dosing process	Electrical, mechanical, or otherwise	Unable to treat system to a drinking water standard	Standard maintenance procedure and operations procedures.	Not on SCADA	2	3	3	18	Maintenance change - keep critical equipment spare	Dosing pump used. Dosing rate set m	UHSC			1	3	3	9	

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								Severity	Occurrence	Detectability							Severity	Occurrence	Detectability		
	Murrurundi	Pre treatment lagoon (dosing)	Unable to effectively dose system,	No chlorine tablet supply for dosing.	Unable to treat system to a drinking water standard	Standard maintenance procedure and operations procedures.	Supply reserves are kept in storage in case supply isn't able to arrive in time for routine dosing. Not on SCADA	2	3	3	18	Maintenance change - keep critical equipment spare		UHSC			1	1	3	3	
		Pre treatment lagoon (dosing)	Failure to activate dosing process	Electrical, mechanical, or otherwise	Unable to treat system to a drinking water standard	Standard maintenance procedure and operations procedures.	Not on SCADA. Manual dosing system used (reservoir dosing floater)	2	3	3	18	Maintenance change - keep critical equipment spare		UHSC			2	2	3	12	
		Murrurundi dam	Mixers failure	Power failure to site	Pumps unable to switch 'on'	Back up power source for entire site. No SCADA alarm for failure	If power failure to site alarm would notify of mixer failure	2	5	2	20	Back up power - Modify for 'plug-in' or 'hardwired' generator connection as needed	Manually checked and run by operator. Plug in generator avaliable for site.	UHSC			1	3	2	6	
		Murrurundi dam	Mixers failure	Electrical, mechanical, or otherwise.	Water age/quality issues arise, may require additional dosing to correct.	Standard maintenance procedure and operations procedures.	Assuming the symbol shown in the dam on the PFD is a mixer	2	3	3	18	Design review - assess system under current conditions and modify design if required	Possible dam stratifcation and possible dam turn over	UHSC			2	3	2	12	
		Murrurundi dam	Pump failure	Power failure to site	Pumps unable to switch 'on'	Back up plug in generator available. Alarm on SCADA for pump failure		2	4	1	8	Connect to SCADA	Manually checked and run by operator	UHSC			1	3	2	6	
		Murrurundi dam	Pump failure	Electrical, mechanical, or otherwise.	Unable to boost flows into treatment or bypass to reservoirs	Alternate supply to reservoirs via the Scone to Murrurundi Pipeline. Standard maintenance procedure and operations procedures.	Duty standby arrangement used	2	2	1	4	Maintenance change - keep critical equipment spare		UHSC			2	2	**1**	4	
		Murrurundi WTP	UF membranes damaged	General wear-and-tear, clogging of membranes, etc.	System unable to correctly filter particles to pass ADWG requirements.	Alternate supply to reservoirs via the Scone to Murrurundi Pipeline. Standard maintenance procedure and operations procedures.	Membranes system on SCADA. Treatment plant operating or not appears on scada,not broken down into further components	2	3	3	18	Design review - assess system under current conditions and modify design if required	Manually checked by operator. Only operated when puling from the dam (day at the moment) to maintain membranes.	UHSC			2	3	1	6	
		Murrurundi WTP	UF membranes pre-filter pressure sensor failure	Mechanical, electrical, or otherwise.	Disruption/failure of filter		WTP automatically shuts down . Alarm sent on SCADA	2	3	**1**	6	Maintenance change - establish preventative maintenance program	Check reading is displayed and look for abnormal readings	UHSC			2	**3**	**1**	6	
		Murrurundi WTP	UF membranes post-filter pressure sensor failure	Mechanical, electrical, or otherwise.	Disruption/failure of filter		Not on SCADA	2	3	3	18	Maintenance change - establish preventative maintenance program	Check reading is displayed and look for abnormal readings	UHSC			2	2	3	12	
		Murrurundi WTP	Post-filter turbidity analyser failure	Mechanical, electrical, or otherwise.	Loss of CCP monitoring		Not on SCADA	2	3	3	18	Maintenance change - establish preventative maintenance program	Critical spare too expensive	UHSC			2	2	3	12	
		Murrurundi WTP	Failure of Filter backwash pump	Mechanical, electrical, or otherwise.	Disruption/failure of filter		Assume no redundancy. WTP will shut down on over pressure Not on SCADA	2	3	2	12	Design review - assess system under current conditions and modify design if required		UHSC			2	2	3	12	
		Murrurundi WTP	Damage to Clearwater Tanks 1 and 2	Damages resulting in leakage.	Interruption to supply	Standard maintenance procedure and operations procedures	Not on SCADA	2	1	3	6	Maintenance change - establish preventative maintenance program		UHSC			2	1	3	6	
		Murrurundi WTP	Failure of chlorine dosing pumps	Mechanical, electrical, or otherwise.	Low / high chlorine levels outside of CCP / OCP	Standard maintenance procedure and operations procedures. Spare pump available	Not on SCADA	3	3	3	27	Maintenance change - establish preventative maintenance program	Manually checked by operator on routine basis. Spare pump available.	UHSC			2	3	3	18	
		Old and New Reservoirs	Structural damage to the tank.	Deterioration of tank due corrosion or otherwise.	Balance tank leaking and/or rupture. Tank required to be taken 'offline' for repairs.	Standard maintenance procedure and operations procedures.	Reservoirs feed Murrurundi supply area. Paradise land and Doughboy reservoir not in operation and no longer connected to system	2	2	3	12	Maintenance change - establish preventative maintenance program	2 Reservoir "Old" and "New". "New" is only one in use currently. "Old" is in standby arrangement.	UHSC			1	3	2	6	
		Old and New Reservoirs	Damage to the tanks ancillary items such as level sensors and inlet/outlet valves.	Mechanical, electrical, or otherwise.	Inaccurate measurements in SCADA and/or incorrect flow into/out of the tank.	Routine maintenance, system control alerts, and standard operation procedures followed.	Reservoirs feed Murrurundi supply area. Paradise land and Doughboy reservoir not in operation and no longer connected to system	3	2	2	12	Maintenance change - keep critical equipment spare		UHSC			**2**	**2**	2	8	
		Transfer Mains Scone to Murrurundi Pipeline	Pipeline rupture, cracking, leaking, or otherwise damaged resulting in a water egress point.	Unanticipated pressure surges, inappropriate jointing methods, ground settlement, root intrusion, pipes nearing end-of-design-life	Loss of supply to Murrurundi	Alternate supply via Murrurundi WTP	Pipeline commissioned 2020	2	3	4	24			UHSC			2	2	**3**	12	
		Scone to Murrurundi (STM) Pipeline Murrurundi to Res Pumps	Failure of pumps (electrical)	Power failure to site	Pumps unable to switch 'on'	Plug in back up generator available	WPS commisioned 2020. Power failure detected by alarm on SCADA	2	3	1	6	Maintenance change - establish preventative maintenance program		UHSC			2	3	1	6	
		Scone to Murrurundi (STM) Pipeline Murrurundi to Res Pumps	Failure of pumps (mechanical)	Damage to pumps (e.g. cavitation, typical wear-and-tear)	Pumps unable to effective function and or unable to switch 'on'/'off' correctly.	Duty assist arrangement	Both pumps need to run together. SCADA alarm	2	2	1	4	Maintenance change - establish preventative maintenance program		UHSC			2	2	1	4	
		Wingen WPS	Failure of pumps (electrical)	Power failure to site	Pumps unable to switch 'on'	Duty/assist arrangement. Generator would need to be hard wired in	WPS commmissioned 2020. Power failure deteced by alarm on SCADA	2	3	1	6	Maintenance change - establish preventative maintenance program		UHSC			2	3	1	6	
		Wingen WPS	Failure of pumps (mechanical)	Damage to pumps (e.g. cavitation, typical wear-and-tear)	Pumps unable to effective function and or unable to switch 'on'/'off' correctly.	Duty/assist arrangement.	Both pumps need to run together. SCADA alarm	2	3	1	6	Maintenance change - establish preventative maintenance program		UHSC			2	3	1	6	

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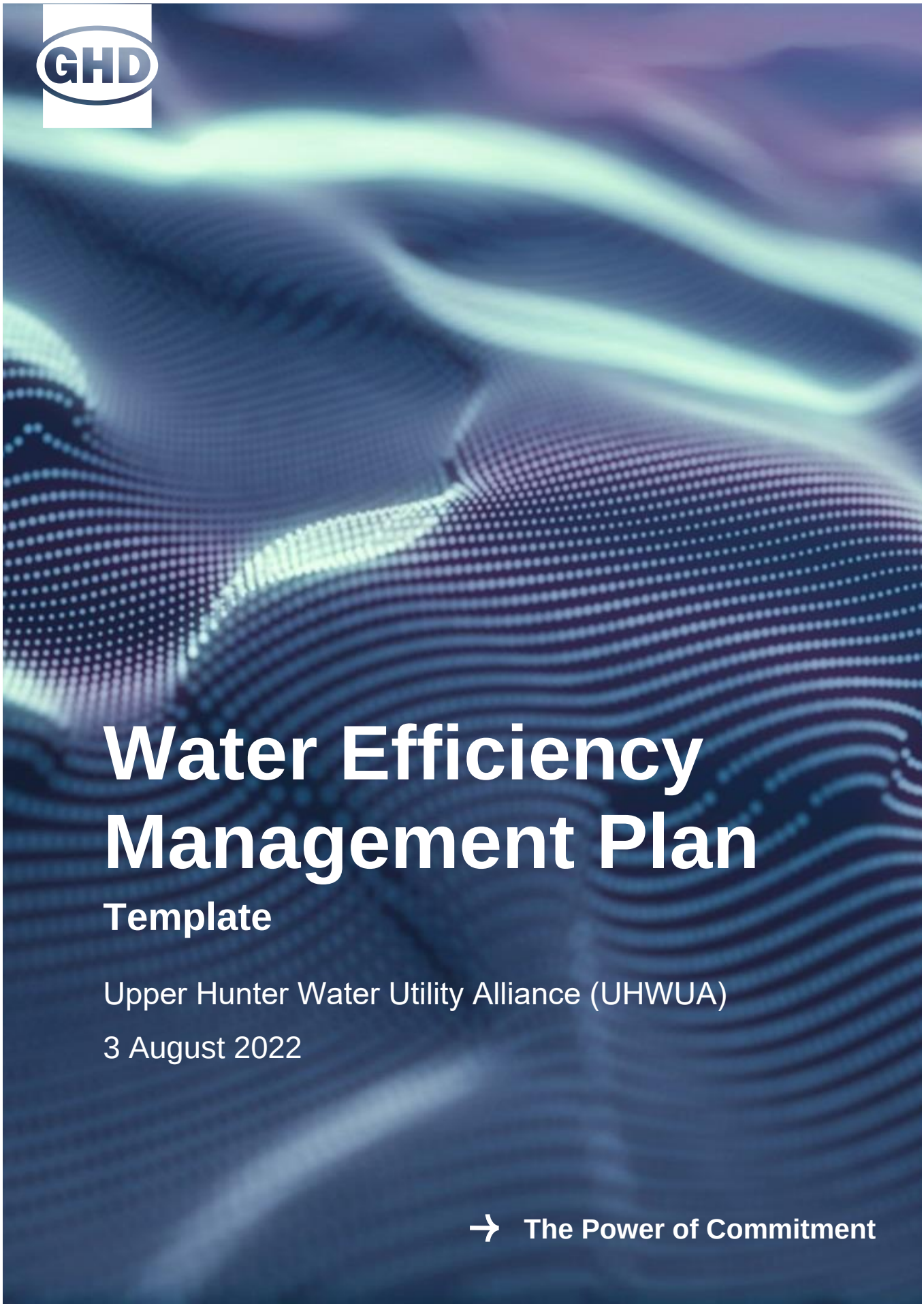
								Severity	Occurrence	Detectability							Severity	Occurrence	Detectability		
		Scone to Wingen Pumps	Failure of pumps (electrical)	Power failure to site	Pumps unable to switch 'on'	Generator can be hard wired in	Duty/assist arrangement.	2	3	1	6			UHSC			2	3	1	6	
		Scone to Wingen Pumps	Failure of pumps (mechanical)	Damage to pumps (e.g. cavitation, typical wear-and-tear)	Pumps unable to effective function and or unable to switch 'on'/'off' correctly.		Back up supply when WTP off-line	3	2	2	12	Back up power - Modify for 'plug-in' or 'hardwired' generator connection as needed		UHSC			2	2	2	8	
		Scone to Murrurundi Chlorinator	Dose system fault	Low / high chlorine levels outside of CCP / OCP	Unable to treat system to a drinking water standard	Back up supply when WTP off-line.	Back up supply when WTP off-line. No SCADA alarm for dosing parameters, alternative source avaliable	4	1	4	16	Maintenance change - establish preventative maintenance program	SCADA Alarm for analyser reaching high high level	UHSC			4	1	2	8	
		Transfer Mains to Murrundi	Pipeline rupture, cracking, leaking, or otherwise damaged resulting in a water egress point.	Unanticipated pressure surges, inappropriate jointing methods, ground settlement, root intrusion, pipes nearing end-of-design-life	Loss of supply to Murrurundi			2	4	4	32		Had a few main breaks over past few months. Possible pressure related breaks when reservoir is at TWL. Spare replacement pipe etc available.	UHSC			2	2	2	8	
		Brushy Hill Reservoir	Structural damage to the tank.	Deterioration of tank due corrosion or otherwise.	Balance tank leaking and/or rupture. Tank required to be taken 'offline' for repairs.	Alternative feeds via Hunter River . Standard maintenance procedure and operations procedures.	Visual inspection is conducted Mon-Fri	4	1	2	8	Maintenance change - establish preventative maintenance program	No known conditions	UHSC			3	1	2	6	
		Brushy Hill Reservoir	Damage to the tanks ancillary items such as level sensors and inlet/outlet valves.	Mechanical, electrical, or otherwise.	Inaccurate measurements in SCADA and/or incorrect flow into/out of the tank.	Alternative feeds via Hunter River. Routine maintenance, system control alerts, and standard operation procedures followed.		2	3	2	12	Maintenance change - keep critical equipment spare		UHSC			1	3	2	6	
		Halcomb Hill Surge Tank (between togar and aberdeen)	Structural damage to the tank.	Deterioration of tank due corrosion or otherwise.	Surge tank leaking and/or rupture. Tank required to be taken 'offline' for repairs resulting in risk of pipeline failure from water hammer	Not on SCADA	Galvanised steel surge tank	3	4	4	48	Maintenance change - establish preventative maintenance program	Undertake condition assessment	UHSC			3	3	3	27	
		Halcomb Hill Surge Tank	Damage to the tanks ancillary items such as level sensors and inlet/outlet valves.	Mechanical, electrical, or otherwise.	Incorrect operation of the tank.	Not on SCADA		3	2	4	24	Maintenance change - keep critical equipment spare		UHSC			2	2	4	16	
		Dam line surge tank	Structural damage to the tank.	Deterioration of tank due corrosion or otherwise.	Surge tank leaking and/or rupture. Tank required to be taken 'offline' for repairs resulting in risk of pipeline failure from water hammer	Not on SCADA	Concrete surge tank	3	2	4	24	Maintenance change - establish preventative maintenance program	Undertake condition assessment	UHSC			3	2	3	18	
		Dam line surge tank	Damage to the tanks ancillary items such as level sensors and inlet/outlet valves.	Mechanical, electrical, or otherwise.	Incorrect operation of the tank.	Not on SCADA		3	2	4	24	Maintenance change - keep critical equipment spare		UHSC			2	2	4	16	
		Togar Reservoir	Structural damage to the tank.	Deterioration of tank due corrosion or otherwise.	Balance tank leaking and/or rupture. Tank required to be taken 'offline' for repairs.	Alternative feeds via Glenbawn Dam. Standard maintenance procedure and operations procedures.	Roof in poor condition	4	4	3	48	Design review - assess system under current conditions and modify design if required	Assess potential for reservoir to be contaminated by birds/version entering through roof defects - Circular 18 assessment	UHSC			3	1	2	6	
		Togar Reservoir	Damage to the tanks ancillary items such as level sensors and inlet/outlet valves.	Mechanical, electrical, or otherwise.	Inaccurate measurements in SCADA and/or incorrect flow into/out of the tank.	Alternative feeds via Glenbawn Dam. Routine maintenance, system control alerts, and standard operation procedures followed.		2	3	2	12	Maintenance change - keep critical equipment spare		UHSC			1	3	2	6	
		Chlorination for Scone from Aberdeen	Dose system fault	Low / high chlorine levels outside of CCP / OCP	Unable to treat system to a drinking water standard	Back up power source. SCADA alarm for failure	Levels not on SCADA	4	3	5	60	Install chlorine analyser. Connect to SCADA		UHSC			4	3	1	12	
		Chlorination for Scone from Aberdeen	Failure to activate dosing process	Electrical, mechanical, or otherwise	Unable to treat system to a drinking water standard		Back up pump available	2	4	5	40	Connect to SCADA		UHSC			2	4	1	8	
		Chlorination for Scone (Gundy Road)	Dose system fault	Low / high chlorine levels outside of CCP / OCP	Unable to treat system to a drinking water standard	Back up power source. SCADA alarm for failure (if pump doesn't not operate, no alarm turned on for dosing outside perimeters)	Back up power source such as a generator is available to be hard wired in and SCADA alarm present for failure	4	3	5	60	Install chlorine analyser. Connect to SCADA		UHSC			4	3	1	12	
		Chlorination for Scone (Gundy Road)	Failure to activate dosing process	Electrical, mechanical, or otherwise	Unable to treat system to a drinking water standard		Back up pump avaliable	2	3	5	30	Connect to SCADA		UHSC			2	4	1	8	
		Scone Intake Pump (ABN)	Failure of pumps (electrical)	Power failure to site	Pumps unable to switch 'on'	No back up power source. Assume SCADA alarm for failure	No generator can be hard wired in (contains VSD) switchboard too old. Can be fed from Glenbawn (back up site)	4	4	1	16	Renew switchboard	HR intakes have 1 pump in old condition, part of "Aberdeen intake upgrade". Switchboards are oldest ones Council have. Need to confirm if genset could be hardwired into this arrangement.	UHSC			1	3	1	3	Pumpset part of upgrades to take place next year (2022)
		Scone Intake Pump (ABN)	Failure of pumps (mechanical)	Damage to pumps (e.g. cavitation, typical wear-and-tear)	Pumps unable to effective function and or unable to switch 'on'/'off' correctly.	No standby pump is available. Standard maintenance procedure and operations procedures.	Currently no standby pump avaliable	2	2	1	4	Maintenance change - keep critical equipment spare		UHSC			1	2	1	2	
		Glenbawn Dam Pumps	Failure of pumps (electrical)	Power failure to site	Pumps unable to switch 'on'	Assume alarm to SCADA	Provisions to hardwire a generator	4	2	1	8	Maintenance change - establish preventative maintenance program		UHSC			4	2	1	8	
	Scone	Glenbawn Dam Pumps	Failure of pumps (mechanical)	Damage to pumps (e.g. cavitation, typical wear-and-tear)	Pumps unable to effective function and or unable to switch 'on'/'off' correctly.	Assume alarm to SCADA	Duty/standby arrangement	3	3	1	9	Maintenance change - establish preventative maintenance program		UHSC			3	3	1	9	
		Togar Reservoir Pump	Failure of pumps (electrical)	Power failure to site	Pumps unable to switch 'on'	Assume SCADA alarm for failure	Duty/standy arrangement. Pump refurbished 2018. No generator can be hardwired in.	2	5	1	10	Maintenance change - establish preventative maintenance program	Duty/standy arrangement.	UHSC			2	5	1	10	
		Togar Reservoir Pump	Failure of pumps (mechanical)	Damage to pumps (e.g. cavitation, typical wear-and-tear)	Pumps unable to effective function and or unable to switch 'on'/'off' correctly.	Duty/standy arrangement. Standard maintenance procedure and operations procedures.		2	2	1	4	Maintenance change - establish preventative maintenance program	Duty/standy arrangement.	UHSC			2	2	1	4	
		Scone Reservoirs 1, 2 and 3	Structural damage to the tank.	Deterioration of tank due corrosion or otherwise.	Balance tank leaking and/or rupture. Tank required to be taken 'offline' for repairs.	Standard maintenance procedure and operations procedures.		3	1	2	6	Maintenance change - establish preventative maintenance program	No known issues	UHSC			2	3	1	6	
		Scone Reservoirs 1, 2 and 3	Damage to the tanks ancillary items such as level sensors and inlet/outlet valves.	Mechanical, electrical, or otherwise.	Inaccurate measurements in SCADA and/or incorrect flow into/out of the tank.	Routine maintenance, system control alerts, and standard operation procedures followed.	All valves left in open position, if failure occurs it will fail on close. Still have 2 other reservoirs	1	2	2	4	Maintenance change - keep critical equipment spare		UHSC			1	2	2	4	
		High Zone Res pump station	Failure of pumps (electrical)	Power failure to site	Pumps unable to switch 'on'	No back up power source. SCADA alarm for failure		2	3	1	6	Maintenance change - establish preventative maintenance program		UHSC			1	3	1	3	

Ref.	Site	Component / Plant Name	Failure Mode	Failure Cause	Effect/Consequence	Safeguards / Current Controls	Comments	Initial Risk Rating			Current RPN (S*O*D)	Corrective Action / New Controls	Comments	Responsibility	By When	Decision / Status	Residual Risk Rating			Residual RPN (S*O*D)	Comments
								Severity	Occurrence	Detectability							Severity	Occurrence	Detectability		
		High Zone Res pump station	Failure of pumps (mechanical)	Damage to pumps (e.g. cavitation, typical wear-and-tear)	Pumps unable to effective function and or unable to switch 'on'/'off' correctly.	No standby pump is available. Standard maintenance procedure and operations procedures.		2	3	1	6	Maintenance change - keep critical equipment spare		UHSC			1	2	1	2	
		Satur Reservoirs	Structural damage to the tank.	Deterioration of tank due corrosion or otherwise.	Balance tank leaking and/or rupture. Tank required to be taken 'offline' for repairs.	Standard maintenance procedure and operations procedures.		2	1	3	6	Maintenance change - establish preventative maintenance program	No known issues	UHSC			2	1	2	4	
		Satur Reservoirs	Damage to the tanks ancillary items such as level sensors and inlet/outlet valves.	Mechanical, electrical, or otherwise.	Inaccurate measurements in SCADA and/or incorrect flow into/out of the tank.	Routine maintenance, system control alerts, and standard operation procedures followed.		2	1	3	6	Maintenance change - keep critical equipment spare		UHSC			2	1	2	4	
		High Scone Reservoir	Structural damage to the tank.	Deterioration of tank due corrosion or otherwise.	Balance tank leaking and/or rupture. Tank required to be taken 'offline' for repairs.	Standard maintenance procedure and operations procedures.		2	2	2	8	Maintenance change - establish preventative maintenance program		UHSC			2	2	2	8	
		High Scone Reservoir	Damage to the tanks ancillary items such as level sensors and inlet/outlet valves.	Mechanical, electrical, or otherwise.	Inaccurate measurements in SCADA and/or incorrect flow into/out of the tank.	Routine maintenance, system control alerts, and standard operation procedures followed.		2	2	2	8	Maintenance change - keep critical equipment spare		UHSC			2	2	2	8	
		Transfer Main Aberdeen to Scone	Pipeline rupture, cracking, leaking, or otherwise damaged resulting in a water egress point.	Unanticipated pressure surges, inappropriate jointing methods, ground settlement, root intrusion, pipes nearing end-of-design-life	Loss of supply to Scone	Alernative supply to Scone via Hunter River	Only notified when a member of the public calls in	4	4	3	48	List pipeline as a priority on mains renewal program	Aberdeen to Scone is extremely high risk pipe, old AC main has broken multiple times and runs through farmers properties.	UHSC			3	3	1	9	
		Transfer Main Glenbawn to nest of reservoirs	Pipeline rupture, cracking, leaking, or otherwise damaged resulting in a water egress point.	Unanticipated pressure surges, inappropriate jointing methods, ground settlement, root intrusion, pipes nearing end-of-design-life	Loss of supply to Reservoirs	Alernative supply to Scone via Hunter River	Alternate supply to Scone avaliable via Hunter River	4	2	3	24	Maintenance change - establish preventative maintenance program	Glenbawn to Nest of reservoirs, has no known issues. Pipeline implemented in 2012 DN500 main.	UHSC			3	2	2	12	
		Transfer Mains Nest of reservoirs into Scone township	Pipeline rupture, cracking, leaking, or otherwise damaged resulting in a water egress point.	Unanticipated pressure surges, inappropriate jointing methods, ground settlement, root intrusion, pipes nearing end-of-design-life	Loss of supply to Scone township		Majority of trunk mains have been replaced still some old ones (70+ years)	2	2	2	8	Maintenance change - establish preventative maintenance program	Nest of reservoirs into Scone township, condition to be confirmed	UHSC			2	2	2	8	
	Cassilis	Bore Pumps 1 & 2	Failure of pumps (electrical)	Power failure to site	Pumps unable to switch 'on'	Assume no back up power source.	No spares, small pumps. Generator can be hardwired in.	3	3	5	45	Back up power - Modify for 'hardwired' generator connection and connect to SCADA	One small bore is not able to feed Cassilis if the other fails.	UHSC			3	3	1	9	
		Bore Pumps 1 & 2	Failure of pumps (mechanical)	Damage to pumps (e.g. cavitation, typical wear-and-tear)	Pumps unable to effective function and or unable to switch 'on'/'off' correctly.	Standby pump available. Standard maintenance procedure and operations procedures.	No spares, small pumps. Generator can be hardwired in. if one bore fails other can still be used	3	3	5	45	Connect to SCADA	One small bore is not able to feed Cassilis if the other fails.	UHSC			3	3	1	9	
		Chlorine dosing	Failure of chlorine dosing pumps	Mechanical, electrical, or otherwise.	Low / high chlorine levels outside of CCP / OCP	SCADA alarm for failure. No SCADA alarm for low/high level alarms	Dosing present, standby pump avaliable.	4	2	5	40	Install No. 2 pump for chlorine dosing. Connect pumps to SCADA	1 pump with a spare available	UHSC			4	2	1	8	
		Chlorine dosing	Supply shortage	Unable to source chemical supply	Unable to dose the system	Storage of chemical on-site or with system authority	Enough chemical is stored on-site or with the system authority in case this scenario arises	2	1	2	4	Maintenance change - keep critical equipment spare		UHSC			1	1	2	2	
		Reservoir No.1, 2, 3, 4	Structural damage to the tank.	Deterioration of tank due corrosion or otherwise.	Balance tank leaking and/or rupture. Tank required to be taken 'offline' for repairs.	Standard maintenance procedure and operations procedures.	Routine weekly maintenance checks	2	2	4	16	Maintenance change - establish preventative maintenance program	No known issues, to be confirmed with operator	UHSC			2	2	3	12	
		Reservoir No.1, 2, 3, 4	Damage to the tanks ancillary items such as level sensors and inlet/outlet valves.	Mechanical, electrical, or otherwise.	Inaccurate measurements in SCADA and/or incorrect flow into/out of the tank.	Routine maintenance, system control alerts, and standard operation procedures followed.	Outlet valves have been replaced in 2021	2	1	4	8	Maintenance change - keep critical equipment spare		UHSC			2	1	3	6	
		Chlorine analyser	Failure of Chlorine analyser	Mechanical, electrical, or otherwise.	Loss of CCP monitoring	No SCADA alarm for low/high level alarms or analyser failure		4	3	5	60	Connect to SCADA		UHSC			4	3	1	12	
		Transfer Mains	Pipeline rupture, cracking, leaking, or otherwise damaged resulting in a water egress point.	Unanticipated pressure surges, inappropriate jointing methods, ground settlement, root intrusion, pipes nearing end-of-design-life	Loss of supply to Cassilis		Usually detected by member of public calling to notify of water leaking	2	2	5	20	Maintenance change - establish preventative maintenance program	No known issues	UHSC			2	2	4	16	

Appendix C

Template Water Efficiency Management Plan (WEMP)



Water Efficiency Management Plan

Template

Upper Hunter Water Utility Alliance (UHWUA)

3 August 2022

→ The Power of Commitment

Project name		UHWUA - Drought and Emergency Response Management Plan 2022					
Document title		Water Efficiency Management Plan | Template					
Project number		12554712					
File name		Appendix C - Template Water Efficiency Management Plan (WEMP) 2022.Docx					
Status Code	**Revision**	**Author**	**Reviewer**		**Approved for issue**		
			Name	**Signature**	**Name**	**Signature**	**Date**
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→ The Power of Commitment

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1. Introduction

Everyone in the Upper Hunter Water Utilities Alliance (UHWUA) Region are being asked to reduce the amount of drinking water they use to help secure the regions precious water supplies.

Large industrial, commercial and institutional organisations play a significant role in improving water efficiency across the region.

All organisations using more than 5ML per year, must complete a Water Efficiency Management Plan (WEMP) in partnership with the UHWUA Councils.

The WEMP is a key input into strategic water planning for the region and assists with water supply contingency planning to respond to shocks and extreme variations (e.g. major storm events, earthquake, drought, act of terrorism or unexpected asset failure).

The WEMP aims to continually improve water efficiency and identifies water saving actions in the short, medium and long term.

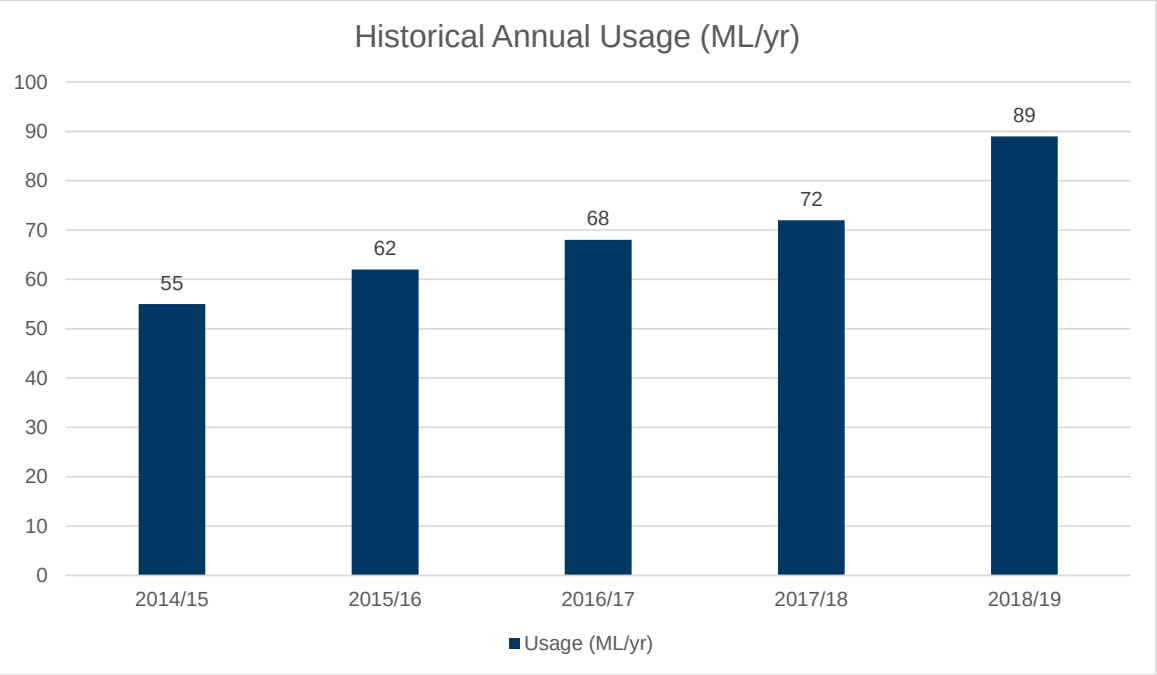
2. Customer Details

Organisation name **Please show the business name as you would like it represented in marketing and communication materials**		
Operating name **If different from above**		
Account number (on bill) **If you do not have access to your bills, email: council@singleton.nsw.gov.au council@muswellbrook.nsw.gov.au council@upperhunter.nsw.gov.au**		
Site address		
Core business operations at this site **What is your core business? What facilities are on site?**		
Details of existing water saving initiatives		
Organisation contacts		
	Name:	
	Position:	
	Phone:	
	Email:	
Water Management Team **To ensure your WEMP is a success, it is a good idea to establish a Drought and Emergency Response Management Team (DERMT). Decide who your appropriate contact(s) are and involve key staff members who may influence or have an understanding of how water is used at your site.**	Name:	Position:
Operational changes that may impact on water use over the next 5 years **Are you planning on expanding or contracting operations over next 5 years?**		
Peak industry body membership **Are you part of a relevant peak industry body? Who are they?**		
NABERS or Green Star Rating **Is your building NABERS or Green Star rated?**		

3. Historical Water Usage from UHWUA Councils Supply

Year	Water Use (ML/yr)	Identify Water Use Increase or Decrease	Reason e.g. nothing changed, days of operation, production rate, plant shutdown, site construction

The water use from the above table is displayed in a graph format below:



4. Water Usage Breakdown

Effective water management to identify water savings requires a good understanding of all water used on site, both potable and non-potable. For example, potable, groundwater (bore), recycled, stormwater or other non-potable sources etc.

Major Water Using Area	Water Source Potable, Recycled, Bore/Ground	Volume of Water Use (kL/day)	Percentage of Total Water Use (%)
TOTAL			

Water use shown above was determined by:

5. Action Plan

Description of Water Efficiency Measure	1.	2.	3.	4.	5.
Action(s) to be Taken e.g. Sub-metering plan Detailed audit Leak detection Install water efficient devices Encourage water efficient behaviours Recycled water / bore water / rainwater tanks					
Expected Water Savings (kL/day)					
Water Cost Savings ($/yr)					
Expected Other Savings e.g. energy, trade waste charges. ($/yr)					
Estimated Cost to Implement Actions ($)					
Estimated Annual Costs ($)					
Payback Period (yrs)					
Possible Risks/Challenges to Implementation e.g. Technical, administrative, environmental					

Further Recommendations:

6. Benchmarking and targets

Current Year	Water used (ML)	Business Activity Measure (e.g. person, tonnage, m^2)	Benchmark (eg. kL/person or kL/m2GLA)

% reduction target	

The water reduction target has been set based on:

7. UHWUA Councils and Customer Partnership

Thanks very much for working with us to complete the WEMP. Please note:

– UHWUA Councils and the customer may comment on the WEMP and/or request additional information relating to the WEMP
– UHWUA Alliance Councils and/or the customer may request a meeting as required to update the plan and report on WEMP implementation progress.
– UHWUA Councils and the customer acknowledge participation and sharing of knowledge.

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9.3. Property and Place

9.3.1. Annual Food and Toy Appeal - Fee Waiver

Attachments: 1. Letter to Council [**9.3.1.1** - 1 page]

Responsible Officer: Matthew Lysaught - Director Property & Place

Author: Matthew Lysaught – Director Property & Place

Community Plan Issue: *2 - Social Equity and Inclusion*

Community Plan Goal: An inclusive and interconnected community where everyone enjoys full participation.

Community Plan Strategy: 2.1.3 - Consider and deliver social inclusion principles across Council functions.

PURPOSE

To consider the fee waiver request for the use of the Muswellbrook Indoor Sports Centre for the annual Food and Toy appeal.

OFFICER'S RECOMMENDATION

Council:

1. Waives the fee for the booking of the Muswellbrook Indoor Sports Centre for the annual Food and Toy appeal; and
2. The estimated costs associated for the booking be funded from the Muswellbrook Indoor Sports Centre Materials and Contracts operating expenses budget 0460.0895.500

Moved: _____Seconded: _____

BACKGROUND

Council has been approached by the registered charity BlackRoo Community Indigenous Corporation to support the annual 2NM/PowerFM Food and Toy Appeal in the waiving of the fee for the use of the Muswellbrook Indoor Sports Centre. Attached to this report is the written request.

The Food and Toy Appeal has been running for 21 years and last Christmas provided support to over 300 families across the Upper Hunter. The Appeal requires a large area for the organisation and distribution of goods and the Muswellbrook Indoor Sports Centre would be a suitable facility.

The request is being reported to Council as the decision to waive the fee is beyond the delegation of the General Manager.

CONSULTATION

Muswellbrook Indoor Sports Centre – Manager
Manager Community Services
Grants and Community Engagement Advisor

REPORT

The dates the Indoor Sports Centre would be required for is from Wednesday, 14 December

till Thursday, 22 December 2022. The centre has been tentatively booked for the above dates.

A per day hire for the facility as per Council's Fees and Charges is $292.73 plus GST. Further, the manager of the facility ordinarily receives a set percentage of the booking to manage, open and close, supervise, clean, and provide consumables. In this instance the manager subject to Council's decision has offered to waive their charge, instead applying $30 per day for cost recovery. This would total a nominal fee that can be managed within the Indoor Sports Centre Materials and Contracts operating expenses budget.

It is recommended that Council waive the fee in support of the community service provided to residents of the Upper Hunter during the Christmas period.

OPTIONS

Council could choose not to waive the fee or manage the request differently.

CONCLUSION

It is recommended Council waive the fee and manage any costs within existing operational budgets.

SOCIAL IMPLICATIONS

The annual Food and Toy appeal contributes to social equity and inclusion.

FINANCIAL IMPLICATIONS

The fee waiver request would be for a sum of $2,254 plus GST. The costs associated with the booking are estimated to be $210 and can be managed within existing operating budget.

POLICY IMPLICATIONS

Financial Assistance and Sponsorship Policy MSC05E

STATUTORY IMPLICATIONS

Local Government Act 1993

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

Nil known.

RISK MANAGEMENT IMPLICATIONS

The booking will require the management and documentation of any associated risks.

WASTE MANAGEMENT IMPLICATIONS

Nil known.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil known.

Thursday, 22 September 2022

Dear Matthew Lysaught

2NM/PowerFM Food and Toy Appeal

Recently BlackRoo Community Indigenous Corporation under the leadership of our volunteer De-anne Douglas had the 2NM/PowerFM food and toy appeal come under our charity.

De-anne Douglas has been running this appeal for 21 years with the support of the community. Last year we supported 322 families in the Upper Hunter area. After consultation with other charities and community groups we know this year will be even bigger.

So we need a bigger venue to operate out of. We would like to use the Basketball Stadium from Wednesday 14th December till Thursday 22nd December. Due to use being a registered charity and having very little funds we would like to ask Council to waive the hire fees.

If you are able to support us, please contact De-anne Douglas on 0419 684 519.

Your support in helping us support our community at Christmas time will be very appreciated.

Yours sincerely

Joe Clayton
CEO
0437 763 477

9.3.2. Cinema Under the Stars - Fee Waiver

Attachments:	1. Cinema Under the Stars - Fee Waiver Request [**9.3.2.1** - 1 page]
Responsible Officer:	Matthew Lysaught - Director Property & Place
Author:	Matthew Lysaught – Director Property & Place
Community Plan Issue:	*2 - Social Equity and Inclusion*
Community Plan Goal:	An inclusive and interconnected community where everyone enjoys full participation.
Community Plan Strategy:	2.1.3 - Consider and deliver social inclusion principles across Council functions.

PURPOSE

To consider a fee waiver request from Upper Hunter Community Services for the use of the Denman Recreation Area sportsgrounds for a Cinema Under the Stars event.

OFFICER'S RECOMMENDATION

Council:

1. Waives the fee for the booking of the Denman Recreation Area sportsground for the Cinema Under the Stars event; and
2. Waives the associated Section 68 fee.

Moved: _____ Seconded: _____

BACKGROUND

Council has received a request from Upper Hunter Community Services to waive fees associated with a Cinema Under the Stars event planned for Friday, 25 November 2022. Attached to this report is the written request.

The request is being reported to Council as the decision to waive the fees is beyond the delegation of the Acting General Manager.

CONSULTATION

Administration Officer – Property and Building Services

Technical Officer – Recreation and Property

REPORT

To book the Denman Recreation Area sportsgrounds for the event costs $835 inclusive of GST. The Section 68 Local Government Act fee is $349 with GST not applicable for the planning assessment of the event.

Under Council's Financial Assistance Policy, the General Manager is delegated to waive fees that comply with the principles of the policy up to the value of $350. Council's Annual Revenue Policy does provide a fee exemption for casual use to local registered charities.

It is recommended that Council waive the fees in support of this free community event.

OPTIONS

Council could choose not to waive the fee or manage the request differently.

CONCLUSION

It is recommended that Council waive the associated fees for the event booking.

SOCIAL IMPLICATIONS

The Cinema Under the Stars event will contribute to social equity and inclusion.

FINANCIAL IMPLICATIONS

Council will forgo the income for fees associated with the event.

POLICY IMPLICATIONS

Financial Assistance and Sponsorship Policy MSC05E

STATUTORY IMPLICATIONS

Local Government Act 1993

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

Nil known.

RISK MANAGEMENT IMPLICATIONS

The booking will require the management and documentation of any associated risks.

WASTE MANAGEMENT IMPLICATIONS

Nil known.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil known.

UPPER HUNTER COMMUNITY
SERVICES Inc ABN 43 184 121 458
PO Box 231 Muswellbrook NSW 2336
Phone: 02 6542 3555

29th September 2022

Derek Finnigan Acting-General Manager
Muswellbrook Shire Council
PO Box 122
157 Maitland Street,
Muswellbrook NSW 2333

Dear Mr Finnigan,

We are writing to you in relation to the hire of Denman Recreation Sports Grounds for a free Community event- Cinema under the Stars on Friday 25th November 2022.
Muswellbrook Neighbourhood Service, who service the Denman area, will coordinate this event.

Another aim for this event is to include other local support services and organisations who service the Denman Community, but may not have a permanent presence in the area. This will provide an opportunity for them to connect with the Denman Community.

This is a free family event offering entertainment to residents and an opportunity to familiarise themselves with services/organisations they may not be aware they can access. We will also be inviting local Denman schools and junior sporting organisations to hold activities or stalls that they may be able to use as a fundraiser for their club further supporting the Denman community.

We last held this family event in Denman in 2019, which was a huge success and well supported.

Muswellbrook Neighbourhood Service operates under the auspice of Upper Hunter Community Services Inc, we are a not for profit organisation and are seeking a full fee exemption for the venue booking and S.68 Certificate.
We value our ongoing working relationship with Muswellbrook Shire Council and would ask that this be taken into consideration with regard to the fee exemption.

A copy of our Registered Charities Certificate is attached.
Muswellbrook Shire Council Sports grounds, park and facilities booking request form has been submitted.
We appreciate your assistance and look forward to hearing back from you.

Yours Sincerely,

Vanessa Harshman

9.3.3. Establishment of Olympic Park Precinct Development Advisory Committee

Attachments:	1. MS C 22 E- Section 355 Committee Guidelines [**9.3.3.1** - 19 pages]
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	{authors-names-with-position}
Community Plan Issue:	*5 - Community Infrastructure*
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	5.1.3 - Facilitate investment in high quality community infrastructure necessary to a Regional Centre.
	5.1.4.1 - Capital works programmes prioritised to demonstrate continual improvement in community infrastructure.

PURPOSE

The report is submitted for Council's consideration to establish an Olympic Park Precinct Development Advisory Committee.

OFFICER'S RECOMMENDATION

1. Council approves the establishment of an Olympic Park Precinct Development Advisory Committee as a Section 355 Committee of Council;
2. The Olympic Park Precinct Development Advisory Committee will comprise the following membership:
   - (i) Councillor _____
   - (ii) Councillor _____
   - (iii) General Manager
   - (iv) Director Property and Place
   - (v) Authorised representative of Muswellbrook Junior Rugby League
   - (vi) Authorised representative of Muswellbrook Senior Rugby League
   - (vii) Authorised representative of Muswellbrook Touch Association
   - (viii) Authorised representative of Olympic Park Tennis Club
   - (ix) Authorised representative of Park Tennis Club
   - (x) Authorised representative of Muswellbrook Cycle Club
   - (xi) Authorised representative of Muswellbrook High School
   - (xii) Authorised representative of Muswellbrook Swimming Club
   - (xiii) At the first meeting of the Olympic Park Precinct Development Advisory Committee, the structure and terms of reference of the Committee will be

considered and decided upon.

Moved: _____Seconded: _____

BACKGROUND

In accordance with Section 355 and Section 377 of the Local Government Act 1993, Council is permitted to delegate certain functions to a Committee of the Council. Council uses this delegation to create Committees including members of the community to assist in the management, care and control of Council assets.

A Committee, their delegated functions and membership must be adopted by Council. Once established, the Committee must adopt and implement the 'Muswellbrook Shire Council Section 355 Committee Guidelines', which were adopted by Council at the 26 October 2021 Ordinary Council Meeting and attached to this report.

CONSULTATION

Mayor Councillor Steve Reynolds

Director Property and Place

REPORT

A Section 355 Committee allows for interested members of the Muswellbrook Shire Community to actively participate in the provision and/or management of Council facilities and services. The aim of a Section 355 Committee is to accurately reflect Council's objectives as informed by the Community Strategic Plan.

Due to their varied functions and objectives, each Section 355 Committee will possess a discrete delegation and terms of reference document outlining in detail the roles and duties of the Committee.

The Olympic Park Precinct is Muswellbrook's premier sport and recreation precinct. The Precinct is in the process of major redevelopment, and it is considered that the establishment of a Section 355 Committee of Council to provide a forum for facilitating community feedback regarding the planning and implementation of development of the Precinct will provide valuable assistance to Council in making the best value for money decisions on behalf of the community.

It is envisaged that the following Council staff members will provide liaison to the Committee:

1. Technical Officer Recreation and Property
2. Deputy General Manager

OPTIONS

Council may decide to establish or not establish an Olympic Park Precinct Development Advisory Committee.

CONCLUSION

Due to the interdependent relationships between various users of the Olympic Park Precinct user groups, and in consideration of the invested nature of the user groups and the value they will add to consideration of the development of the precinct, it is considered to be beneficial to establish a Section 355 Committee of Council for the development of the Olympic Park Precinct.

SOCIAL IMPLICATIONS

The Olympic Park precinct provides sporting and recreational facilities for the benefit of the community.

FINANCIAL IMPLICATIONS

Nil. The cost of operating the Committee will be absorbed through existing budgets.

POLICY IMPLICATIONS

Muswellbrook Shire Council Section 355 Committee Guidelines.

STATUTORY IMPLICATIONS

Local Government Act 1993

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

Submission of the report complies with the following Operational Plan actions:

1.4.1.1 Commence Olympic Park field improvements.

1.4.1.2 Seek development approval for grandstand and amenities design for Olympic Park.

RISK MANAGEMENT IMPLICATIONS

Establishment of the Committee will reduce the reputational risk associated with not carrying out a thorough and appropriate level of consultation with the community.

WASTE MANAGEMENT IMPLICATIONS

Not applicable.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Community consultation and the provision of information to the community will be provided throughout each phase of the project.

Section 355 Committee Guidelines

MSC22E

Muswellbrook Shire Council
Section 355 Committee Guidelines

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1. Purpose and Delegations

1.1. Introduction

The Muswellbrook Shire Council ("Council") acknowledges and appreciates the important work undertaken by volunteers and community groups through the Section 355 committee framework. These guidelines are established to assist committee members in the operation of a Section 355 committee ("Committee"). A Committee and their delegated functions and members must be adopted by Council. Once adopted the Committee must adopt and implement the guidelines set out in this document.

Due to the varied functions of each Committee across differing areas and assets, each Committee will have a separate delegation and terms of reference document outlining in detail the implicit roles and duties of the Committee. Consequently, these guidelines are to be applied as guidelines supporting the Terms of Reference relevant to each Section 355 Committee.

1.2. Purpose of these Guidelines

These guidelines are designed to implement the legislative requirements of the Local Government Act 1993 (NSW) and other legislation, regulations and guidelines imposed to ensure that both the Council and the Committees are compliant. Principally, the purpose of these guidelines is to outline the roles and responsibilities of both the Council and the Committee to allow for an effective and valuable partnership.

1.3. Delegation of Function

In accordance with Section 355 and Section 377 of the Local Government Act 1993 (NSW) ("Local Government Act") Council is permitted to delegate certain functions to a committee of the council. Council uses this delegation to create Committees comprising members of the community to assist in the management, care and control of Council assets.

Council may dissolve a Committee at any time.

1.4. Role of Section 355 Committees

The Committees allow for interested members of the Muswellbrook Shire community to actively participate in the provision and/or management of Council facilities and services. The aim of each Committee is to accurately reflect the Council's vision and aims as informed by the community. This provides for a dual benefit by providing protection to the community members operating under Council delegation and providing Council with assistance in carrying out its function.

Research shows that the involvement of community members in managing community services and facilities is likely to lead to public decisions which are more equitable and sustainable and generally improve the liveability of the local communities.

2. Committee Responsibility

2.1. Responsibility

Upon establishment of a Committee, the Committee will be responsible for those activities that the Council has deemed the purpose of the Committee. Terms of Reference for each Committee must be created and adopted by Council upon establishment of the Committee.

2.2. Limitation of Powers

In accordance with the Local Government Act, some powers are not delegable by Council. As such, a Committee is not authorised to make decisions concerning the following:

a) employing or dismissing staff;

b) the fixing of fees or charges;

c) the borrowing of money;

d) the allocation of Council funds for expenditure on other Council works, services or operations;

e) an application or notice to the Governor or Minister;

f) acceptance of tenders required to be called by Council;

g) the sale, lease, sub-lease or surrender of land or other property vested in the Council;

h) the payment or making of a gift to Committee members;

i) this power of delegation; and

j) any function under this Act or any other law that is required to be exercised by Council.

The powers and functions of a Committee are subject to limitations and conditions as imposed by law, resolution of Council or in writing by the General Manager to the Committee, from time to time. If Council, in its sole discretion, considers a Committee not to be functioning in strict accordance with its powers described herein, the Committee may have its powers revoked by signed written notice from the General Manager or his/her representative.

2.3. Accountability

The Committee is accountable non-exclusively for its actions, decisions and omissions to Council, user groups and the community at large. Committees are required to:

a) hold an Annual General Meeting (“AGM”) to elect office bearers as discussed further herein;

b) provide to Council a report, minutes and annual financial statements as applicable and/or requested; and

c) ensure that any affected persons are notified of the Committee meeting details.

In providing notification of the Committee’s AGM, Committees must adopt the Advertisement for Annual General Meeting Template, generally in its approved form.

2.4. Responsible Staff

Council's Governance Manager is the staff member responsible for the administration of Committees. In addition, the Council's finance staff will provide Committees with financial reporting assistance.

3. Committee Procedures

3.1. Appointment

A Committee must be formally appointed by Council by way of the minutes of the AGM being sent to Council for endorsement at an ordinary Council meeting. Similarly, upon establishment of the Committee, all members of the Committee must be formally appointed by Council in the same manner.

Committee membership is:

a) open to all interested citizens residing in the Council area; or

b) in relation to Committees established to provide specialist assistance to Council, by written invitation of Council;

c) to include representation of the predominant user groups of the facility where applicable; and

d) representatives of minor groups within the community including schools, community groups, service providers et cetera provided such representative is over the age of fifteen (15).

Each Committee member is entitled to one (1) vote. Committee members must be appointed by Council prior to being able to vote or take part in a meeting of the Committee.

Council staff may be appointed by Council as office bearers for a committee as required for example as secretary, treasurer, publicity officer. With the exception of Council staff who are appointed as an office bearer, Council staff are considered observers and advisors and while permitted to participate in Committee discussions and deliberations, are not entitled to voting rights For the avoidance of doubt, Council staff appointed as office bearers are afforded the same rights and obligations as any other Committee member and are consequently entitled to one (1) vote.

A Committee member will cease to hold office upon the occurrence of one (1) or more of the following events:

a) resignation;

b) deemed resignation, being when a Committee member fails to attend three (3) consecutive meetings of the Committee without reasonable excuse;

c) death;

d) bankruptcy;

e) resolution by Council of removal;

f) failure to disclose a pecuniary interest;

g) conviction of an offence referred to in Part 4 of the *Crimes Act 1900* (NSW); or

h) mental incapacity.

Should a Committee member vacancy arise, the Committee must as soon as practicable inform the Council in writing of same.

Council may, in its sole discretion, dissolve a Committee at any time. Unless otherwise indicated in a Committee's terms of reference, the term of office for Committees will be the same term as the current Council with an additional three (3) month period after the General Election of Councillors.

3.2. Committee Membership

Committees must, without prior approval of Council, comprise as a minimum three (3) members and as a maximum seven (7) members. Membership count is to be included in the terms of reference created upon establishment of the Committee, unless otherwise agreed by Council.

Council reserves the right to appoint up to two (2) Councillors to each Committee as voting members of the Committee.

Committee membership consists of office bearers and other Committee members.

If Committee membership is comprised of less than three (3) members, Council may allow the Committee a six (6) month period to re-establish a viable membership or alternatively dissolve the Committee and assume its obligations and responsibilities.

Committee members are expected to have access to a computer and possess the ability to use email as the primary form of communication.

Committee members are eligible for re-appointment.

Any applications for Committee membership must generally be in the approved form, being the Committee Membership Nomination Form Template.

3.3. Procedure for Obtaining New Membership

When a membership position on a Committee becomes vacant or the Committee determines that it requires additional members, the Committee may:

a) in urgent circumstances, recommend to Council interested persons for appointment and the reasons justifying the urgency of same (urgent circumstances only); or

b) request Council advertise the membership position in the Muswellbrook Chronicle or by such other means as determined by Council (usual and preferred practice).

3.4. Election of Office Bearers

A Committee must elect from their members certain roles, at a minimum, to be undertaken. These roles include:

a) chairperson (mandatory);

b) deputy chairperson (optional);

c) secretary (mandatory);

d) treasurer (mandatory if the Committee handles funds);

e) assistant secretary/treasurer (optional);

f) bookings officer (optional); and

g) publicity officer (optional).

With the exception of the appointment of Council staff as office bearers in accordance with clause 3.1, all office bearers are to be elected by majority vote at the Committee's AGM. All office bearers, unless otherwise directed by Council,are to hold their position for a twelve (12) month period or until a successor is appointed.

The details of all office bearers must be provided by written notice to Council as soon as practicable after appointment is made. For the avoidance of doubt such particulars will include, but are not limited to, position, name, address, contact number, contact email and the user group represented (if applicable).

In the absence of a chairperson, either due to resignation or where no member is willing or able to perform such a function, the Mayor of the Council is by default the chairperson for the time being. The Mayor may delegate this position to a Councillor, Council staff member or member of the subject Committee until this role is duly appointed.

3.5. Meetings

Meetings are to be conducted to standard guidelines (based on the Code of Meeting Practice), which are detailed in the following section and include:

a) a quorum be present;

b) the appropriate notice is given;

c) business on the agenda is properly conducted; and

d) correspondence and minutes are recorded.

Committee meetings are open to the public and may be held as often as necessary but must, unless otherwise stated in the Committees terms of reference, be held quarterly as a minimum.

The Committee is responsible for determining meeting dates, location and providing notice of such meetings to the local community by way of newsletter, letter-drops, printed advertisement in the local newspaper and/or by electronic means.

To enable Council to advertise Committee meeting details via the Council website, Committees must advise Council of the meeting details at least three (3) weeks prior to the nominated meeting date.

3.6. Quorum

A quorum will consist of a majority of Committee members.

3.7. Agenda

Committee meetings must adhere generally to the meeting procedures as outlined in the Agenda Template.

The agenda is an organised list of headings of the major items, in order, that will be discussed at the meeting. A copy of the agenda is distributed to the Committee members at the commencement of the meeting, or before if possible. Late matters can be added to the agenda at the opening of the meeting as the chairperson calls for discussion on the agenda.

Each item of business to be discussed at the meeting needs to be put on the agenda.

Unfinished business and reports on actions taken since previous meetings are included in the agenda under 'Business arising from previous minutes'.

If items on the agenda are not discussed due to limitations of time, they are carried over to the next meeting agenda.

3.8. Minutes

In accordance with Clause 39 of the *Local Government Meeting Regulation 2005 (NSW),* each Committee must ensure that full and accurate minutes of their meeting is maintained. In particular, the minutes must record the details of each motion moved at a meeting and, if applicable, any amendments moved to it, the full name of the member moving the motion or amendment , the full name of the member seconding the motion or amendment and whether the motion or amendment is passed or lost. Each motion passed by the Committee must have a sequential identifying number and the year, e.g. 1/2021, 2/2021 et cetera.

As soon as practicable after the minutes of meeting are confirmed at a subsequent Committee meeting or by email consensus, the chairperson must sign the previous meetings minutes.

The signed minutes of each meeting must be emailed to Council on or before fourteen (14) calendar days after the chairperson signs same.

Upon receipt by Council of the Committee meeting minutes, Council will review same and the Committee may be contacted if required. Council will not act upon any motion in the minutes without first contacting the Committee to allow the members the opportunity to provide any further information, action or comment.

The minutes of a Committee meeting must be generally in accordance with the Minutes Format Template.

3.9. Annual General Meeting

The AGM date must be set at an ordinary meeting of the Committee and publicly advertised at least fourteen (14) days prior to the AGM being held.

The AGM will report on the activities and achievements of the Committee for the previous twelve (12) month period, develop goals for the next twelve (12) month period, and confirm the details to be included in the annual report to Council. Consequently, the annual financial report must be adopted by the Committee to allow sufficient time to enable inclusion of same in the annual report to Council.

3.10. Annual Report

Council requires every Committee to provide an annual report inclusive of the following details:

a) membership;

b) position;

c) achievements over the past twelve (12) months;

d) goals for the next twelve (12) months;

e) goals for the next five (5) years;

f) goals for the next ten (10) years;

g) longer term goals (if any);

h) all income and expenditure; and

i) submission of a financial statement (required on or before thirty-one (31) July of each year).

4. Role Responsibilities

Committee members are expected to have a certain degree of commitment to their role as a member. An advantage of a Committee is the possibility of a shared workload between the Committee members. The roles responsibilities listed below are not in any way conclusive but rather provided as a general framework for Committees. It is important that each member of a Committee understand their roles minimum responsibilities and what is expected from the community.

4.1. Chairperson

The chairperson's primary responsibilities include, but are not limited to, the following:

Prior to a Committee meeting:

a) preparation of the agenda (note: this responsibility may be conducted in consultation with the secretary or any other member or alternatively the chairperson may delegate this responsibility);

b) management of the Committee's general responsibilities under there herein guidelines including for example that proper notice of a meeting is provided and a quorum is present.

During a Committee meeting:

a) chairing the meeting, opening, welcoming and introducing members and guests (subject to the Mayor deciding, in their sole discretion, that he/she will be attending the meeting and chairing);

b) keeps individuals and the meeting focused on the topics being discussed and encourages members to participate, ensuring adequate opportunity is given to members who wish to speak;

c) ensures correct meeting procedures are followed and control of the meeting is maintained, keeping track of time (or delegates to someone to do this);

d) ensures members are aware of decisions being made and that the minute taker has recorded decisions of the meeting;

e) acts impartially and uses discretionary powers in the best interests of members and in accordance with the agreed standing orders ie. method of conducting meetings, and ensures statutory regulations and organisation's rules are observed; and

f) closes meeting after business at hand has been properly concluded.

The chairperson needs to be aware of certain issues and procedures and the importance of establishing and maintaining a working relationship with Council, particularly regarding Government funding, the Committee budget (if any) and Council and community involvement and requirements.

The chairperson is responsible for assisting members of the Committee and ensuring that they fulfil their respective roles. The chairperson is a 'spokesperson' for the organisation and is the one to communicate with government departments and other relevant bodies as applicable.

The chairperson may vote on a motion considered by the meeting and in the event of a tied vote, the chairperson may exercise a second or casting vote.

4.2. Secretary

The secretary's primary responsibilities include, but are not limited to, the following:

Prior to a Committee meeting:

a) preparation of the agenda (note: this responsibility may be conducted in consultation with the chairperson or any other member or alternatively the chairperson may delegate this responsibility);

b) draw up the agenda, (in consultation with the chairperson); and

c) make copies of the agenda if required.

During a Committee meeting:

a) take minutes;

b) read minutes of previous meeting if necessary;

c) provide a list of correspondence in order and summarises the important points; and

d) record motions and/or decisions of the meeting including, mover and seconder.

After a Committee meeting:

a) type minutes and distribute to Committee members as soon as possible;

b) ensure that accurate minutes are kept;

c) write correspondence as decided (this can be a shared role with another Committee member); and

d) keep a record of action items and how they are progressing to report back to the committee at each meeting. Where possible, action items from a meeting should be distributed fairly amongst committee members.

Outside of Committee meetings:

a) keep a register of both internal and external correspondence, with file copies; and

b) inform other Committee members of correspondence requiring urgent attention.

4.3. Committee Members

Committee members' responsibilities include, but are not limited to, the following:

a) attend Committee meetings, except in circumstances of a reasonable excuse;

b) participate in meetings – this involves:

   i. being on time;
   ii. sticking to the agenda;
   iii. contributing to the discussion where appropriate;
   iv. being objective, listening to others' views; and
   v. volunteering to do some of the necessary tasks required;

c) support the office bearers in carrying out their roles, for example assisting with maintenance arrangements and the coordination of volunteers;

d) assist in organising the AGM;

e) attend and participate in fundraising days that may be held;and

f) ensuring members of the Committee are accountable for their actions in relation to the activities of the Committee.

5. Code of Conduct

5.1. Introduction

The Council has adopted a Code of Conduct that is applicable to elected Councillors, employed staff and Committee members. This Code of Conduct sets out the principles to ensure the business of Council is carried out in an efficient, honest and impartial way.

As Committees are operating on behalf of Council, it is important for Committees to be aware of, and abide by, this Code of Conduct.

Appointed Committee members will be provided a copy of Council's Code of Conduct. Committee members are taken to have read and understood the contents of this Code of Conduct. Members could be personally responsible for a breach of the Code of Conduct. Further, without precluding other forms of action, a failure to comply with the Code of Conduct could result in the members removal from the Committee.

Council's Committees have the responsibility to ensure the following:

(a). access is available to the entire community and is not denied because of ethnicity, gender, disability or religion;

(b). priority of use should be given to non-profit making community groups and organisations; and

(c). that the facility not be aligned with, or advocate or advertise for or on behalf of, a political party or person/s.

5.2. Conflicts of Interest

Pecuniary and Non-Pecuniary Interest may be defined as an interest that a Committee person has in a matter, as a member or employee of a company or other body, because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person, or another person with whom the person is associated. Such other persons include the spouse or de-facto partner or relative of the Committee person. Pecuniary refers to possible financial gain whereas non-pecuniary refers to any other type of interest.

Disclosure of Pecuniary and Non-Pecuniary Interests:

(a). Interest should be declared and noted in the meeting minutes if:

  (i) a Committee member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting; or

  (ii) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,

  (iii) the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at the meeting.

(b). A Committee must ensure that:

  (i) particulars of disclosures made under this clause are recorded in the minutes; and

  (ii) the minutes are available for inspection (ie Committee meeting minutes are placed on Council's website).

(c). After a member of a Committee has disclosed the nature of an interest in a matter, the member must not:

  (i) be present during the deliberation of the Committee with respect to the matter; or

  (ii) take part in the decision of the Committee with respect to that matter.

(d). For the purposes of the making of a determination by a Committee under subclause, a member who has a direct or indirect pecuniary interest in a matter to which the

disclosure relates must not be present during the deliberation for the purpose of making the determination.

6. Financial Matters

Committees are given authority to operate by Council and are subject to the same rules and regulations. These rules are set out in the Local Government Act, Local Government Regulations and Accounting standards and must be adhered to.

Funds raised, received or spent are subject to public scrutiny and accountability including a responsibility to ensure that Committee funds are used in the manner for which they were intended and that a clear and full disclosure of the Committee's financial activities is available.

For those Committees handling funds, a financial report must be submitted to each of the Committee meetings.

The General Manager has the authority to direct Committees to process their financial records through the Council's financial system.

7. Risk Management and Insurance

7.1. Property Insurance

Council facilities are covered for risks such as fire, theft and malicious damage. Committees should be aware of the excess applicable to this policy which is currently $20,000.00.

7.2. Public Liability Cover

The appointed Committee members are covered by the public liability policy of Council (currently $20million).

Members of the Committee should note that they are only covered by third party injuries as a result of negligence which is insured under Council's public liability insurance when acting within the scope of their delegation.

This Policy also covers Council and the Committee against claims made by members of the public for personal injury or injury to personal property arising from a negligent act or omission of Council and/or the Committee.

This insurance does not preclude the Committee from due diligence and Council policies must be adhered to.

This Public Liability Policy for Council and Committees is subject to a claims excess which is currently $12,500.00 per claim.

7.3. Personal Injury

Committee members may be covered when injured whilst undertaking duties relating to their role in the Committee.

7.4. Contractors insurance

Council's insurance does not provide any cover for Contractors. Where members of the Committee have authority to appoint contractors, the types of insurances that should be held by contractors (available to be sighted by Council if required) include Workers Compensation, Public Liability and where a vehicle is being used on Council property, Third Party Motor insurance.

7.5. Casual and Regular Hirers' Insurance Liability

A Casual and Regular Hirers' Policy ($20 million) exists in order to cover persons using Council facilities on a non-permanent and not-for-profit basis.

Eg. Weddings, birthday celebrations or the like are covered under Council's Casual hirer's insurance Policy.

For a Casual or Regular Hirer the claims excess is $1,000.00 for each and every claim, payable by the casual or regular hirer.

A record by the Committee of the history of bookings is essential for a claim to be made.

Note: Fundraising for an individual, a charity or community organisation or group will be covered under Council's Casual Hirer's Policy if the hirer:

(a). is not a sporting group, club, association, corporation or incorporated body;

(b). is not a sole trader or registered business;

(c). is not making a personal financial gain from the activity;

(d). is not undertaking an activity of a commercial nature;

(e). is not a large (eg the halls capacity) evening event where alcohol will be permitted;

(f). provides the Committee a signed statement from the hirer and beneficiary that identifies the hirer and the intended beneficiary will be receiving all proceeds made from the activity; and

(g). the hirer acknowledges that they are responsible for the claims excess, currently being $1,000.00 for each and every claim under the policy arising from the event.

7.6. Other hirers' insurance Liability

Persons or groups, not defined in 7.5 must have and provide the Committee with proof of their Public Liability insurance policy, including policy schedule and product disclosure statement (PDS), in the sum of not less than $20 million if they fit into one of the following:

(a). creates an income or profit from the activity eg. yoga, art, Pilates classes charging a fee for service, workshops by charging door entry, participation fee, prepaid fee;

(b). makes a personal financial gain from the activity;

(c). a sole trader or registered business;

(d). a corporation or incorporated bodies; or

(e). sporting body, club or associations of any kind.

It is the Committee's responsibility to ensure that users of the facility that meet any of the categories in this clause have adequate Public Liability insurance.

If there are situations not identified above where a hirer of the facility does not have its own Public Liability Insurance and there is uncertainty as to whether the hirer meets the "Casual or Regular Hirer" or "Other Hirer Guidelines" the matter must be referred to Council to confirm with its insurer.

7.7. Definitions of Clause 7

Casual Hirer Person or group of persons (not being a sporting body, club, association, corporation or incorporated body), who hires a council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or twelve (12) times per calendar year.

Regular Hirer Person or group of persons (not being a sporting body, club, association, corporation or incorporated body), who hires a Council facility for non-commercial or non-profit making purposes, more frequently than once per calendar month or twelve (12) times per calendar year.

Personal Injury

1. Bodily injury, death, sickness, disease, disability, shock, fright, mental anguish and mental injury;
2. False arrest, false imprisonment, wrongful eviction, wrongful detention, malicious prosecution and humiliation;
3. Assault and battery not committed by or at the direction of the Casual or Regular hirer unless committed for the purpose of preventing or eliminating danger to person or property.

8. Care, Control and Management of a Council Facility

Hiring a facility and making it readily accessible to the community is central to the purpose of most Committees.

8.1. Conditions of Hire

It is essential that hirers sign a Hire Agreement which demonstrates their agreement to abide by the Conditions of Hire set out by the Committee and in accordance with Council policies. It is best practice for a Committee member to ensure each hirer understands their obligations when hiring the facility, explaining the conditions with the hirer if required.

8.2. Inclusion

The Committee is acting on behalf of Council, and it is important to uphold the principles of equity, accessibility and inclusivity. Consideration of disability and inclusion is managed under the Disability Inclusion Act 2014 (NSW), which requires all government departments and certain public authorities, including councils, in NSW to have a Disability Inclusion Action Plan.

For Committees, this means that inclusion needs to be considered in all areas of planning and operation of the relevant hall or facility. Critical areas requiring consideration include access to the hall and facilities (including toilets and kitchen), making written and web materials available to sight and/or hearing-impaired people and supporting access to sporting and recreation opportunities.

8.3. Fees and Charges

The schedule of fees and charges is set by Council, taking into the consideration the recommendations of the Committee and the operating requirements of the facility.

Only Council has the power under the Local Government Act to set fees and charges. Committees are to review their fees annually and make recommendations to Council. The Committee will be contacted by Council each year prior to the adoption of the Budget with regard to the fees applicable for the following financial year. Figures submitted should show the GST (Goods and Services Tax) exclusive amount to which Council will add the ruling rate of GST. Once Council has adopted the fees and charges, a list will be supplied to each Committee.

The Committee is not able to provide subsidies or waive hire fees. Requests concerning fee reduction must be referred to Council.

8.4. Bonds

As a safeguard against possible damage, the Committee may hold a bond for the facility or equipment, or to cover the need for additional cleaning, where appropriate.

Hirers should be advised that this bond amount will be refunded if conditions of hire are satisfactorily met.

Abnormal costs associated with the hire of the facility will be deducted from the bond including the GST proportion. This may include extra removal of garbage, extra cleaning etc.

8.5. Keys and Security

Committees are encouraged to manage keys and access to the facility in an efficient manner. This may include installing a key safe for key pick-ups and drop offs. If a key safe is used, the combination should be changed regularly for security purposes (eg weekly).

A complete change of locks may be required if there are too many outstanding or lost keys distributed throughout the community. The Committee should manage keys with the utmost security in mind. Key deposits or bonds collected may help fund a change of locks from time to time.

8.6. Cleaning

The Committee has the responsibility for the overall cleanliness of the facility under its control. The Committee is responsible for the employment of the cleaner and this should be contracted out to a professional cleaner with the appropriate public liability insurance and an ABN, in accordance with Council's Procurement Policy and Procedure.

8.7. Purchasing of Goods and Services

Under the Local Government Act, Council can assist Committees by purchasing goods to be used in association with a function of the Committee. The benefit this provides to the Committee is that the item would be free of GST and utilise the purchasing power of Council to reduce costs.

Council is required to authorise a Committee to purchase goods and services in accordance with Council's Procurement Policy and Procedure.

9. Council Policies

Code of Conduct

Code of Meeting Practice

WHS Policy

Procurement Policy

Procurement Procedures

10. Templates

Advertisement for Annual General Meeting Template

Committee Membership Nomination Form Template

Agenda Template

Minutes Format Template

Authorised by:	Council
Minute No:	156
Date:	26 October 2021
Review timeframe:	2 Years
Department:	Governance
Document Owner:	Manager Governance

Details History

Version No.	Date changed	Policy type	Modified by	Amendments made

9.3.4. Establishment of Regional Entertainment Centre Development Advisory Committee

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	{authors-names-with-position}
Community Plan Issue:	*4 - Cultural Vitality*
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	4.2.1 - Progress a Regional Entertainment and Conference Centre. 4.2.2.2 - Review design value management options for theatre and community hall.

PURPOSE

The report is submitted for Council's consideration to establish a Regional Entertainment Centre Development Advisory Committee.

OFFICER'S RECOMMENDATION

1. Council approves the establishment of a Regional Entertainment Centre Advisory Development Committee as a Section 355 Committee of Council;
2. The Regional Entertainment Centre Development Advisory Committee will comprise the following membership:
   (i) Councillor _____
   (ii) Councillor _____
   (iii) General Manager
   (iv) Director Property and Place
   (v) Authorised representative of Muswellbrook Amateur Theatrical Society
   (vi) Authorised representative of Upper Hunter Conservatorium of Music
   (vii) Authorised representative of Muswellbrook & Upper Hunter Eisteddfod
   (viii) Authorised representative of Muswellbrook High School
   (ix) At the first meeting of the Muswellbrook Regional Entertainment Centre Development Advisory Committee, the structure and terms of reference of the Committee will be considered and decided upon.

Moved: _____ Seconded: _____

BACKGROUND

In accordance with Section 355 and Section 377 of the Local Government Act 1993, Council is permitted to delegate certain functions to a Committee of the Council. Council uses this delegation to create Committees including members of the community to assist in the management, care and control of Council assets.

A Committee, their delegated functions and membership, must be adopted by Council. Once established, the Committee must adopt and implement the 'Muswellbrook Shire Council Section 355 Committee Guidelines', which were adopted by Council at the 26 October 2021 Ordinary Council Meeting.

CONSULTATION

Mayor Councillor Steve Reynolds

Director Property and Place

REPORT

A Section 355 Committee allows for interested members of the Muswellbrook Shire Community to actively participate in the provision and/or management of Council facilities and services. The aim of a Section 355 Committee is to accurately reflect Council's objectives as informed by the Community Strategic Plan.

Due to their varied functions and objectives, each Section 355 Committee will possess a discrete delegation and terms of reference document outlining in detail the roles and duties of the Committee.

The construction of a Regional Entertainment and Conference Centre will provide a central facility for community gathering and performing arts. The Regional Entertainment Centre is a major redevelopment, and it is considered that the establishment of a Section 355 Committee of Council to provide a forum for facilitating community feedback regarding the planning and implementation of the development will provide valuable assistance to Council in making the best value for money decisions on behalf of the community.

It is envisaged that the following Council staff members will provide liaison to the Committee:

1. Project Manager – Property and Building Services
2. Deputy General Manager

OPTIONS

Council may decide to establish or not establish a Regional Entertainment Centre Development Advisory Committee.

CONCLUSION

Due to the interdependent relationships of potential users of the Regional Entertainment Centre, and in consideration of the invested nature of the user groups and the value they will add to consideration of the development, it is considered to be beneficial to establish a Section 355 Committee of Council for the development of the Regional Entertainment Centre.

SOCIAL IMPLICATIONS

The Regional Entertainment Centre will provide community and performing arts facilities for the benefit of the community.

FINANCIAL IMPLICATIONS

Nil. The cost of operating the Committee will be absorbed through existing budgets.

POLICY IMPLICATIONS

Muswellbrook Shire Council Section 355 Committee Guidelines.

STATUTORY IMPLICATIONS

Local Government Act 1993

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

Submission of the report complies with the following Operational Plan actions:

4.2.1 Progress a Regional Entertainment and Conference Centre;

4.2.1.1 Begin precinct enabling works

4.2.1.2 Review design value management options for theatre and community hall

RISK MANAGEMENT IMPLICATIONS

Establishment of the Committee will reduce the reputational risk associated with not carrying out a thorough and appropriate level of consultation with the community.

WASTE MANAGEMENT IMPLICATIONS

Not applicable.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Community consultation and the provision of information to the community will be provided throughout each phase of the project.

9.3.5. Major Projects: Status Update

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Matthew Lysaught – Director Property & Place
Community Plan Issue:	*5 - Community Infrastructure*
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	1.4.1 - Complete current infrastructure projects and identify future opportunities for the Shire.
	Not applicable

PURPOSE

To provide Council with a monthly Major Projects Status Report.

OFFICER'S RECOMMENDATION

Council notes the report.

Moved: _____ Seconded: _____

BACKGROUND

A monthly tabular report is provided with status updates and information on major projects for areas of community infrastructure.

CONSULTATION

Respective project managers.

REPORT

The monthly Major Projects Status Report attachment is issued separately for the information of Councillors.

The presentation of the tabular report is being reviewed to provide status updates and project goals for respective financial years for Council.

OPTIONS

Council may request further information on respective projects.

CONCLUSION

It is recommended that the information contained in the report be noted.

SOCIAL IMPLICATIONS

To provide infrastructure that is well-planned and appropriate for the needs of our community.

FINANCIAL IMPLICATIONS

Nil known.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

'1.4.1 Complete current infrastructure projects and identify future opportunities for the Shire', *Muswellbrook Shire 2022 – 2023 Operational Plan*

RISK MANAGEMENT IMPLICATIONS

Risk implications are considered and assessed for major projects.

WASTE MANAGEMENT IMPLICATIONS

Project plans consider and have waste management plans.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Subject to the type and scale of the project, Council consults and provides communications.

9.4. Corporate Services

9.4.1. Model Code of Conduct (and Procedures)

Attachments:	1. Model Code of Conduct [**9.4.1.1** - 48 pages] 2. Procedures for the Administration of the Model Code of Conduct [**9.4.1.2** - 35 pages]
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	{authors-names-with-position}
Community Plan Issue:	*6 - Community Leadership*
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.5 - Implement a comprehensive and targeted business improvement program. 6.2.5.2 - Review the policy management framework.

PURPOSE

The purpose of this report is to present *The Model Code of Conduct for Local Councils in NSW* and *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* to Council for notice of intention to adopt after public exhibition.

OFFICER'S RECOMMENDATION

Council provides notice of intention to adopt the *Model Code of Conduct for Local Councils in NSW* and *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* , by placing them on public exhibition via Council's website for a period of 28 days.

Moved: _____ Seconded: _____

BACKGROUND

The *Model Code of Conduct for Local Councils in NSW* (the Code) and the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Procedures) are prescribed under the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

The Code sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them;
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence; and
- act in a way that enhances public confidence in local government.

All councils must adopt a code of conduct that incorporates the provisions of the Code. A council's adopted code of conduct may also include provisions that supplement the Code and that extend its application to persons that are not "council officials" for the purposes of the Code (eg volunteers, contractors and members of wholly advisory committees).

A council's adopted code of conduct has no effect to the extent that it is inconsistent with the Code. However, a council's or joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Code.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct.

Breaches of a council's code of conduct are to be dealt with in accordance with the Procedures. All councils must adopt procedures for the administration of their codes of conduct that incorporate the provisions of the Model Procedures.

CONSULTATION

Manager Governance

Governance Officer

Business Improvement Officer

REPORT

Under section 440(7) of the *Local Government Act 1993*, Council must review their code of conduct within 12 months of a Local Government Election and make such adjustments as they consider appropriate. Councils must adopt a code of conduct that incorporates the provisions of the Model Code of Conduct prescribed by the Regulation.

The Code and Procedures have been reformatted to comply with Council's policy template and are presented for endorsement for public exhibition as the Muswellbrook Shire Council's *Model Code of Conduct* and *Procedures for the Administration of the Model Code of Conduct.*

The *Model Code of Conduct* and the *Procedures for the Administration of the Model Code of Conduct* are attached to this report.

OPTIONS

Council may:

1. Resolve to endorse the Code and the Procedures for Public Exhibition;
2. Resolve to endorse the Code and the Procedures for Public Exhibition with amendments.

It is recommended that option 1 listed above be pursued.

CONCLUSION

It is recommended that the Code and the Procedures be endorsed by Council for public exhibition.

SOCIAL IMPLICATIONS

Nil known

FINANCIAL IMPLICATIONS

Nil known

POLICY IMPLICATIONS

The attached *Model Code of Conduct* and *Model Procedures* require review and adoption by Council to ensure compliance with legislation.

STATUTORY IMPLICATIONS

Under section 440(7) of the *Local Government Act 1993*, councils must review their adopted code of conduct within 12 months of the election and make such adjustments as they consider appropriate and are consistent with the Act.

LEGAL IMPLICATIONS

Nil known

OPERATIONAL PLAN IMPLICATIONS

6.2.5.2 - Review the policy management framework.

RISK MANAGEMENT IMPLICATIONS

Nil known

WASTE MANAGEMENT IMPLICATIONS

Nil known

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil known

Model Code of Conduct

DRAFT

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PART 1 INTRODUCTION

This *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's or joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council's or joint organisation's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council's or joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.

Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code of Conduct, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting the Model Code of Conduct, county councils should adapt it to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council’s audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council’s audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns

environmental planning instrument	has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LGA
LGA	*Local Government Act 1993*
local planning panel	a local planning panel constituted under the *Environmental Planning and Assessment Act 1979*
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* prescribed under the Regulation
the Regulation	the *Local Government (General) Regulation 2005*
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

3.1 You must not conduct yourself in a manner that:

a) is likely to bring the council or other council officials into disrepute
b) is contrary to statutory requirements or the council's administrative requirements or policies
c) is improper or unethical
d) is an abuse of power
e) causes, comprises or involves intimidation or verbal abuse
f) involves the misuse of your position to obtain a private benefit
g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.

3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. *(section 439).*

Fairness and equity

3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:

a) is not wanted by the person
b) offends, humiliates or intimidates the person, and
c) creates a hostile environment.

Bullying

3.8 You must not engage in bullying behaviour towards others.

3.9 For the purposes of this code, “bullying behaviour” is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
- b) the behaviour creates a risk to health and safety.

3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
- b) belittling or humiliating comments
- c) spreading malicious rumours
- d) teasing, practical jokes or ‘initiation ceremonies’
- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
- b) disciplinary action for misconduct
- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d) directing a worker to perform duties in keeping with their job
- e) maintaining reasonable workplace goals and standards
- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative processes.

Work health and safety

3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011 (*WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
- b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations

f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.

3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.

3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.

3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.

3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).

3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:

a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
c) deliberately seek to impede the consideration of business at a meeting.

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.

4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.

4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:

(a) your interest, or
(b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
(c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.

4.4 For the purposes of clause 4.3:

(a) Your "relative" is any of the following:
  i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
  ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
  iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
(b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):

(a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
(b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
(c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

4.6 You do not have to disclose the following interests for the purposes of this Part:

(a) your interest as an elector
(b) your interest as a ratepayer or person liable to pay a charge
(c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is

offered to the public generally, or to a section of the public that includes persons who are not subject to this code

(d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code

(e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)

(f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee

(g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company

(h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership

(i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
    i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
    ii) security for damage to footpaths or roads
    iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract

(j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)

(k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,

(l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor

(m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person

(n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
(o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:
(a) the general manager
(b) other senior staff of the council for the purposes of section 332 of the LGA
(c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
(d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

4.9 A designated person:
(a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
(b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.

4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council staff other than designated persons?

4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.

4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.

4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.

4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

4.20 A councillor:

(a) must prepare and submit written returns of interests in accordance with clause 4.21, and
(b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

Disclosure of interests in written returns

4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:

(a) becoming a councillor or designated person, and
(b) 30 June of each year, and
(c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
(a) they made and lodged a return under that clause in the preceding 3 months, or
(b) they have ceased to be a councillor or designated person in the preceding 3 months.

4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.

4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.

4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.

4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
(a) at any time during which the matter is being considered or discussed by the council or committee, or
(b) at any time during which the council or committee is voting on any question in relation to the matter.

4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.

4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council

committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:

(a) a member of, or in the employment of, a specified company or other body, or

(b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.

4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.

4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:

(a) the matter is a proposal relating to:

(i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or

(ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and

(b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and

(c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.

4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:

(a) be in the form set out in schedule 3 of this code and contain the information required by that form, and

(b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

(a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or

(b) that it is in the interests of the electors for the area to do so.

4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.

5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.

5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.

5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.

5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.

5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.

5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:

a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly

close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household

b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken

to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.

5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:

a) made by a major political donor in the previous four years, and
b) the major political donor has a matter before council,

you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.

5.17 For the purposes of this Part:

a) a “reportable political donation” has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
b) “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018.*

5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary

conflict of interest in the matter is permitted to participate in consideration of the matter if:

a) the matter is a proposal relating to:
    i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
b) that it is in the interests of the electors for the area to do so.

5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.

5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.

5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.

5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.

5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:

a) conflict with their official duties
b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
c) require them to work while on council duty
d) discredit or disadvantage the council
e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

PART 6 PERSONAL BENEFIT

6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.

6.2 A reference to a gift or benefit in this Part does not include:

a) items with a value of $10 or less
b) a political donation for the purposes of the *Electoral Funding Act 2018*
c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
d) a benefit or facility provided by the council to an employee or councillor
e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
f) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
    i) the discussion of official business
    ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
    iii) conferences
    iv) council functions or events
    v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.

6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

6.5 You must not:

a) seek or accept a bribe or other improper inducement
b) seek gifts or benefits of any kind
c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9

e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
g) personally benefit from reward points programs when purchasing on behalf of the council.

6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
a) the nature of the gift or benefit
b) the estimated monetary value of the gift or benefit
c) the name of the person who provided the gift or benefit, and
d) the date on which the gift or benefit was received.

6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of $100. They include, but are not limited to:
a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed $100
b) gifts of alcohol that do not exceed a value of $100
c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
d) prizes or awards that do not exceed $100 in value.

Gifts and benefits of more than token value

6.9 Gifts or benefits that exceed $100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds $100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person

associated with that person or organisation, during the same 12-month period would exceed $100 in value.

6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

"Cash-like gifts"

6.13 For the purposes of clause 6.5(e), "cash-like gifts" include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.

6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.

7.2 Councillors or administrators must not:

a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.

7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

7.5 Members of staff of council must:

a) give their attention to the business of the council while on duty
b) ensure that their work is carried out ethically, efficiently, economically and effectively
c) carry out reasonable and lawful directions given by any person having authority to give such directions
d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them

e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Inappropriate interactions

7.6 You must not engage in any of the following inappropriate interactions:

a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
f) councillors and administrators being overbearing or threatening to council staff
g) council staff being overbearing or threatening to councillors or administrators
h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).

8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.

8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.

8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.

8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.

8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information

8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

8.9 In regard to information obtained in your capacity as a council official, you must:

a) subject to clause 8.14, only access council information needed for council business
b) not use that council information for private purposes
c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

8.11 In addition to your general obligations relating to the use of council information, you must:

a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
b) protect confidential information
c) only release confidential information if you have authority to do so
d) only use confidential information for the purpose for which it is intended to be used
e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

8.12 When dealing with personal information you must comply with:

a) the *Privacy and Personal Information Protection Act 1998*
b) the *Health Records and Information Privacy Act 2002*
c) the Information Protection Principles and Health Privacy Principles
d) the council's privacy management plan
e) the Privacy Code of Practice for Local Government

Use of council resources

8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:

a) the representation of members with respect to disciplinary matters
b) the representation of employees with respect to grievances and disputes
c) functions associated with the role of the local consultative committee.

8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.

8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:

a) for the purpose of assisting your election campaign or the election campaign of others, or
b) for other non-official purposes.

8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet access

8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

Council record keeping

8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.

8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.

8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of

whether the original intention was to create the information for personal purposes.

8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.

8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.

8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.

9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

a) to bully, intimidate or harass another council official
b) to damage another council official's reputation
c) to obtain a political advantage
d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
f) to avoid disciplinary action under the Procedures
g) to take reprisal action against a person for making a complaint alleging a breach of this code
h) to take reprisal action against a person for exercising a function prescribed under the Procedures
i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.

9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.

9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:

a) injury, damage or loss
b) intimidation or harassment
c) discrimination, disadvantage or adverse treatment in relation to employment
d) dismissal from, or prejudice in, employment
e) disciplinary proceedings.

Compliance with requirements under the Procedures

9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.

9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral

submission invited under the Procedures will not constitute a breach of this clause.

9.8 You must comply with a practice ruling made by the Office under the Procedures.

Disclosure of information about the consideration of a matter under the Procedures

9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.

9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.

9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

9.14 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.

9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

a) the allotment of shares in a company
b) the creation of a trust in respect of property
c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
e) the exercise by a person of a general power of appointment over property in favour of another person
f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or

b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

a) a person's spouse or de facto partner
b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
d) the spouse or de factor partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.

3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.

4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods

or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.21 of this code must disclose:
   a) the street address of each parcel of real property in which they had an interest on the return date, and
   b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
   c) the nature of the interest.

6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
   a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
   b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.

7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.

8. For the purposes of clause 5 of this schedule, “interest” includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
   a) a description of each gift received in the period since 30 June of the previous financial year, and
   b) the name and address of the donor of each of the gifts.

10. A gift need not be included in a return if:
   a) it did not exceed $500, unless it was among gifts totalling more than $500 made by the same person during a period of 12 months or less, or
   b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
   c) the donor was a relative of the donee, or
   d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.

11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
   a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
   b) the dates on which the travel was undertaken, and

c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

13. A financial or other contribution to any travel need not be disclosed under this clause if it:
    a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
    b) was made by a relative of the traveller, or
    c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
    d) did not exceed $250, unless it was among gifts totalling more than $250 made by the same person during a 12-month period or less, or
    e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
    f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
    g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.

14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
    a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
    b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
    c) the nature of the interest, or the position held, in each of the corporations, and
    d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.

16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
    a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
    b) required to apply its profits or other income in promoting its objects, and
    c) prohibited from paying any dividend to its members.

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.

18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

    close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

    property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
    a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
    b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
    c) a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
    a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
    b) each source of income received by the person in the period since 30 June of the previous financial year.

27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
    a) in relation to income from an occupation of the person:
        (i) a description of the occupation, and
        (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
        (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
    b) in relation to income from a trust, the name and address of the settlor and the trustee, or
    c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed $500, or is not reasonably expected to exceed $500, as the case may be.

29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.

30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
    a) on the return date, and
    b) at any time in the period since 30 June of the previous financial year.

32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.

33. A liability to pay a debt need not be disclosed by a person in a return if:
    a) the amount to be paid did not exceed $500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:

(i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
(ii) the amounts to be paid exceeded, in the aggregate, $500, or

b) the person was liable to pay the debt to a relative, or
c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
d) in the case of a debt arising from the supply of goods or services:
   (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
   (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21

'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.

3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.

4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.

5. This form must be completed using block letters or typed.

6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by [*full name of councillor or designated person*]

as at [*return date*]

in respect of the period from [*date*] to [*date*]

[*councillor's or designated person's signature*]
[*date*]

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest

B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June
Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June
Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June
Sources of other income I received at any time since 30 June
[*Include description sufficient to identify the person from whom, or the circumstances in which, that income was received*]

C. Gifts	
Description of each gift I received at any time since 30 June	Name and address of donor

D. Contributions to travel		
Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken

E. Interests and positions in corporations			
Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations	
Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position

H. Debts
Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37

1. This form must be completed using block letters or typed.

2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by [*full name of councillor*]

in the matter of [*insert name of environmental planning instrument*]

which is to be considered at a meeting of the [*name of council or council committee (as the case requires)*]

to be held on the day of 20 .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor [*Tick or cross one box.*]	□ The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). □ An associated person of the councillor has an interest in the land. □ An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest[1]	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land)[2] [Tick or cross one box]	□ The identified land. □ Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [*Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land*]	

[1] Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

[2] A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

Proposed change of zone/planning control [*Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land*]	
Effect of proposed change of zone/planning control on councillor or associated person [*Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"*]	

[*If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.*]

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

Authorisation Details

Authorised by:	
Minute No:	
Date:	
Review timeframe:	Within the first 12 months of the term of each new Council
Department:	Governance
Document Owner:	Manager Governance

Details History

Version No.	Date changed	Policy type	Modified by	Amendments made
1	11/10/22	External	Business Improvement Officer	Reformatted to comply with Council's policy template

Procedures for the Administration of the Model Code of Conduct

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PART 1 INTRODUCTION

These procedures ("the Model Code Procedures") are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct").

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* ("the LGA") and the *Local Government (General) Regulation 2005* ("the Regulation"). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: References in these procedures to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code Procedures, joint organisations should adapt them to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting the Model Code Procedures, county councils should adapt them to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.

PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA

code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser

delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 400O of the LGA
LGA	the *Local Government Act 1993*
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the *Local Government (General) Regulation 2005*
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

3.1 The council must establish a panel of conduct reviewers.

3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.

3.3 The panel of conduct reviewers is to be established following a public expression of interest process.

3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.

3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:

a) an understanding of local government, and
b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
c) knowledge and experience of one or more of the following:
    i) investigations
    ii) law
    iii) public administration
    iv) public sector ethics
    v) alternative dispute resolution, and
d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.

3.6 A person is not eligible to be a conduct reviewer if they are:

a) a councillor, or
b) a nominee for election as a councillor, or
c) an administrator, or
d) an employee of a council, or
e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
g) a person who has a conviction for an indictable offence that is not an expired conviction.

3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.

3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.

3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.

3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.

3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.

3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.

3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.

3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.

3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.

3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another

council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.

3.19 The general manager must not undertake the role of complaints coordinator.

3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.

3.21 The role of the complaints coordinator is to:

a) coordinate the management of complaints made under the council's code of conduct
b) liaise with and provide administrative support to a conduct reviewer
c) liaise with the Office, and
d) arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a code of conduct complaint?

4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.

4.2 The following are not "code of conduct complaints" for the purposes of these procedures:

a) complaints about the standard or level of service provided by the council or a council official
b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
c) complaints about the policies or procedures of the council
d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.

4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of

conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.

4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint about the general manager, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the general manager be made?

4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.

4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.

4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.

4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.

4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.

4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.

4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?

Delegation by general managers and mayors of their functions under this Part

5.1 A general manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the general manager or mayor are also to be taken to be references to their delegates.

Consideration of complaints by general managers and mayors

5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:

a) is not a code of conduct complaint, or
b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
c) is trivial, frivolous, vexatious or not made in good faith, or
d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or

e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

How are code of conduct complaints about staff (other than the general manager) to be dealt with?

5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.

5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.

5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.

5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.

5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.

5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.

5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.

5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:

a) censure
b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
c) prosecution for any breach of the law
d) removing or restricting the person's delegation
e) removing the person from membership of the relevant council committee.

5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:

a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and

b) the person must be given an opportunity to respond to the allegation, and
c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are code of conduct complaints about administrators to be dealt with?

5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.

5.19 The general manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:
a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.

5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.

5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the

offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
- b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
- c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.

5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.

5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to

be taken as a determination that there has been a breach of the council's code of conduct.

5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the general manager and the mayor to be dealt with?

5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:

a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.

5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.

5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
a) the complainant consents in writing to the disclosure, or
b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
e) it is otherwise in the public interest to do so.

5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.

5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.

5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.

5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.

5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:

a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
b) impeded or disrupted the effective administration by the council of its code of conduct, or
c) impeded or disrupted the effective functioning of the council.

5.50 A special complaints management arrangement must be in writing and must specify the following:

a) the code of conduct complaints the arrangement relates to, and
b) the period that the arrangement will be in force.

5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.

5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.

5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.

5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

PART 5 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT REVIEWERS

Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

5.56 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.

5.57 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:

a) a panel of conduct reviewers established by the council, or
b) a panel of conduct reviewers established by an organisation approved by the Office.

5.58 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.

5.59 A conduct reviewer must not accept the referral of a code of conduct complaint where:

a) they have a conflict of interest in relation to the matter referred to them, or
b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds $100,000, or
d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.

5.60 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).

5.61 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.

5.62 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.

5.63 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.

5.64 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.

5.65 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:

a) comply with these procedures in their consideration of the matter, or
b) comply with a lawful and reasonable request by the complaints coordinator, or
c) exercise their functions in a timely or satisfactory manner.

5.66 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

<u>Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer</u>

5.67 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.

5.68 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
   a) to take no action
   b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
   c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
   d) to refer the matter to an external agency
   e) to investigate the matter.

5.69 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.

5.70 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.

5.71 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.

5.72 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.

5.73 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.

5.74 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.

5.75 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.

5.76 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

5.77 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:

a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and
c) that the matter is one that could not or should not be resolved by alternative means.

5.78 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:

a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.

5.79 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.

5.80 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the general manager or mayor for resolution

5.81 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.

5.82 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).

5.83 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.

5.84 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.

5.85 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

5.86 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:

a) whether the complaint is a code of conduct complaint for the purpose of these procedures
b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
i) any previous proven breaches of the council's code of conduct
j) whether the conduct complained of forms part of an ongoing pattern of behaviour
k) whether there were mitigating circumstances giving rise to the conduct complained of
l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
m) the significance of the conduct or the impact of the conduct for the council

n) how much time has passed since the alleged conduct occurred
o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

PART 6 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER

What matters may a conduct reviewer investigate?

6.1 A conduct reviewer (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.

6.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.

6.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

6.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
a) disclose the substance of the allegations against the respondent, and
b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
c) advise of the process to be followed in investigating the matter, and
d) advise the respondent of the requirement to maintain confidentiality, and
e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.

6.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.

6.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.

6.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.

6.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:

a) advise them of the matter the investigator is investigating, and
b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

Written and oral submissions

6.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.

6.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.

6.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.

6.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.

6.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.

6.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

6.15 Investigations are to be undertaken without undue delay.

6.16 Investigations are to be undertaken in the absence of the public and in confidence.

6.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.

6.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.

6.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

6.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:

a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
c) refer the matter to an external agency.

6.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.

6.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.

6.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.

6.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.

6.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

6.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.

6.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.

6.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.

6.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.

6.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

6.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.

6.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

6.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.

6.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

6.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
- b) make a determination that the conduct investigated either,
  - i. constitutes a breach of the code of conduct, or
  - ii. does not constitute a breach of the code of conduct, and
- c) provide reasons for the determination.

6.36 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
- c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
- d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
- e) a description of any attempts made to resolve the matter by use of alternative means
- f) the steps taken to investigate the matter
- g) the facts of the matter
- h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- i) the investigator's determination and the reasons for that determination
- j) any recommendations.

6.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
- b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or

c) in the case of a breach by a councillor, that the council resolves as follows:
    i. that the councillor be formally censured for the breach under section 440G of the LGA, and
    ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

6.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

6.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.

6.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:
a) that the council revise any of its policies, practices or procedures
b) that a person or persons undertake any training or other education.

6.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.

6.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
b) the investigator's determination and the reasons for that determination
c) any recommendations, and
d) such other additional information that the investigator considers may be relevant.

6.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.

6.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting

for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

6.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

Consideration of the final investigation report by council

6.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.

6.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.

6.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.

6.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.

6.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.

6.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.

6.52 Prior to imposing a sanction, the council may by resolution:
a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
b) seek an opinion from the Office in relation to the report.

6.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.

6.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.

6.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.

6.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.

6.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.

6.58 A council may by resolution impose one of the following sanctions on a respondent:

a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
c) in the case of a breach by a councillor:
    i. that the councillor be formally censured for the breach under section 440G of the LGA, and
    ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

6.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.

6.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.

6.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

PART 7 OVERSIGHT AND RIGHTS OF REVIEW

The Office's powers of review

7.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.

7.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.

7.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

7.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.

7.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.

7.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

7.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).

7.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.

7.9 Where the Office makes a practice ruling, all parties must comply with it.

7.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

7.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.

7.12 A review under clause 8.11 may be sought on the following grounds:
a) that the investigator has failed to comply with a requirement under these procedures, or
b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.

7.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.

7.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.

7.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.

7.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.

7.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.

7.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.

7.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and

b) the council must:
   i. review its decision to impose the sanction, and
   ii. consider the Office's recommendation in doing so, and
   iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

7.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 8 PROCEDURAL IRREGULARITIES

8.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.

8.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
   a) the non-compliance is isolated and/or minor in nature, or
   b) reasonable steps are taken to correct the non-compliance, or
   c) reasonable steps are taken to address the consequences of the non-compliance.

PART 9 PRACTICE DIRECTIONS

9.1 The Office may at any time issue a practice direction in relation to the application of these procedures.

9.2 The Office will issue practice directions in writing, by circular to all councils.

9.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

PART 10 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL MANAGER

10.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
   a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
   b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period

c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.

10.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

PART 11 CONFIDENTIALITY

11.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

11.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.

11.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the general manager or their delegate, and consider any submission made by them.

11.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.

11.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
a) the complainant
b) the complaints coordinator
c) the Office, and

d) any other person the general manager or their delegate considers should be notified of the determination.

11.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.

11.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

Authorisation Details

Authorised by:	
Minute No:	
Date:	
Review timeframe:	Within the first 12 months of the term of each new Council
Department:	Governance
Document Owner:	Manager Governance

Details History

Version No.	Date changed	Modified by	Amendments made
1	11/10/22	Business Improvement Officer	Reformatted to comply with Council's procedure template

-9.4.2. Councillor and Staff Interaction Policy

Attachments:	1. Draft Model Councillor and Staff Interaction Policy Track changes [**9.4.2.1** - 16 pages] 2. OLG Model Councillor and Staff Interaction Policy [**9.4.2.2** - 16 pages]
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Chloe Wuiske – Business Improvement Officer
Community Plan Issue:	*6 - Community Leadership*
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.5 - Implement a comprehensive and targeted business improvement program.

PURPOSE

To present the DRAFT *Councillor and Staff Interaction Policy 2022* to Council for notice of intention to adopt following public exhibition.

OFFICER'S RECOMMENDATION

Council provides notice of intention to adopt the DRAFT *Councillor and Staff Interaction Policy 2022*, by placing it on public exhibition via Council's website for a period of 28 days.

Moved: _____Seconded: _____

BACKGROUND

The Office of Local Government (OLG) has issued the finalised *Model Councillor and Staff Interaction Policy* (the Model Policy) following two rounds of consultation with the local government sector.

The Model Policy is informed by advice provided by key NSW Government agencies, including:

- the Independent Commission Against Corruption;
- the Information and Privacy Commission;
- the State Archives and Records Authority; and
- Resilience NSW.

The Model Policy (Attachment 2) reinforces the statutory role of Councillors as setting the strategic direction, as opposed to the role of the Administration to advise Council and implement Council's decisions under the leadership of the General Manager.

While acknowledging that Councillors are entitled to request information about a range of issues to support their role, the Model Policy recognises that Council's resources are finite, and that Councillors should be mindful of the impact of their requests upon Council's resources.

The Model Policy has three main goals:

1. to establish a framework by which Councillors can access the information they need to perform their civic functions;
2. to promote positive and respectful interactions between Councillors and staff; and
3. to advise where concerns can be directed if there is a breakdown in the relationship between Councillors and staff.

The Model Policy is not mandatory, and Council is free to choose whether to use it or to adapt it for Council's purposes.

CONSULTATION

Acting General Manager

Manex

Governance

REPORT

The Office of Local Government's finalised *Model Councillor and Staff Interaction Policy* has been reformatted to comply with Council's policy template and is presented for endorsement for public exhibition as the Muswellbrook Shire Council DRAFT *Councillor and Staff Interaction Policy 2022 (*the Policy*)* (Attachment 1)

Council Officers, with the advice of the Acting General Manager, have amended the Model Policy to suit Muswellbrook Shire Council and the amendments can be seen in coloured text in Attachment 1.

Council has an existing outdated policy on Councillor and Staff Interaction. However, the Model Policy provided by the Office of Local Government is the best practice guide, and is therefore presented for Council's consideration.

OPTIONS

Council may:

1. Resolve to provide public notice of its intention to adopt the Policy and place the draft Policy on public exhibition for a period of 28 days.
2. Resolve not to place the draft Policy on public exhibition and request that further amendments be carried out to the draft Policy prior to further consideration.
3. Resolve not to place the draft Policy on public exhibition and retain the existing policy.

It is recommended that option 1 listed above be pursued.

CONCLUSION

It is recommended that the DRAFT *Councillor and Staff Interaction Policy* be placed on public exhibition for 28 days.

SOCIAL IMPLICATIONS

Nil known

FINANCIAL IMPLICATIONS

Nil known

POLICY IMPLICATIONS

The Model Policy is not mandatory, and Council is free to choose whether to use it or to adapt it for Council's purposes.

STATUTORY IMPLICATIONS

Nil known

LEGAL IMPLICATIONS

Nil known

OPERATIONAL PLAN IMPLICATIONS

6.2.5.2 - Review the policy management framework.

RISK MANAGEMENT IMPLICATIONS

Clause 3.1(b) of the *Model Code of Conduct* provides that council officials must not conduct themselves in a manner that is contrary to a council's policies. If adopted by Council, a breach of the *Councillor and Staff Interaction Policy* may also constitute a breach of Council's Code of Conduct.

WASTE MANAGEMENT IMPLICATIONS

Nil known

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil known

Draft Model Councillor and Staff Interaction Policy 2022

MSC26E

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Preface

Positive working relationships between councillors and staff: a council's key asset

Positive, professional working relationships between ~~c~~Councillors and staff are a key element of any ~~c~~Council's success. If relationships between ~~c~~Councillors and staff are functioning effectively, the council is more likely to perform effectively and have an enhanced reputation in the community. If these relationships break down, it can lead to dysfunction, create a potential corruption risk[1], and ultimately the council's performance and reputation will suffer.

A good relationship between ~~c~~Councillors and staff is fundamentally based~~, in large part,~~ on ~~both having a~~ mutual understanding and respect for each other's roles and responsibilities. These are defined in the *Local Government Act 1993 (the LGA) and the Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

In broad terms, a ~~c~~Councillor's role is a strategic one. As members of the governing body, ~~c~~Councillors are responsible not only for representing the community, but also for setting the strategic direction of the ~~c~~Council and keeping its performance under review. A comprehensive outline of the role of a ~~c~~Councillor is provided in Part 4 of this Policy.

The role of ~~c~~Council staff, under the leadership of the ~~g~~General ~~m~~Manager, is to carry out the day-to-day operations of the ~~council~~ Council and to implement the decisions, plans, programs and policies adopted by Council~~the governing body~~.

Access to information: the key to the relationship

Councillors need access to information about the ~~c~~Council's strategic position and performance to perform their civic functions effectively. The ~~g~~General ~~m~~Manager and staff are responsible for providing ~~c~~Councillors with independent, balanced and accurate~~this~~ information to facilitate the decision-making process.

Given ~~c~~Councillors' role in setting the ~~c~~Council's strategic direction and keeping its performance under review, ~~c~~Councillors are entitled to request information about a range of issues.

However, in requesting information, ~~c~~Councillors should not be seeking to interrogate the operational details~~minutiae~~ of the ~~c~~Council's operations or to direct or influence staff in the performance of their duties. Councillors should also recognise that a ~~c~~Council's resources are finite, and they need to be mindful of the impact of their requests on Council's funded priorities.

Above all, interactions between C~~c~~ouncillors and staff must~~should~~ be positive, respectful and professional.

[1] As highlighted by the NSW Independent Commission Against Corruption's Operation Dasha https://www.icac.nsw.gov.au

Official capacity versus private capacity

It is ~~also~~ inevitable that ~~c~~Councillors and ~~c~~Council staff will occasionally engage with each other~~their council~~ in their private capacity. This can be ~~for something~~in a situation as simple as borrowing a book from a ~~c~~Council library or coming across each other in a supermarket~~,~~ to more complex matters, such as submitting a development application.

In these circumstances, it is important~~vital~~ that ~~c~~Councillors and ~~c~~Council staff do not seek to use, or appear to use, their position within ~~c~~Council to obtain a private benefit or to influence staff in the carrying out of their duties. To do so could be seen as an attempt to exert pressure on ~~c~~Councillors and/or ~~c~~Council staff with a view to obtaining preferential treatment. Such conduct has the potential to undermine both the integrity of ~~a c~~Council's decision-making processes, as well as the community's confidence in ~~c~~Council, and so must be avoided.

~~**The development and intent of this policy**~~

~~This Model Councillor and Staff Interaction Policy has been developed by the Office of Local Government (OLG) in consultation with councils. It is applicable to councils, county councils and joint organisations.~~

~~It provides an exemplar approach, incorporating examples of best practice from a diverse range of NSW councils. At its core, the policy has three main goals:~~

- ~~to establish a framework by which councillors can access the information they need to perform their civic functions,~~
- ~~to promote positive and respectful interactions between councillors and staff, and~~
- ~~to advise where concerns can be directed if there is a breakdown in the relationship between councillors and staff.~~

~~The Model Councillor and Staff Interaction Policy is structured as follows:~~

~~**Part 1**~~	~~Introduction~~
~~**Part 2**~~	~~Sets out the scope of the policy~~
~~**Part 3**~~	~~Describes the policy's objectives~~
~~**Part 4**~~	~~Sets out the respective roles and responsibilities of councillors and staff and the principles that should guide their interactions~~
~~**Part 5**~~	~~Sets out the administrative framework for a councillor requests system~~
~~**Part 6**~~	~~Identifies which staff councillors can contact directly~~
~~**Part 7**~~	~~Addresses councillors' entitlement to access council buildings~~

Part 8	Describes appropriate and inappropriate interactions between councillors and staff
Part 9	Provides advice about who complaints can be made to
Schedule 1	Contains a template for a list of staff councillors can contact directly under Part 6 of the policy

Adoption

While not mandatory, the Model Councillor and Staff Interaction Policy reflects best practice and all councils, county councils and joint organisations are encouraged to adopt it. In doing so, they are free to adapt the policy to suit their local circumstances and operating environments or to supplement it with their own provisions.

Provisions which can be adjusted are marked in red.

Note: In adopting the policy, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting the policy, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Enforcement

Clause 3.1(b) of the *Model Code of Conduct* provides that council officials must not conduct themselves in a manner that is contrary to a council's Council's policies. If adopted by a cCouncil, a breach of the policy may also constitute a breach of cCouncil's code of conduct.

Concerns or complaints about the administration of a council's Council's cCouncillor request system should be raised with the gGeneral mManager (or the Mmayor in the case of a complaint about the gGeneral mManager). If the matter cannot be resolved locally, Ccouncillors may raise their concerns with the NSW Office of Local Government.

Acknowledgements

OLG wishes to thank Local Government NSW, the NSW Independent Commission Against Corruption, Local Government Professionals, United Services Union, and the councils involved for their invaluable assistance in developing the Model Councillor and Staff Interaction Policy.

Model Councillor and Staff Interaction Policy

Part 1 – Introduction

1.1 *The Councillor and Staff Interaction Policy* (the Policy) provides a framework for ~~c~~Councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.

1.2 The Policy complements and should be read in conjunction with *Muswellbrook Shire Council's Code of Conduct* (the Code of Conduct).

1.3 The aim of the Policy is to facilitate a positive working relationship between ~~c~~Councillors, as the community's elected representatives, and staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between ~~c~~Councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.

1.4 It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

Part 2 – Application

2.1 This Policy applies to all ~~c~~Councillors and ~~c~~Council staff.

2.2 This Policy applies to all interactions between ~~c~~Councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.

2.3 This Policy applies whenever interactions between ~~c~~Councillors and staff occur, including inside or outside of work hours, and at both ~~c~~Council and non-~~c~~Council venues and events.

2.4 This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the General Manager.

2.5 The *Code of Conduct* provides that ~~c~~Council officials must not conduct themselves in a manner that is contrary to the Council's policies. A breach of this Policy will be a breach of the *Code of Conduct*.

Part 3 – Policy objectives

3.1 The objectives of the Policy are to:

a) ~~establish~~maintain positive, effective and professional working relationships between ~~c~~Councillors and staff defined by mutual respect and courtesy;

b) enable ~~c~~Councillors and staff to work together appropriately and effectively to support each other in their respective roles;

c) ensure that ~~c~~Councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties;

d) ensure ~~c~~Councillors have adequate access to information to exercise their statutory roles;

e) provide direction ~~on~~, and guide ~~c~~Councillor interactions with~~,~~ staff for both obtaining information and in general situations;

f) maintain transparent decision making and good governance arrangements;

g) ensure the reputation of Council is enhanced by ~~c~~Councillors and staff interacting consistently, professionally and positively in their day-to-day duties; and

h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the *Code of Conduct*.

Part 4 – Principles, roles and responsibilities

4.1 Several factors contribute to a good relationship between ~~c~~Councillors and staff. These include goodwill, understanding of roles, effective communication, protocols, and a sound~~good~~ understanding of legislative requirements.

4.2 The Council's governing body and its administration (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the General Manager, who in turn, is accountable to the Council's governing body.

4.3 Section 232 of the *Local Government Act 1993* (the LGA) states that the role of a ~~c~~Councillor is as follows:

a) to be an active and contributing member of the governing body;

b) to make considered and well-informed decisions as a member of the governing body;

c) to participate in the development of the integrated planning and reporting framework;

d) to represent the collective interests of residents, ratepayers and the local community;

e) to facilitate communication between the local community and the governing body;

f) to uphold and represent accurately the policies and decisions of the governing body; and

g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a ~~c~~Councillor.

4.4 The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.

4.5 It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.

4.6 Council commits to the following principles to guide interactions between ~~c~~Councillors and staff:

Principle	**Achieved by**
Equitable and consistent	Ensuring appropriate, consistent and equitable access to information for all ~~c~~Councillors within established service levels
Considerate and respectful	Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions
Ethical, open and transparent	Ensuring that interactions between ~~c~~Councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct
Fit for purpose	Ensuring that the provision of equipment and information to ~~c~~Councillors is done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of 12 people.
Accountable and measurable	Providing support to ~~c~~Councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data

4.7 Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the Local Government Act. Councillors understand~~need to accept~~ that:

a) responses to requests for information from ~~c~~Councillors may take time and consultation to prepare and be approved prior to responding;

b) staff are not individually accountable to Councillors; ~~them individually~~

c) Councillors~~they~~ must not direct staff except by giving appropriate direction to the General Manager by way of a ~~c~~Council or C~~c~~ommittee resolution, or by the ~~m~~Mayor exercising their functions under section 226 of the LGA;

d) Councillors~~they~~ must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions;

e) Councillors~~they~~ must not contact a member of staff on C~~c~~ouncil-related business unless in accordance with this Policy;

f) Councillors~~they~~ must not use their position to attempt to receive favourable treatment for themselves or others.

4.8 The General Manager is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay.
Council staff ~~need to~~ understand:

a) they are not accountable to individual ~~c~~Councillors and do not take direction from Councillors~~them~~. Staff~~They~~ are accountable to the General Manager, who is in turn accountable to the Council's governing body;

b) ~~they~~ Staff should not provide advice to ~~c~~Councillors unless it has been approved by the General Manager or a staff member with a delegation to approve advice to ~~c~~Councillors;

c) ~~they~~ Staff must carry out reasonable and lawful directions given by any person having the authority to give such directions, in an efficient and effective manner;

d) ~~they~~ Staff must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties; and

e) ~~they~~ Staff must provide full and timely information to ~~c~~Councillors sufficient to enable Councillors~~them~~ to effectively exercise their civic functions in accordance with this Policy.

Part 5 – ~~The~~ ~~c~~Councillor requests ~~system~~

5.1 Councillors have a right to request information provided it is relevant to ~~c~~Councillor's exercise of their civic functions. This right does not extend to matters about which a ~~c~~Councillor is merely curious.

5.2 Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest, unless the information is otherwise publicly available.

~~5.3 The General Manager may identify Council support staff (the Councillor Support Officer) under this Policy for the management of requests from Ccouncillors.~~

5.3 Councillor requests will be managed through Council's Customer Request Management System (CRM) and are to be submitted in writing by email to: council@muswellbrook.nsw.gov.au with Attention: General Manager and copy in the General Manager's email address.

5.4 Councillors can use the ~~councillor~~ customer request~~s~~ management system to:

a) request information or ask questions that relate to the strategic position, performance or operation of the Council;

b) bring concerns that have been raised by members of the public to the attention of staff;

c) request Information and Communications Technology or other support from the Council administration; and

d) request that a staff member be present at a meeting (other than a meeting of the ~~c~~Council) for the purpose of providing advice to the meeting.

5.5 Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a ~~c~~Councillor's request lacks specificity, the General Manager or staff member authorised to manage the matter ~~is entitled to~~may ask the ~~c~~Councillor to clarify their request and the reason(s) why they are seeking the information.

5.6 Staff must make every reasonable effort to assist ~~c~~Councillors with their requests and do so in a respectful and timely manner.

5.7 The General Manager or the staff member authorised to manage a ~~c~~Councillor request will provide a response as soon as is reasonably practicable within a timeframe of five (5) working days ~~(Council to insert timeframes for responding to councillor requests)~~. Where a response cannot be provided within that timeframe, the ~~c~~Councillor will be advised, and the information will be provided as soon as practicable.

5.8 Requests under clause 5.4 (d) must be made two (2) working days ~~(Council to specify time period)~~ before the meeting. The General Manager~~, or members of staff that are listed at Schedule 1 of this Policy, are~~ is responsible for determining:

a) whether a staff member can attend the meeting; and

b) which staff member will attend the meeting.

If an urgent request for meeting is necessary within less than two (2) Business days, the General Manager will use all reasonable efforts to determine whether a staff member can attend and which staff member will attend the meeting.

Staff members who attend such meetings must be appropriately senior and be subject matter experts on the issues to be discussed at the meeting.

5.9 Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality requirements.

5.10 Staff will inform ~~c~~Councillors of any confidentiality requirements for information they provide so that ~~c~~Councillors can handle the information appropriately.

5.11 Where a ~~c~~Councillor is unsure of confidentiality requirements, they should contact the General Manager, or the staff member authorised to manage their request.

5.12 The General Manager may refuse access to information requested by a ~~c~~Councillor if:

a) the information is not necessary for the performance of the ~~c~~Councillor's civic functions, or

b) if responding to the request would, in the General Manager's opinion, result in an unreasonable diversion of staff time and resources, or

c) the ~~c~~Councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or

d) the General Manager is prevented by law from disclosing the information.

5.13 Where the General Manager refuses to provide information requested by a ~~c~~Councillor, they must act reasonably. The General Manager must advise a ~~c~~Councillor in writing of their reasons for refusing access to the information requested.

5.14 Where a ~~c~~Councillor's request for information is refused by the General Manager on the grounds referred to under clause 5.12 (a) or (b), the ~~c~~Councillor may instead request the information through a resolution of the ~~c~~Council by way of a notice of motion. This clause does not apply where the General Manager refuses a ~~c~~Councillor's request for information under clause 5.12 (c) or (d).

5.15 Nothing in clauses 5.12, 5.13, and 5.14 prevents a ~~c~~Councillor from requesting the information in accordance with the *Government Information (Public Access) Act 2009*.

5.16 Where a ~~c~~Councillor persistently makes requests for information which, in the General Manager's opinion, result in a significant and unreasonable diversion of staff time and resources the ~~c~~Council may, on the advice of the General Manager, resolve to limit the number of requests the ~~c~~Councillor may make.

5.17 Councillor requests are state records and must be managed in accordance with the *State Records Act 1998*.

5.18 A report will be provided Annually to Council at the November Ordinary Council meeting ~~(Council to specify frequency)~~ regarding the performance and efficiency of the ~~c~~Councillor requests ~~system~~ against established key performance indicators. The performance and efficiency of the customer request system for Councillor requests will be measured by 90% of Councillor requests being answered within the specified timeframes.

Part 6 – Access to Council staff

6.1 Councillors may directly contact the General Manager only. The General Manager may review this requirement at any time, and will promptly advise Councillors of any changes. ~~members of staff that are listed in Schedule 1 of this Policy. The General Manager may amend this list at any time and will advise councillors promptly of any changes.~~

~~6.2 Councillors can contact staff listed in Schedule 1 about matters that relate to the staff member's area of responsibility.~~

~~6.3~~6.2 Councillors should, as far as practicable, ~~only~~ contact the General Manager ~~staff~~ during normal business hours.

~~6.4~~6.3 If ~~c~~Councillors would like to contact a member of staff ~~not listed in Schedule 1~~, they must receive permission from the General Manager.

~~6.5 If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager or the Councillor Support Officer who will provide advice about which authorised staff member to contact.~~

~~6.6~~6.4 The General Manager or their delegate ~~or a member of the Council's executive leadership team~~ may direct any staff member to contact ~~c~~Councillors to provide specific information or clarification relating to a specific matter.

~~6.7~~6.5 A ~~c~~Councillor or member of staff must not take advantage of their official position to improperly influence other ~~c~~Councillors or members of staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person. Such conduct should be immediately reported to the General Manager or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.

Part 7 – Councillor access to ~~c~~Council buildings

7.1 Councillors are entitled to have access to the ~~council chamber, committee room,~~ ~~m~~Mayor's office (subject to availability), ~~councillors' rooms~~, and ~~public~~ nominated Councillor areas (e.g. Loxton Room, Weidmann Room) of Council's buildings ~~during normal business hours~~ for meetings. Councillors needing access to these facilities at other times must obtain approval from the General Manager.

7.2 Councillors must not enter staff-only areas of Council buildings without the approval of the General Manager and are to be escorted to meeting rooms during normal business hours.

Part 8 – Appropriate and inappropriate interactions

8.1 Examples of appropriate interactions between ~~c~~Councillors and staff include, but are not limited to, the following:

a) ~~c~~Councillors and ~~c~~Council staff are courteous and display a positive and professional attitude towards one another.

b) ~~c~~Council staff ensure that information necessary for ~~c~~Councillors to exercise their civic functions is made equally available to all ~~c~~Councillors, in accordance with this Policy and any other relevant Council policies.

c) ~~c~~Council staff record the advice they give to ~~c~~Councillors in the same way they would if it was provided to members of the public.

d) ~~c~~Council staff, including Council's executive team members, document ~~c~~Councillor requests via ~~the c~~Councillor~~Customer requests~~ Councils Electronic Document and Records Management ~~s~~System.

e) ~~c~~Council meetings and ~~c~~Councillor briefings are used to establish positive working relationships and help ~~c~~Councillors to gain an understanding of the complex issues related to their civic duties.

f) ~~c~~Councillors and ~~c~~Council staff feel supported when seeking and providing clarification about ~~c~~Council related business.

g) ~~c~~Councillors forward requests through the ~~c~~Councillor~~Customer~~ requests system and staff respond in accordance with the timeframes stipulated in this Policy.

8.2 Examples of inappropriate interactions between ~~c~~Councillors and staff include, but are not limited to, the following:

a) ~~c~~Councillors and ~~c~~Council staff conducting themselves in a manner which:

i) is contrary to their duties under the Work Health and Safety Act 2011 and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety.

ii) constitutes harassment and/or bullying within the meaning of the *Code of Conduct*, or is unlawfully discriminatory.

~~b)~~ ~~c~~Councillors approaching staff and staff organisations to discuss individual or operational staff matters. ~~(other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters~~

~~c)~~ ~~s~~Staff approaching ~~c~~Councillors to discuss individual or operational staff matters. ~~(other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters~~

d) ~~s~~Subject to clause 5.12, staff refusing to give information that is available to other ~~c~~Councillors to a particular ~~c~~Councillor.

e) ~~c~~Councillors who have lodged an application with the ~~c~~Council, discussing the matter with staff in staff-only areas of the ~~c~~Council.

f) ~~c~~Councillors being overbearing or threatening to staff.

g) ~~s~~Staff being overbearing or threatening to ~~c~~Councillors.

h) ~~c~~Councillors making personal attacks on staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the *Code of Conduct* in public forums including social media.

i) ~~c~~Councillors directing or pressuring staff in the performance of their work, or recommendations they should make.

j) ~~s~~Staff providing ad hoc advice to ~~c~~Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.

8.3 Where a ~~c~~Councillor engages in conduct that, in the opinion of the General Manager, puts the health, safety or welfare of staff at risk, the General Manager may restrict the ~~c~~Councillor's access to staff.

8.4 Any concerns relating to the conduct of staff under this Policy should be raised with the General Manager.

Part 9 – Complaints

9.1 Complaints about a breach of this policy should be made to the General Manager (if the complaint is about a ~~c~~Councillor or member of ~~c~~Council staff), or the Mayor (if the complaint is about the General Manager).

9.2 Clause 9.1 does not operate to prevent matters being reported to OLG, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.

~~Schedule 1 – Authorised staff contacts for councillors (template table)~~

1. ~~Clause 6.1 of this Policy provides that councillors may directly contact members of staff that are listed below. The General Manager may amend this list at any time.~~
2. ~~Councillors can contact staff listed below about matters that relate to the staff member's area of responsibility.~~
3. ~~Councillors should as far as practicable, only contact staff during normal business hours.~~
4. ~~If councillors would like to contact a member of staff not listed below, they must receive permission from the General Manager or their delegate.~~
5. ~~If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager or the Councillor Support Officer who will provide advice about which authorised staff member to contact.~~
6. ~~In some instances, the General Manager or a member of the Council's executive leadership team may direct a council staff member to contact councillors to provide specific information or clarification relating to a specific matter.~~

Authorised staff members name	***Position***
Derek Finnigan	Deputy General Manager
David Walsh	Director Corporate Services and Chief Financial Officer
Sharon Pope	Director Environment and Planning
Matt Lysaught	Director Property and Place
Insert name here	Director Community and Economy
Insert name here	Personal Assistant to the Mayor

References

The Model Code of Conduct

Authorisation Details

Authorised by:	
Minute No:	
Date:	
Review timeframe:	4 years
Department:	Governance
Document Owner:	Manager ~~of~~ Governance

Details History

Version No.	Date changed	Policy type	Modified by	Amendments made
1	10/10/2022	External	Business Improvement Officer	OLG's 2022 Model policy amended to suit Muswellbrook Shire Council.

MODEL COUNCILLOR AND STAFF INTERACTION POLICY

2022

MODEL COUNCILLOR AND STAFF INTERACTION POLICY
2022

ACCESS TO SERVICES
The Office of Local Government is located at:
Street Address: Levels 1 & 2, 5 O'Keefe Avenue, NOWRA NSW 2541
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Website: www.olg.nsw.gov.au

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Preface

Positive working relationships between councillors and staff: a council's key asset

Positive, professional working relationships between councillors and staff are a key element of any council's success. If relationships between councillors and staff are functioning effectively, the council is more likely to perform effectively. If these relationships break down, it can lead to dysfunction, create a potential corruption risk[1], and ultimately the council's performance will suffer.

A good relationship between councillors and staff is based, in large part, on both having a mutual understanding and respect for each other's roles and responsibilities. These are defined in the *Local Government Act 1993* (the LGA) and the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

In broad terms, a councillor's role is a strategic one. As members of the governing body, councillors are responsible not only for representing the community, but also for setting the strategic direction of the council and keeping its performance under review. A comprehensive outline of the role of a councillor is provided in Part 4 of this Policy.

The role of council staff, under the leadership of the general manager, is to carry out the day-to-day operations of the council and to implement the decisions, plans, programs and policies adopted by the governing body.

Access to information: the key to the relationship

Councillors need access to information about the council's strategic position and performance to perform their civic functions effectively. The general manager and staff are responsible for providing councillors with this information to facilitate the decision-making process.

Given councillors' role in setting the council's strategic direction and keeping its performance under review, councillors are entitled to request information about a range of issues.

However, in requesting information, councillors should not be seeking to interrogate the minutiae of the council's operations or to direct or influence staff in the performance of their duties. Councillors should also recognise that a council's resources are finite, and they need to be mindful of the impact of their requests.

Above all, interactions between councillors and staff should be positive, respectful and professional.

Official capacity versus private capacity

It is also inevitable that councillors and council staff will engage with their council in their private capacity. This can be for something as simple as borrowing a book from a council library, to more complex matters, such as submitting a development application.

In these circumstances, it is vital that councillors and council staff do not seek to use, or appear to use, their position within council to obtain a private benefit. To do so could be seen as an attempt to exert pressure on councillors and/or council staff with a view to obtaining preferential treatment. Such conduct has the potential to undermine both the integrity of a council's decision-making processes, as well as the community's confidence in council, and so must be avoided.

The development and intent of this policy

This Model Councillor and Staff Interaction Policy has been developed by the Office of Local Government (OLG) in consultation with councils. It is applicable to councils, county councils and joint organisations.

It provides an exemplar approach, incorporating examples of best practice from a

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diverse range of NSW councils. At its core, the policy has three main goals:

- to establish a framework by which councillors can access the information they need to perform their civic functions,
- to promote positive and respectful interactions between councillors and staff, and
- to advise where concerns can be directed if there is a breakdown in the relationship between councillors and staff.

The Model Councillor and Staff Interaction Policy is structured as follows:

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While not mandatory, the Model Councillor and Staff Interaction Policy reflects best practice and all councils, county councils and joint organisations are encouraged to adopt it. In doing so, they are free to adapt the policy to suit their local circumstances and operating environments or to supplement it with their own provisions.

Provisions which can be adjusted are marked in red.

Note: In adopting the policy, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting the policy, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Enforcement

Clause 3.1(b) of the Model Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to a council's policies. If adopted by a council, a breach of the policy may also constitute a breach of council's code of conduct.

Concerns or complaints about the administration of a council's councillor request system should be raised with the general manager (or the mayor in the case of a complaint about the general manager). If the matter cannot be resolved locally, councillors may raise their concerns with OLG.

Acknowledgements

OLG wishes to thank Local Government NSW, the NSW Independent Commission Against Corruption, Local Government Professionals, United Services Union, and the councils involved for their invaluable assistance in developing the Model Councillor and Staff Interaction Policy.

Model Councillor and Staff Interaction Policy

Part 1 – Introduction

1.1 *The Councillor and Staff Interaction Policy* (the Policy) provides a framework for councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.

1.2 The Policy complements and should be read in conjunction with (Insert name of Council's) *Code of Conduct* (the Code of Conduct).

1.3 The aim of the Policy is to facilitate a positive working relationship between councillors, as the community's elected representatives, and staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.

1.4 It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

Part 2 – Application

2.1 This Policy applies to all councillors and council staff.

2.2 This Policy applies to all interactions between councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.

2.3 This Policy applies whenever interactions between councillors and staff occur, including inside or outside of work hours, and at both council and non-council venues and events.

2.4 This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the General Manager.

2.5 The Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to the Council's policies. A breach of this Policy will be a breach of the Code of Conduct.

Part 3 – Policy objectives

3.1 The objectives of the Policy are to:

a) establish positive, effective and professional working relationships between councillors and staff defined by mutual respect and courtesy

b) enable councillors and staff to work together appropriately and effectively to support each other in their respective roles

c) ensure that councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties

d) ensure councillors have adequate access to information to exercise their statutory roles

e) provide direction on, and guide councillor interactions with, staff for both obtaining information and in general situations

f) maintain transparent decision making and good governance arrangements

g) ensure the reputation of Council is enhanced by councillors and staff interacting consistently, professionally and positively in their day-to-day duties

h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

Part 4 – Principles, roles and responsibilities

4.1 Several factors contribute to a good relationship between councillors and staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.

4.2 The Council's governing body and its administration (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the General Manager, who in turn, is accountable to the Council's governing body.

4.3 Section 232 of the *Local Government Act 1993* (the LGA) states that the role of a councillor is as follows:

a) to be an active and contributing member of the governing body

b) to make considered and well-informed decisions as a member of the governing body

c) to participate in the development of the integrated planning and reporting framework

d) to represent the collective interests of residents, ratepayers and the local community

e) to facilitate communication between the local community and the governing body

f) to uphold and represent accurately the policies and decisions of the governing body

g) to make all reasonable efforts to acquire and maintain the skills

necessary to perform the role of a councillor.

4.4 The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.

4.5 It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.

4.6 Council commits to the following principles to guide interactions between councillors and staff:

Principle	Achieved by
Equitable and consistent	Ensuring appropriate, consistent and equitable access to information for all councillors within established service levels
Considerate and respectful	Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions
Ethical, open and transparent	Ensuring that interactions between councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct
Fit for purpose	Ensuring that the provision of equipment and information to councillors is done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of (Council to insert the number of councillors) people.
Accountable and measurable	Providing support to councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data

4.7 Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA. Councillors need to accept that:

a) responses to requests for information from councillors may take time and consultation to prepare and be approved prior to responding

b) staff are not accountable to them individually

c) they must not direct staff except by giving appropriate direction to the General Manager by way of a council or committee resolution, or by the mayor exercising their functions under section 226 of the LGA

d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions

e) they must not contact a member of staff on council-related business unless in accordance with this Policy

f) they must not use their position to attempt to receive favourable treatment for themselves or others.

4.8 The General Manager is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay. Council staff need to understand:

a) they are not accountable to individual councillors and do not take direction from them. They are accountable to the General Manager, who is in turn accountable to the Council's governing body

b) they should not provide advice to councillors unless it has been approved by the General Manager or a staff member with a delegation to approve advice to councillors

c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner

d) they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties

e) they must provide full and timely information to councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

Part 5 – The councillor requests system

5.1 Councillors have a right to request information provided it is relevant to councillor's exercise of their civic functions. This right does not extend to matters about which a councillor is merely curious.

5.2 Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest, unless the information is otherwise publicly available.

5.3 The General Manager may identify Council support staff (the Councillor Support Officer) under this Policy for the management of requests from councillors.

5.4 Councillors can use the councillor requests system to:

a) request information or ask questions that relate to the strategic position, performance or operation of the Council

b) bring concerns that have been raised by members of the public to the attention of staff

c) request ICT or other support from the Council administration

d) request that a staff member be present at a meeting (other than a meeting of the council) for the purpose of providing advice to the meeting.

5.5 Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a councillor's request lacks specificity, the General Manager or staff member authorised to manage the matter is

entitled to ask the councillor to clarify their request and the reason(s) why they are seeking the information.

5.6 Staff must make every reasonable effort to assist councillors with their requests and do so in a respectful manner.

5.7 The General Manager or the staff member authorised to manage a councillor request will provide a response within (Council to insert timeframes for responding to councillor requests). Where a response cannot be provided within that timeframe, the councillor will be advised, and the information will be provided as soon as practicable.

5.8 Requests under clause 5.4 (d) must be made (Council to specify time period) before the meeting. The General Manager, or members of staff that are listed at Schedule 1 of this Policy, are responsible for determining:

a) whether a staff member can attend the meeting; and

b) which staff member will attend the meeting.

Staff members who attend such meetings must be appropriately senior and be subject matter experts on the issues to be discussed at the meeting.

5.9 Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality requirements.

5.10 Staff will inform councillors of any confidentiality requirements for information they provide so councillors can handle the information appropriately.

5.11 Where a councillor is unsure of confidentiality requirements, they should contact the General Manager, or the staff member authorised to manage their request.

5.12 The General Manager may refuse access to information requested by a councillor if:

a) the information is not necessary for the performance of the councillor's civic functions, or

b) if responding to the request would, in the General Manager's opinion, result in an unreasonable diversion of staff time and resources, or

c) the councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or

d) the General Manager is prevented by law from disclosing the information.

5.13 Where the General Manager refuses to provide information requested by a councillor, they must act reasonably. The General Manager must advise a councillor in writing of their reasons for refusing access to the information requested.

5.14 Where a councillor's request for information is refused by the General Manager on the grounds referred to under clause 5.12 (a) or (b), the councillor may instead request the information through a resolution of the council by way of a notice of motion. This clause does not apply where the General Manager refuses a councillor's request for information under clause 5.12 (c) or (d).

5.15 Nothing in clauses 5.12, 5.13, and 5.14 prevents a councillor from requesting the information in accordance with the *Government Information (Public Access) Act 2009*.

5.16 Where a councillor persistently makes requests for information which, in the General Manager's opinion, result in a significant and unreasonable diversion of staff time and resources the council may,

on the advice of the General Manager, resolve to limit the number of requests the councillor may make.

5.17 Councillor requests are state records and must be managed in accordance with the *State Records Act 1998*.

5.18 A report will be provided to Council (Council to specify frequency) regarding the performance and efficiency of the councillor requests system against established key performance indicators.

Part 6 – Access to Council staff

6.1 Councillors may directly contact members of staff that are listed in Schedule 1 of this Policy. The General Manager may amend this list at any time and will advise councillors promptly of any changes.

6.2 Councillors can contact staff listed in Schedule 1 about matters that relate to the staff member's area of responsibility.

6.3 Councillors should as far as practicable, only contact staff during normal business hours.

6.4 If councillors would like to contact a member of staff not listed in Schedule 1, they must receive permission from the General Manager.

6.5 If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager or the Councillor Support Officer who will provide advice about which authorised staff member to contact.

6.6 The General Manager or a member of the Council's executive leadership team may direct any staff member to contact councillors to provide specific information or clarification relating to a specific matter.

6.7 A councillor or member of staff must not take advantage of their official position to improperly influence other councillors or members of staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person. Such conduct should be immediately reported to the General Manager or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.

Part 7 – Councillor access to council buildings

7.1 Councillors are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of Council's buildings during normal business hours for meetings. Councillors needing access to these facilities at other times must obtain approval from the General Manager.

7.2 Councillors must not enter staff-only areas of Council buildings without the approval of the General Manager.

Part 8 – Appropriate and inappropriate interactions

8.1 Examples of appropriate interactions between councillors and staff include, but are not limited to, the following:

a) councillors and council staff are courteous and display a positive and professional attitude towards one another

b) council staff ensure that information necessary for councillors to exercise their civic functions is made equally available to all councillors, in accordance with this Policy and any other relevant Council policies

c) council staff record the advice they give to councillors in the same way they would if it was provided to members of the public

d) council staff, including Council's executive team members, document councillor requests via the councillor requests system

e) council meetings and councillor briefings are used to establish positive working relationships and help councillors to gain an understanding of the complex issues related to their civic duties

f) councillors and council staff feel supported when seeking and providing clarification about council related business

g) councillors forward requests through the councillor requests system and staff respond in accordance with the timeframes stipulated in this Policy

8.2 Examples of inappropriate interactions between councillors and staff include, but are not limited to, the following:

a) councillors and council staff conducting themselves in a manner which:

   i) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety

   ii) constitutes harassment and/or bullying within the meaning of the Code of Conduct, or is unlawfully discriminatory

b) councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters

c) staff approaching councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters

d) subject to clause 5.12, staff refusing to give information that is available to other councillors to a particular councillor

e) councillors who have lodged an application with the council, discussing the matter with staff in staff-only areas of the council

f) councillors being overbearing or threatening to staff

g) staff being overbearing or threatening to councillors

h) councillors making personal attacks on staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media

i) councillors directing or pressuring staff in the performance of their work, or recommendations they should make

j) staff providing ad hoc advice to councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community

8.3 Where a councillor engages in conduct that, in the opinion of the General Manager, puts the health, safety or welfare of staff at risk, the General Manager may restrict the councillor's access to staff.

8.4 Any concerns relating to the conduct of staff under this Policy should be raised with the General Manager.

Part 9 – Complaints

9.1 Complaints about a breach of this policy should be made to the General Manager (if the complaint is about a councillor or member of council staff), or the Mayor (if the complaint is about the General Manager).

9.2 Clause 9.1 does not operate to prevent matters being reported to OLG, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.

Schedule 1 – Authorised staff contacts for councillors (template table)

1. Clause 6.1 of this Policy provides that councillors may directly contact members of staff that are listed below. The General Manager may amend this list at any time.
2. Councillors can contact staff listed below about matters that relate to the staff member's area of responsibility.
3. Councillors should as far as practicable, only contact staff during normal business hours.
4. If councillors would like to contact a member of staff not listed below, they must receive permission from the General Manager or their delegate.
5. If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager or the Councillor Support Officer who will provide advice about which authorised staff member to contact.
6. In some instances, the General Manager or a member of the Council's executive leadership team may direct a council staff member to contact councillors to provide specific information or clarification relating to a specific matter.

Authorised staff members name	***Position***
[Insert staff member's name]	*[Insert position title]*

NSW
GOVERNMENT

9.4.3. Policy Review: MSC04E Local Orders Policy

Attachments:	1. MSC04E Local Orders Policy 2022 [**9.4.3.1** - 64 pages]
Responsible Officer:	Sharon Pope - Director - Planning & Environment
Author:	{authors-names-with-position}
Community Plan Issue:	*6 - Community Leadership*
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.5 - Implement a comprehensive and targeted business improvement program. 6.2.5.2 - Review the policy management framework.

PURPOSE

The purpose of this report is to present the revised *Local Orders Policy* to Council prior to public exhibition.

OFFICER'S RECOMMENDATION

Council:

1) approves the public exhibition of the DRAFT *Local Orders Policy* in accordance with the requirements of the *Local Government Act 1993;* and

2) delegates adoption of the exhibited Policy to the General Manger if no submissions objecting or seeking changes to the draft Policy are received during the exhibition period.

Moved: _____Seconded: _____

BACKGROUND

Council periodically receives complaints about the keeping of animals in urban areas, dilapidated buildings, the hoarding of rubbish, machinery and equipment, and drainage problems, amongst other things. Councils may order a person to do or to refrain from doing things specified in Sections 124 and 125 of the *Local Government Act 1993* (the Act), which includes many of the matters Council receives complaints about.

The purpose of a *Local Orders Policy* (the *Policy*) is to supplement provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*. The Policy specifies the criteria that Council staff will take into consideration in determining whether to issue an Order. It provides a guideline for residents by documenting the criteria that Council will use in investigating complaints.

The current *Local Orders Policy* was adopted by Council on 12 March 2019. Under section 165 of the LG Act, the Policy is automatically revoked 12 months after each ordinary Council election, unless reviewed and adopted by the new Council.

CONSULTATION

Staff in the Planning, Environmental and Regulatory Services team.

REPORT

Preparation of a Local Orders Policy is regulated by section 158 & 159 of the Local Government Act. Council Officers have completed a review of the Policy for consideration by Council. The amendments primarily relate to changes in legislation and are visible in attachment 1 with strikethrough for deletions and grey highlighting for new text.

Council must exhibit the draft Policy for at least 28 days, with a period of not less than 42 days allowed for the making of submissions.

OPTIONS

Council may:

1. Exhibit the *Local Orders Policy* in Attachment 1, in accordance with the requirements of the *Local Government Act 1993*. This is the preferred option as it provides guidance and transparency on the issuing of Orders.

2. Request further amendments to the draft Policy prior to exhibition.

3. Resolve not to continue with a *Local Orders Policy*. This option will mean that Council staff will not have a Policy to inform their job after 30 December 2022.

CONCLUSION

Exhibition of the DRAFT *Local Orders Policy* in attachment 1 is recommended for broader community consultation prior to adoption of the Policy.

SOCIAL IMPLICATIONS

Council receives complaints from people who are concerned about their safety or wellbeing as a result of the actions of others. Adoption of a *Local Orders Policy* will provide guidance to all parties on what has been identified by Council, and the broader community via consultation, to be acceptable in maintaining safety and wellbeing.

FINANCIAL IMPLICATIONS

No direct financial impacts. The issuing of orders is usually undertaken by staff in the Planning, Environmental and Regulatory Services team as part of day-to-day activities.

It is an offence not to comply with an order. The Local Government Act specifies penalties for such offences and provides mechanisms for enforcement, including Court action for non-compliance. Expenses incurred in giving effect to the terms of an Order may be recovered in a Court order.

POLICY IMPLICATIONS

Under the *Local Government Act*, the *Local Orders Policy* will be automatically revoked 12 months after each ordinary Council election, unless reviewed and adopted by the new Council.

STATUTORY IMPLICATIONS

Section 158 & 159 of the *Local Government Act 1993* enables Council to prepare a *Local Orders Policy.*

LEGAL IMPLICATIONS

The adoption of a *Local Orders Policy* will allow timely and consistent action by Council staff when complaints are received that may lead to an Order being issued.

OPERATIONAL PLAN IMPLICATIONS

6.2.5.2 - Review the policy management framework.

RISK MANAGEMENT IMPLICATIONS

Public Risk may be reduced through the implementation of the *Local Orders Policy*.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Public exhibition will provide the Community with an opportunity to make submissions.

Local Orders Policy

MSC04E

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Policy Objective

The purpose of the Local Orders Policy is to, in accordance with s159 of the Local Government Act, supplement provisions of the Act and the Local Government (General) Regulation ~~2005~~ 2021 by specifying the criteria which Council staff will consider in determining whether or not to give an Order under Section 124 of the Local Government Act. The Objectives are:

- ~~To specify the criteria which the Council must take into consideration in determining whether or not to give an order;~~
- To promote an integrated framework for dealing with Orders;
- To ensure consistency and fairness in the manner in which the Council gives Orders;
- To make the Council's policies and requirements for Orders readily accessible and understandable to the public; and
- To establish a system of community participation which can effectively resolve disputes and conflicts as they arise.

Risks being addressed

This policy mitigates risks of health and safety hazards to the community, while at the same time it helps Council to improve liveability in the Shire. In particular, the Local Orders Policy helps:

a) Minimise the incidence of nuisance being caused to persons;

b) Protect the welfare of companion and farm animals;

c) Protect the welfare and habitat of wildlife;

d) Minimise the disturbance of or damage to protected vegetation; and

e) Safeguard the environment.

Scope

This policy applies to all land within Muswellbrook Shire Local Government Area.

Definitions

Abatement means the summary removal or remedying of a nuisance (the physical removal or suppression of a nuisance) by an injured party without having recourse to legal proceedings.

Act means the Local Government Act 1993 and regulations made thereunder.

Adequate means equal to the requirement or occasion; fully sufficient, suitable or fit.

Article means anything capable of ownership except a living creature.

Clean and Sanitary means the provision of a healthy environment by the exclusion of dust, dirt, vermin, bacteria and waste.

Convenience means a state of affairs in which members of the community can enjoy a public place without aggravation, fear, annoyance or disruption from a source within private property.

Danger to the Public means a liability or exposure to harm, injury, risk or peril to the public.

Dilapidated reduced to or fallen into ruin or decay.

Expedient is to promote a proposed or desired object, a means to an end.

Local Government Act means the Local Government Act 1993 (as amended) and includes subordinate legislation made thereunder.

Land includes allotments, tenements and hereditaments, corporeal and incorporeal, of any tenure or description and whatever may be the estate or interest therein.

Land in the Immediate Vicinity of a Public Place means any land either having an allotment boundary to a public place or giving legal access to the public across any other land to a public place.

Likely means probably or apparently going or destined to be.

Matter means the substance or substances of which physical objects, whether solids, liquids or gases are composed.

Necessary means something that cannot be dispensed with.

Order means any order issued under s124 of the Act.

Physical Environmental Damage means the degrading of existing physical surroundings including the land or water.

Safety means freedom from injury or danger.

Sewage Management Facility means:

a. a human waste storage facility, or

b. a waste treatment device intended to process sewage, and

c. a drain connected to such a facility or device.

Sewerage System in relation to any premises means the pipes, fittings and fixtures on the premises, connected to the infrastructure, which are used or intended to be used for the conveyance of sewage from the premises, but does not include a septic tank, an effluent system or a sullage system.

Significant means important; of consequence.

Surface Water means all water which runs across the surface of the land and which may originate from any source including non-polluted water, water from defective guttering, downpipes or drainage, roof water, water from paved areas, discharges or overflows from swimming pools and water from blocked stormwater drains or pipes, but shall not include seepage or water percolating to the surface rising from excavation within the land that is suffering damage or likely to suffer damage.

Threat means a reasonable menace or likelihood of harm.

Waterhole or Dangerous Hole means any hole, pit, quarry, excavation, dam or waterhole which in the opinion of the Council is or may become dangerous to life but does not include a swimming pool within the means of the Swimming Pool Act 1992.

Waste means:

(a) effluent, being any matter or thing, whether solid or liquid or a combination of solids and liquids, which is of a kind that may be removed from a human waste storage facility, sullage pit or grease trap, or from any holding tank or other container forming part of or used in connection with a human waste storage facility, sullage pit or grease trap, or

(b) trade waste, being any matter or thing, whether solid, gaseous or liquid or a combination of solids, gases and liquids (or any of them), which is of a kind that comprises refuse from any industrial, chemical, trade or business process or operation, including any building or demolition work, or

(c) garbage, being all refuse other than trade waste and effluent,

and includes any other substance defined as waste for the purposes of the *Protection of the Environment Operations Act 1997*, and a substance is not precluded from being waste merely because it is capable of being refined or recycled.

Waste Receptacle means a container approved by Council, used for the retention and storage of waste arising from premises.

Work means any activity, process, task or action and includes a reference to the rebuilding of, the making of alterations to or the enlargement or extension of a work or enclosing a public place in connection with the carrying out of a work.

Policy Statement

Criteria for Consideration

In accordance with the Act, Council is required to observe certain procedures before giving Orders.

Listed in the Orders schedule are the types of orders that Council may give, the circumstances under which they may be given and the criteria that must be considered, if any. In areas where it is considered that the circumstances for the particular order are self-explanatory no additional criteria has been provided.

Note: *The giving of an order is not mandatory and is at the discretion of the Council authorised investigating officer whether or not the circumstances meet the applicable criteria for that order.*

If ~~Council~~ a *Council authorised investigating officer* decides to give an order ~~Council is~~ they are required to take the criteria listed in the orders schedule into consideration before giving the order (Section 131 of the Act).

Under Section 126 of the Act, Council may not give an Order in respect to the following land without the prior written consent of the Minister:

- Vacant Crown land;
- A reserve within the meaning of the Crown Lands Act 1989;
- A Common.

Section 131A of the Act requires that if an Order will or is likely to have effect of making a resident homeless, the Council must consider whether the resident is able to arrange satisfactory alternative accommodation in the locality. If the person is not able to arrange satisfactory alternative accommodation in the locality the Council must provide the person with information as to the availability of satisfactory alternative accommodation in the locality and any other assistance that the Council considers appropriate.

Giving Notice and Representations

Section 132 of the Local Government Act requires that the following be carried out prior to issuing an Order:

- Before giving an order, Council must give notice to the person(s) to whom the Order is proposed to be given of its intention to give the Order, the terms of the proposed Order and the period proposed to be specified as the period within which the Order is to be complied with (*section 132(1) of the Act).*
- Council's notice must indicate that the person to whom the Order is proposed to be given may make representations to Council as to why the Order should not be given or as to the terms of or period for compliance with the Order (*section 132(2) of the Act).*
- The notice may indicate that the representations are to be made to the Council or a specified committee of the Council on a specified meeting date or to a specified Councillor or employee of the Council on or before a specified date being, in either case, a date that is reasonable in the circumstances of the case (*section 132(3) of the Act).*

- A person, to whom an Order is proposed to be given, when making representations may be represented by an Australian legal practitioner or agent. *(section 133 of the Act).*

- The Council or a specified committee, or specified Councillor or employee of the Council is required to hear and to consider any representations made pursuant to s133 *(section 134 of the Act).*

Representations are to be received, heard and considered by the Manager of the issuing officer.

After hearing and considering any representations made concerning the proposed Order, the Manager concerned may determine:

a) to give an Order in accordance with the proposed order; or

b) to give an Order in accordance with modifications made to the proposed Order; or

c) not to give an Order (section 135 *of the Act*).

If the determination is to give an order in accordance with modifications made to the proposed order then Council is not required to give notice of the proposed order as so modified. (section 135(2) *of the Act*).

If Council observes the above procedure it is taken to have observed the rules of procedural fairness. (section 130 *of the Act*).

Content of Orders

The order must:

Indicate the things the person must do or refrain from doing:

- State the reasons for the order. It can be within the order or in a separate document but must be given at the same time the order is given except in the case of an emergency order in which case they must be given the next working day (*section 136 of the Act).*

- Specify a reasonable period for compliance. If there is a serious risk to health or safety or an emergency, compliance can be required immediately (*section 137 of the Act).*

- State that the person may appeal to the Land and Environment Court against the order or a specified part of the order and specify the period within which an appeal may be made (*section 138 of the Act).*

The order may:

- Specify the standard that the premises are required to meet and indicate the nature of the work that, if carried out, would satisfy that standard instead of specifying the things that the person to whom the order is given must do or refrain from doing. (*section 139 Local Government Act*)

- Clause 99 of the Local Government (General) Regulation ~~2005~~ 2021 also requires that the following information must be included:

    a) Any relevant provision of the Local Government Act, regulation or local orders policy made under the Local Government Act that is not being or has not been complied with;

b) That it is an offence not to comply with an Order and the maximum penalty for the offence; and

c) That, if the Order is not complied with, the Council may give effect to the Order and recover the costs of doing so from the person concerned.

Revocation and Modification of Orders

- Council may modify an order given to a person at any time (including a modification of the period of compliance) providing the person agrees to that modification *(section 152 Local Government Act).*

- Council may revoke an order at any time *(section 153 Local Government Act).*

After an Order is Given

There are several possible scenarios:

- The person who receives the order complies.

- The owner or occupier of premises complies. If the occupier or manager complies with the Order, they may deduct the cost (plus interest) from rent payable to the owner or recover the cost in court (*section 147 of the Act).*

- Council can modify the Order if the person agrees to the modification (*section 152 of the Act).*

- Council can revoke the Order (*section 153 of the Act).*

- The person on whom the Order is served may appeal against the order to the Land and Environment Court and seek compensation (*see sections 180, 181, 182 of the Act*).

- Person fails to comply with the Order.

It is an offence not to comply with an order. The Act specifies penalties for such offences and provides mechanisms for enforcement, including Court action for non-compliance– see applicable penalties (*section 628 of the Act).*

Council may do all things as are necessary or convenient to give effect to the terms of the Order, including the carrying out of any work required by the Order. Expenses incurred in giving effect to the terms of the Order may be recovered in a Court of competent jurisdiction as a debt due to Council by the person concerned (*section 678 of the Act).*

Council may seek orders of the Land and Environment Court to enforce the terms of the order *(section 673 of the Act).*

Penalties for Non-Compliance

Penalties for non-compliance with the terms of orders issued by Council are prescribed under section 628 of the Local Government Act.

- ~~The maximum penalty for failure to comply with Orders 3, 5, 7-12 is 50 penalty units in the case of an individual and 100 penalty units in the case of a corporation~~

- ~~The maximum penalty for failure to comply with Orders 15-17 is 100 penalty units in the case of an individual and 200 penalty units in the case of a corporation~~

- ~~The maximum penalty for failure to comply with Orders 18-25 and 27-30 is 20 penalty units~~

Orders 1, 2, 3, 4, 6, 13, 14, 20, 26

This Local Orders Policy does not include details or criteria with respect to orders 1, 2, 3, 4, 6, 13, 14, 20 and 26 in the table to section 124 Local Government Act, either because they have been repealed from the Act, or no criteria is required to be specified.

Other Orders

Section 124 of the Local Government Act does not affect the power of a council to give an order (or a notice or direction) under the authority of another Act.

For example, some of those Acts and the orders (or notices or directions) that may be given include—

Food Act 2003	(by delegation) Improvement notice or prohibition order
Protection of the Environment Operations Act 1997	Environment protection notices
Public Health Act 2010	Direction concerning maintenance or use of certain regulated systems
Roads Act 1993	Order preventing the passage of traffic along a road or tollway
	Order for the removal of an obstruction or encroachment on a road
Swimming Pools Act 1992	Order requiring owner of swimming pool to bring it into compliance with the Act

SECTION 124 ORDERS

The following Orders under Sections 124 of the Local Government Act are set out to indicate:

a) To do what (action required to be taken). This wording is mandated under the Act.

b) In what circumstances (restricts the particular circumstances in which an Order may be given). This wording is mandated under the Act.

c) To whom (the person the Order must be given to). This wording is mandated under the Act.

d) The criteria to be taken into consideration when determining whether an order is to be given. This wording is at the discretion of Council.

Order 5 – Compliance with standards and requirements

To do What?

To take such action as is necessary to bring into compliance with relevant standards or requirements set or made or under the Local Government Act 1993 or Local Government Act 1919:

a. A camping ground, caravan park or manufactured home estate

b. A moveable dwelling or manufactured home

c. (*Repealed*)

d. A place of shared accommodation.

This section applies to the following kinds of places of shared accommodation—

- places of shared accommodation that are class 3 buildings under the *Building Code of Australia* (within the meaning of the *Environmental Planning and Assessment Act 1979*),
- places of shared accommodation that are general boarding houses within the meaning of the *Boarding Houses Act 2012*.

e. A hairdressers shop or beauty salon

f. A mortuary

g. A water meter, water supply or sewerage system on premise

h. Rectification of defective water supply or sewerage work, but only in relation to any work that is not plumbing and drainage work within the meaning of the *Plumbing and Drainage Act 2011*

i. Flow of surface water across land. This includes the repair of defective or insufficient roofing, guttering, downpiping or drainage.

In What Circumstances?

Failure to comply with relevant standards or requirements set or made by or under the Act or under the Local Government Act 1919.

To Whom?

Owner, occupier or manager or, in the case of a water meter, water supply or sewerage system in respect of which a defect occurs in work due to faulty workmanship of, or defective material supplied by, a licensed contractor (being the holder of the licence in force under the Home Building Act 1989 authorising the holder to contract to do the work) within twelve months after the work is carried out or the material is supplied, the licensed contractor.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration

Non-compliance with:

1. With respect to Order 5(a) in its operation as to camping grounds, caravan parks and manufactured home estates, and 5(b) in its operation as to moveable dwellings, any applicable standards referred to in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation ~~2005~~ 2021

2. ~~Clause 11 Local Government (General) Regulation 2005 2021 – "*Adoption of Building Code of Australia*" AND Schedule 1, Part 1 Local Government (General) Regulation 2005 2021 - :"Management and use of Places of Public Entertainment",~~

3. For the purposes of Order No 5 (d) in its operation as to places of shared accommodation to which this section applies, the standards for places of shared accommodation set out in Part 1 of Schedule 2 of the Local Government (General) Regulation 2021

4. ~~Schedule 2, Part 1 Local Government (General) Regulation 2005 2021 –~~

   a. ~~"*Standards of Place of Shared Accommodation*"~~

5. For the purposes of Order No 5 (e), the standards for hairdressers shops set out in Part 2 of Schedule 2 of the Local Government (General) Regulation ~~2005~~ 2021 –

   ~~a.~~ ~~"*Standards for Hairdresser Shops*"~~ and Part 3 ~~–~~ "~~*Standards for Beauty Salons*~~"

6. For the purposes of Order No 5 (e), the standards for beauty salons set out in Part 3 of Schedule 2 of the Local Government (General) Regulation 2021

7. For the purposes of Order No 5 (f), the standards for mortuaries set out in Part 4 of Schedule 2 ~~Part 4~~ of the Local Government (General) Regulation ~~2005~~ 2021 -

   ~~a.~~ "~~*Standards for Mortuaries".*~~

Water supply and sewerage system pipes, fittings and fixtures

(1) Without limiting Order No 5 (h), and except in the case of a defect to which section 88 applies, the following acts are taken to be acts that may be required by an Order under 5(h) —

(a) to remove, replace, alter, extend or repair a pipe, fitting or fixture located on premises connected to the council's water supply system or sewerage system,

(b) to stop using such a pipe, fitting or fixture pending its removal, replacement, alteration, extension or repair.

Rectification of defective water supply or sewerage work

(1) For the purposes of Order No 5 (h) (and without limiting that Order) in the case of an Order to a licensed contractor under Column 3 of the Table to section 124 of the Act in respect of a defect, the circumstances specified in Column 2 are taken to be included in that Column only where the council notifies the contractor of the defect after the date of issue by the contractor of a certificate to the effect that the work has been carried out as required by the Act and the *Environmental Planning and Assessment Act 1979*.

(2) A licensed contractor so notified must bear the cost of rectifying the defect.

(3) A circumstance in which the defective work is the subject of an order made by the Civil and Administrative Tribunal under the *Home Building Act 1989* constitutes a circumstance that is taken to be excluded from the circumstances specified in Column 2 of the Table to section 124 of the Act as circumstances in which Order No 5 (h) can be made.

(4) An Order given by a council in respect of any such defective work ceases to have effect if an order referred to in subsection (3) is made in respect of the defective work.

Order 7 – Fencing Land

To do What?

To fence land.

In What Circumstances?

Public health, safety or convenience renders it necessary or expedient to do so and there is no adequate fence between the land and a public place.

To Whom?

Owner or occupier of land.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

The condition, location or use of the land poses a threat to the health, safety and convenience of the public.

Order 8 – The identification of premises

To Do What?

To identify premises with such numbers or other identification in such a manner as is specified in the Order.

In What Circumstances?

Premises have a frontage to or entrance from a road and there are no markings that can readily be seen and understood from the road.

To Whom?

Owner or occupier of land.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

> Such an Order would be served if there is unauthorised use of or duplication of numbers, numbers not in accordance with the street patterns, or no numbers at all, or there is confusion in identification of premises and the owner / occupier has not complied with Council's request for rectification.

Order 9 – Dangerous hole or waterhole

To do What?

To fence, empty, fill in or cover up a hole or waterhole in a manner specified in the Order.

In What Circumstances?

Hole or waterhole is or may become dangerous to life.

To Whom?

Owner or occupier of land.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

1. The hole or waterhole is directly accessible from a public place or another private property and/or
2. The hole or waterhole is not adequately covered or fenced to the minimum requirements of the Swimming Pools Act 1992 to prevent direct access to it from a public place or any other private property and,
3. The nature, location and depth of the hole or waterhole is considered to be dangerous to life.

Criteria Does Not Include:

Any hole or water hole that falls under the definition of a swimming pool as defined in the Swimming Pools Act 1992, as that Act has defined safety requirements.

Order 10 – Unsightly articles or matter

To Do What?

To remove or stack articles or matter, to cover articles or matter, to erect fences or screens or to plant trees.

In What Circumstances?

Land is in the immediate vicinity of a public place and is used for the storage of articles or matter so as to create or be likely to create unsightly conditions.

To Whom?

Owner or occupier of land.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

1. Definition of “Article” or “matter” in Order 10 includes but is not limited to:
    a. Disused motor vehicles, caravans, trailers or boats;
    b. Disused motor vehicle parts, caravan parts, trailer parts or boat parts;
    c. Disused machinery, equipment and appliances;
    d. Old, used or second-hand materials (including building materials);
    e. Demolition material;
    f. Sand, soil, rock, blue metal and any other material derived from any extraction or dredging process;
    g. Any organic or vegetative material;
    h. Any industrial or commercial waste products;
    i. Any household rubbish or waste;
    j. Any recycled or composted material;
    k. Furniture;
    l. Signs, notices, banners and graffiti.
2. The article(s) must be visible from the public place.

“Land in the immediate vicinity of a public place” in Order 10 means any land that immediately adjoins a public place.

Order 11 - Prevent and repair environmental damage

To Do What?

To do or to refrain from doing such things as are specified in the Order to prevent environmental damage, to repair environmental damage or to prevent further environmental damage.

In What Circumstances?

Work carried out on land has caused or is likely to cause environmental damage, being damage to the physical environment that is caused by:

a) drainage; or

b) drainage works; or

c) obstructing a natural watercourse other than by a work constructed or used under a water management work approval granted under Part 2 of the Water Management Act 2000,

not being environmental damage arising from premises, works or equipment the subject of a licence issued under the Protection of the Environment Operations Act 1997 or the subject of a notice or direction issued by the regulatory authority under that Act.

To Whom?

Owner or occupier of land.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

Potential or actual physical environmental damage must be because of the flow of water over any land, discharged from the following sources:

1. Drainage, being a drain or system of drains, whether artificial or natural, which are designed for the carrying of water other than sewage and which includes a natural water course or

2. Drainage works, being any part of the on-site process involved in the construction of a drain or drainage system and which includes, but not limited to site excavation, materials, compiling and any associated buildings works or

3. Obstruction of a natural water course, being the carrying out of building works or the deposition of any material in such a position as to block or restrict the flow of water within or to redirect the flow of water away from a natural water course.

Order 12 - Control of surface water across land

To Do What?

To do such things as are necessary to control the flow of surface water across land.

In What Circumstances?

Other land or a building on the land or other land is being damaged or is likely to be damaged.

To Whom?

Owner or occupier of land.

Definition:

Surface Water means all water which runs across the surface of the land and which may originate from any source including non-polluted water, water from defective guttering, downpipes or drainage, roof water, water from paved areas, or overflows from swimming pools and water from blocked stormwater drains or pipes, but shall not include seepage or water percolating to the surface arising from excavation within the land that is suffering damage or likely to suffer damage.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

1. Erosion of land is occurring from the flow of surface water.
2. Physical damage to a building is or has occurred or there is sufficient evidence to suggest that it is likely to occur.
3. Surface water flows across the land boundary onto other land.
4. Situations where this Order may apply include but are not limited to:
    i. Water from defective guttering, downpipes or drainage (including underground drainage pipes)
    ii. Water from roofs not fitted with guttering
    iii. Emptying or backwashing swimming pools
    iv. Surface water that has been purposely redirected away from its natural direction of flow towards other land.
    v. The surface water is turbid or otherwise polluted and is flowing across the land boundary.

Criteria Does Not Include:

1. Stormwater runoff which is NOT redirected in any manner (i.e. natural surface flow) and follows existing natural land contours.
2. Surface water runoff occurring in periods of exceptionally heavy rain.
3. Stormwater runoff flowing onto and down existing hard surface areas such as driveways, tennis courts, concrete slab or paved areas.
4. Discharges from defective or blocked private stormwater easements.
5. Overflows from stormwater absorption pits where contours of land and lack of access prevent direct connection of a building's stormwater drainage system to Council's Stormwater Drainage System.
6. Runoff from any building or development work that is the subject of a Development Consent and has been constructed in accordance with that consent.

7. Any circumstance in which the flow of surface water across land is capable of being regulated by any other Act by a public authority and Conservation constitutes a circumstance where an Order No. 12 cannot be made.

Order 15 - Threatening or hazardous activities

To Do What?

Not to conduct, or to cease conducting an activity on premises (whether or not the activity is approved under the Local Government Act)

In What Circumstances?

The activity constitutes or is likely to constitute:

A. a life threatening hazard; or
B. a threat to public health or public safety

and is not regulated or controlled under any other Act by a public authority.

To Whom?

Any person apparently engaged in promoting, conducting, or carrying out the activity.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

1. The activity being carried out is causing or is likely to cause a life-threatening hazard or a threat to public health or public safety to any person whether on private or public land.
2. Situations where this Order may apply include but are not limited to:
    i. Use of a defective septic tank or a septic closet on premises after the date specified (in an Order No. 24 served on the owner or occupier of the premises) being the date by which the premises were required to be connected with a sewerage system.
    ii. Construction work on a septic tank or a septic closet on premises after the date specified (in an Order No. 24 served on the owner or occupier of the premises) being the date by which the premises were required to be connected with a sewerage system.

Criteria Does Not Include:

1. Any activity that is covered by any other Act or Regulation.
2. Any activity that is controlled by another authority.

Order 16 - Ceasing to use or evacuating premises

To Do What?

To cease the use of premises or to evacuate premises.

In What Circumstances?

A person to whom Order No. 15 is given has failed to comply with the Order.

To Whom?

The person to whom Order No. 15 is given.

Criteria:

No additional criteria.

Order 17 - To leave or not enter premises

To Do What?

To leave premises or not to enter premises.

In What Circumstances?

A person to whom Order No. 15 is given has failed to comply with the Order.

To Whom?

Any person.

Criteria:

No additional criteria.

Order 18 – The Keeping of Birds and Animals

To Do What?

Not to keep birds or animals on premises, other than such kinds, in such numbers or in such manner as specified in the Order.

In What Circumstances?

Birds or animals kept on premises are:

a) In the case of any premises (whether or not in a catchment district) – of an inappropriate kind or number or are kept inappropriately; or

b) In the case of premises in a catchment district – birds or animals (being birds or animals that are suffering from a disease which is communicable to man or to other birds or animals) or pigs.

To Whom?

Occupier of premises

Criteria

For the purposes of Order No 18, the standards for the keeping of birds or animals set out in Part 5 of Schedule 2 of the Local Government (General) Regulation 2021 apply.

Also refer to:

Order 18 (1) - The keeping of birds

Order 18 (2) - The keeping of cats

Order 18 (3) - The keeping of dogs

Order 18 (4) - The keeping of declared dogs

Order 18 (5) - The keeping of greyhounds

Order 18 (6) - The keeping of static guard dogs

Order 18 (7) - The keeping of rabbits

Order 18 (8) - The keeping of ferrets

Order 18 (9) - The keeping of guinea pigs

Order 18 (10) - The keeping of rodents

Order 18 (11) - The keeping of horses and other livestock

Order 18 (12) - The keeping of cattle

Order 18 (13) - The keeping of poultry

Order 18 (14) - The keeping of pigeons

Order 18 (15) - The keeping of Sheep, Goats, Alpacas, Llamas, and Camels

Order 18 (16) - The keeping of non-indigenous animals - primates (monkeys)

Order 18 (17) - The keeping of squirrels

Order 18 (18) - The keeping of bees

Order 18 (19) - The keeping of pigs (swine)

Order 18 (20) - The keeping of fish, aquariums and ponds

Order 18 (21) - The keeping of reptiles

Order 18 (22) – The keeping of native wildlife

Order 18 (1) - The Keeping of Birds

Objectives:

- To encourage the individual aviculture enthusiast or hobbyist to manage their birds responsibly and correctly;
- To ensure that local and neighbouring residents are not affected visually by any aviculture structure;
- To ensure that the neighbours and the surrounding environment are not affected by noise, odour or vermin; and
- To ensure that the welfare of birds is maintained.

Criteria:

Environmental Management

1. All aviaries and holding facilities must be constructed of appropriate materials and of a quality of construction and maintenance that is acceptable to Council, and designed to be vermin proof, well ventilated, have an impervious surface and not cause or be likely to cause injury to birds.
2. All aviaries and facilities must be well maintained by the owner so as to avoid escape and/or injury to birds.
3. Careful regard must be given to the amenity of neighbours, especially the avoidance of excessive noise and odour.
4. The Code of Ethics produced by the Associated Bird-Keepers of Australia Incorporated, approved by the Canary and Bird Federation of Australia, must be complied with at all times.
5. Where the owner operates a business from home related to the commercial trade or retail of birds or associated items, provisions of the *Environmental Planning and Assessment Act 1997* may apply.

6. Extensive aviculture activities are required to submit aviary plans for development approval by Council.

7. Flooring must be constructed of an impervious material or in some external situations, sand or gravel with a rodent proof mesh underlay.

8. Aviaries must not be within 10 metres of any dwelling or premises used for the sale, preparation, handling or storage of food for sale.

9. Enclosed buildings for the primary purpose of holding caged birds require Council consent.

10. An animal trade must not be conducted without prior consent.

11. Vermin proof food storage facilities must be provided.

12. An adequate rodent and pest control program must be in place.

13. Excessive noise and odour must be controlled by the use of sound proofing materials, distance and choice of bird species.

Aviary Structures

Aviary structures must satisfy the development standards and general requirements outlined in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (as amended), and Subdivision 4 Aviaries, or have development consent from Council.

Order 18 (2) – The Keeping of Cats

Objectives:

- To encourage the satisfactory care and management of cats in the Muswellbrook Shire Local Government Area;

- To ensure that the keeping of cats does not adversely impact on the community or the environment; and

- To ensure that all provisions of relevant legislation are complied with.

Criteria:

1. Those persons requiring to breed or hold on their property, more than three (3) cats over the age of six months, must be authorised by Council to do so. Council Officers will determine the suitability of the premises for the purpose and number of cats to be held and will consider:

    a) If there are adequate holding facilities in place, especially for male cats.

    b) That cats are not be permitted to create a nuisance in any form, including straying, interfering with the properties of others.

    c) That odours and waste are being managed to the satisfaction of Council.

2. The health of all cats is to be monitored and appropriate veterinary treatment obtained in the event of illness.

3. Wildlife must be protected from cats.

4. All provisions of the *Companion Animals Act 1998* and the *Companion Animals Amendment Act 2001* must be complied with, including:

   a) Registration requirements; and

   b) Micro-chipping requirements.

Note – *Owners of cats are encouraged to de-sex their cats and keep them contained at night. Registration fees are cheaper for desexed animals.*

Order 18 (3) – The Keeping of Dogs

Objectives:

- To encourage the satisfactory care and management of dogs in the Muswellbrook Shire Local Government Area;

- To ensure that the keeping of dogs does not adversely impact on the surrounding community or the environment; and

- To ensure that all dog owners comply with all relevant government legislation and regulations.

Criteria:

Note – This section does NOT limit section 18(4) The Keeping of Declared Dogs (Dangerous and Restricted Dogs) Criteria.

1. No attack-trained dog shall be held in a residential area unless managed by a registered owner/security company, Police service or other approved Government instrumentality.

2. The number of dogs permitted to be kept on any property in the Muswellbrook Shire Local Government Area are as follows:

   a) Allotments less than 2500m2 and more than 400m2 in area

   - Dogs in excess of 35 kilograms - maximum 2 dogs

   - Dogs between 15 and 35 kilograms - maximum 3 dogs OR

   - Dogs less than 15 kilograms - maximum 4 dogs

   b) Allotments less than 400m2

   Council recommends a maximum of 1 dog maximum weight 15kg per allotment less than 400m2, unless it can be demonstrated that the keeping of additional dogs does not adversely impact upon the neighbouring community or the environment.

3. Waste material, including litter and bedding, must be disposed of in an approved manner, which may include composting.

4. All noise, including barking, must be controlled.

5. All odours must be controlled.

6. The health of all dogs is to be regularly monitored and appropriate veterinary treatment obtained in the event of illness.

7. Wildlife must be protected where possible from dogs.

8. Dog breeding and/or boarding kennels are subject to Council approval.

9. All provisions of the *Companion Animals Act 1998* and the *Companion Animals Amendment Act 2006* must be complied with, including:

   a) Registration requirements; and

   b) Micro-chipping requirements.

Note - *Owners of dogs are encouraged to de-sex their dogs. Registration fees are cheaper for doing so.*

Council will consider altering the above criteria in a case-by-case basis, depending on the facilities provided by the applicant, and after taking submissions of close neighbours into account.

Dog breeders may apply for permission from Council to vary the number of dogs permitted on any property.

Order 18 (4) – The Keeping of Declared Dogs (Dangerous and Restricted Dogs)

Objectives:

- To ensure that all requirements of the *Companion Animals Act 1998* for Declared Dogs are complied with;

- To ensure that the keeping of Declared Dogs does not adversely affect the surrounding community or the environment; and

- To ensure that the keeping of Declared Dogs does not endanger the community.

Criteria:

Note – *This section does NOT limit section 18(3) The Keeping of Dogs Criteria.*

1. A declared dog must be kept in an enclosure and in manner that complies with the requirements prescribed in the *Companion Animals Act 1998* and the regulations.

Order 18 (5) – The Keeping of Greyhounds

Objectives:

- To ensure the satisfactory care and management of greyhounds;
- To ensure that the keeping of greyhounds does not adversely affect the surrounding community or the environment; and
- To ensure that all owners of greyhounds comply with all relevant government legislation and regulations.

Criteria:

1. Greyhounds registered with the Greyhound Racing Control Board are not required to be micro-chipped. All other greyhounds must be micro-chipped.

2. Greyhounds must be muzzled and be always leashed in public places exempt if they are pet greyhounds and muzzle free after completing approved re-training program and wears an approved collar in a public place (Companion Animals Regulation 33B).

3. Greyhounds must be kept in a secure, fenced property to prevent escape.

4. The number of dogs permitted to be kept on any property in the Muswellbrook Shire Local Government Area are as follows:

Allotments less than 2500m2 in area

- Greyhounds in excess of 25 kilograms - maximum 2 dogs
- Greyhounds between 11-25 kilograms - maximum 3 dogs

5. The keeping of greyhounds in townhouse and unit developments and on allotments with an area of less than 400 square metres is not permitted unless they are pet greyhounds.

6. Greyhounds must be provided with:

   - Sufficient food drink and clothing;
   - Sufficient exercise;
   - Properly constructed kennels that are adequate in size and kept in a clean and sanitary condition; and
   - Veterinary attention when necessary.

7. Greyhound trainers must be registered with the Greyhound Racing Control Board.

Order 18 (6) – The Keeping of Static Guard Dogs

Objectives:

- To encourage the appropriate care and management of static guard dogs within the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of static guard dogs (e.g. Dogs that are kept on a site) does not pose a safety threat to the Muswellbrook Shire community; and
- To ensure that the owners of static guard dogs comply with all relevant Legislation.

Criteria:

1. Owners and persons in charge of on-site guard dogs are required to undertake the following control requirements:
    a) To provide and erect appropriate signage that is prominently displayed upon the perimeter fences to those premises being guarded, which reads “Warning – Guard Dog on Premises”;
    b) Such signs must be of a standard to alert any reasonable person of the consequences of entry;
    c) Such signs must be manufactured in such a manner that they are continually visible and readable in every circumstance; and
    d) Such signs must include an emergency contact phone number to be used in emergency situations.
2. Owners and lessees of guard dogs must ensure that such dogs are securely contained upon the premises being guarded.
3. No attack trained dog may be held within the Muswellbrook Shire Local Government Area (police dogs and other Government instrumentalities excepted).
4. All provisions of the *Companion Animals Act 1998* must be followed in respect to any dog kept within the Muswellbrook Shire Local Government Area.
5. Declared dangerous dogs or guard dogs, having been declared dangerous, pursuant to the *Companion* Animals *Act 1998* are not permitted to be utilised as static guard dogs upon any land within the Muswellbrook Shire Local Government Area, on a commercial or private basis.

Order 18 (7) – The Keeping of Rabbits

Objectives:

- To encourage the appropriate care and management of rabbits within the Muswellbrook Shire Local Government Area;
- To ensure that rabbit owners comply with all relevant legislation; and regulations and;
- To ensure that the keeping of rabbits does not adversely affect the surrounding community and environment.

Criteria:

1. The keeping of wild rabbits is subject to all requirements of NSW Agriculture, Fisheries and Forestry which may include gaining a licence for the keeping of wild rabbits. No more than 2 wild rabbits may be kept at any one time, unless approval has been received from the Minister of Agriculture and Council.

2. No more than 4 adult domestic rabbits may be kept at any one time on an allotment less than 2500m2 in area without the prior approval of Council.

3. Rabbits being kept outside in urban areas must not be kept closer than 10 metres to a dwelling or a place that prepares, stores or handles food for sale.

4. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

5. Hutches and cages must be kept clean at all times.

6. All odours must be controlled.

7. Rabbits must not be bred for greyhound training.

8. Rabbits must be protected from all predators.

9. Rabbits kept must be a recognised domestic breed and be kept in a rabbit proof enclosure.

Note – *Owners of rabbits are encouraged to keep vaccinations for calicivirus current.*

Order 18 (8) – The Keeping of Ferrets

Objectives:

- To encourage the correct care and management of ferrets in the Muswellbrook Shire Local Government Area;

- To ensure that ferret owners comply with all relevant government legislation; and

- To ensure that the keeping of ferrets does not adversely affect the surrounding community and environment.

Criteria:

1. Hutches and cages must be kept clean at all times.

2. Odours must be vigorously controlled at all times. The scent secretions of these animals are particularly pungent and are likely to be found offensive by many people.

3. Ferrets being kept outside in urban areas must not be kept closer than 10 metres to a dwelling or a place that prepares, stores or handles food for sale.

4. Protection for ferrets from extreme weather conditions must be provided.

5. Hutch or cage construction must be of a standard that will prevent escape.
6. Ferrets are not to be fed live food.
7. Sufficient food and drink must be provided at all times.
8. Ferrets must be caged and/or secured at all times and are not permitted to free range.
9. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

Order 18 (9) – The Keeping of Guinea Pigs

Objectives:

- To encourage the appropriate care and management and care of guinea pigs within the Muswellbrook Shire Local Government Area; and
- To ensure that the keeping of guinea pigs does not adversely affect residents and the surrounding environment.

Criteria:

1. Hutches and cages must be kept clean at all times.
2. Protection from the natural elements must be provided (particularly extreme hot weather).
3. Protection from predators (dogs, cats, foxes) must be ensured through the provision of predator proof caging.
4. Sufficient food and drink must be provided at all times.
5. Odours must be vigorously controlled at all times.
6. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

Order 18 (10) – The Keeping of Rodents

Objectives:

- To encourage the satisfactory care and management of companion rodents, rats and mice; and
- To ensure the keeping of rodents, rats and mice does not adversely affect the surrounding community and the environment.

Criteria:

1. The keeping of these animals is permitted as pet companion animals only. The keeping and breeding of rodents as food animals for reptile feeding is prohibited.

2. Only domesticated breeds of rats and mice are permitted to be kept.
3. Rodents, rats and mice must be confined within rodent proof cages or enclosures.
4. These animals must be protected from the predation of cats and dogs.
5. Any excess rodents must be disposed of in an appropriate and humane manner.
6. Odours must be vigorously controlled at all times.
7. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.
8. Rodents, rats and mice being kept outside in urban areas must not be kept closer than 10 metres to a dwelling or a place that prepares, stores or handles food for sale.

Order 18 (11) – The Keeping of Horses (Donkeys) and Other Livestock not Covered in this Policy (referred to as Equines)

Objectives:

- To ensure that the satisfactory care and management of horses is maintained in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of ~~horses~~ equines does not adversely affect residents or the surrounding environment; and
- To ensure that ~~horse~~ equines owners comply with relevant government legislation.

Criteria:

Subject to compliance with the stables provisions of Council's Development Control Plan which includes but not limited to the following:

1. ~~Horses~~ Equines must not be kept within 10 metres of an adjoining property boundary or a dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food. This distance may be varied on application in areas zoned for stable/horse keeping purposes (refer to the Local Environmental Plan).
2. The floors of stables must be paved with concrete, mineral asphalt or other equally impervious material, and must be properly graded to an approved drain.
3. ~~Horse~~ Equines yards must be so enclosed as to prevent the escape of horses.
4. Yarded ~~horses~~ equines must be provided with a loosebox or similar shelter.
5. The provision of protection from sun, rain, wind and extremes of temperature should be provided. The facilities must be of such a standard of construction and state of repair that prevents escape or injury to the equines ~~horse~~. Yards and other holding facilities must be of post and rail or similar construction. Paddock held ~~horses~~ equines may use natural cover, but rugging and constructed shelters should also be considered.

6. External and internal walls of stables are to be of brick or masonry construction of an approved design, and:

    a. Be vermin resistant;

    b. Have a minimum floor area of 12 square metres for every ~~pony~~ equine;

    c. Have doors with a minimum height of 1.3 metres. The doors must open outward; and

    d. Provide ventilation of such a standard that prevents dampness, avoids excessive odours and prevents draughts.

7. Where rail fences are not available, appropriate visual additions such as reflective tape, plastic pipe, and so on, must be used on all wire fences.

8. All fences must be of such construction and standard of maintenance that will reasonably ensure that ~~the horse~~ equines cannot escape and/or be injured.

9. No tethered ~~horse~~ equines may be on a roadway or public place, unless under the direct supervision of an adult.

10. ~~Horses~~ Equines on busy roadways must be under the direct care of a responsible adult.

11. No ~~horse~~ equines may be taken onto a public reserve, unless permission to do so has been obtained from Muswellbrook Shire Council.

12. The keeping of ~~horses or donkeys~~ equines on allotments less than 2500m2 in area is not permitted.

13. No ~~horse~~ equines may be kept on a public place or vacant allotment within the Muswellbrook Shire Local Government Area.

14. Any stabled ~~horse~~ equines must be exercised at least daily for a minimum of 30 minutes and the time out of stables must be in excess of 2 hours.

15. **Cleansing and Waste Requirements**

    a. No impervious surfaces used by ~~horses~~ equines shall drain into any stormwater drainage system or waterway. All liquid waste shall be disposed of in a manner approved by Council.

    b. Cleaning of all areas must be completed daily.

    c. Provision of waste bin for solid matter and manure, such a waste bin must be cleaned out at least weekly. Council will allow certain forms of composting of stable waste on a case-by-case basis.

16. Suitable fire safety procedures must be provided. In the case of more than four individual stables (connected) and for all barn type stables, fire assessment and fire plans are required, including the provision of:

    a. At least one exit to the outside per five stables;

b. Exit width of 1.3 metres per stable, and an exit width of 2 metres for aisles. All doors are to open outwards;

c. Fire hose reels, in working Order;

d. Adequate water pressure;

e. Feed and bedding storage in a separate and unconnected building; and

f. Smoke detection equipment in working Order.

Order 18 (12) – The Keeping of Cattle

Objectives:

- To ensure a satisfactory standard of care and management for the keeping of cattle in the Muswellbrook Shire Local Government Area;
- Ensuring that the keeping of cattle does not adversely affect the community or the environment; and
- To ensure that cattle owners comply with relevant government legislation.

Criteria:

1. Cattle must not be within 10 metres (or such a greater distance as the council may determine in a particular case) of any premises.
2. The floors of stables must be paved with concrete or mineral asphalt or other equally impervious material, and must be properly graded to drain.
3. Cattle yards must be enclosed as to prevent the escape of cattle.
4. Where rail fences are not available, appropriate visual additions such as reflective tape, plastic pipe, and so on, must be used on all wire fences.
5. All fences must be constructed and up to a standard of maintenance so that the cattle cannot escape or be injured.
6. No cattle may be kept or taken onto a public reserve unless the permission of Council has been obtained.
7. No cattle may be kept on an allotment with an area of less than 2500m2.
8. The keeping of cattle in townhouse or unit developments is not permitted.

Order 18 (13) – The Keeping of Poultry

Objectives:

- To ensure the satisfactory standard of care and management for the keeping of poultry in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of poultry does not adversely affect the community or the environment; and
- To ensure that poultry owners comply with relevant government legislation.

Criteria:

1. All poultry must be kept in accordance with the **Local Government (General) Regulation ~~2005~~ 2021 Part 5, Schedule 2 – Division 2 clause 19/20**, as follows:

Poultry not to be a nuisance or health risk

A. Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.

B. Poultry yards must at all times be kept clean and free from offensive odours.

Poultry not to be kept near certain premises

C. Fowls (that is, birds of the species *Gallus Gallus "chicken/chook'*) or guinea fowls must not be kept within 3 metres of an adjoining lot boundary nor within 4.5 metres of any dwelling, public hall, school or premises used for manufacture, preparation, sale or storage of food.

D. Other types of poultry of a species permitted in clause 8 below must not be kept within 30 metres of any building referred to in subclause **C** above**.**

E. The floors of poultry houses must be paved with concrete or mineral asphalt underneath the roosts or perches. However, this subclause does not apply to poultry houses:

i. that are more than 15 metres from any dwelling, public hall or school; or

ii. that are situated on clean sand.

F. Poultry yards must be enclosed as to prevent the escape of poultry.

G. Poultry houses must not exceed 3 metres in height or 15 m2 in floor area.

2. All food must be stored in sealed vermin proof containers and must not be left uncovered.

3. All offensive noise, odours, vermin and other pests must be controlled.

4. All poultry must be housed in purpose built facilities. Structures must satisfy the general area and development standards of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or have development consent from Council.

5. The slaughtering of poultry is not permitted.

6. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

7. Outside runs must be free draining, not to discharge to neighbouring properties and not be allowed to become muddy.

8. The total numbers of poultry (excluding pigeons, see 18(14)) kept on premises in an urban area must not exceed the maximum amount specified below:

Type	Maximum numbers
Peacocks and peahens	Nil
Roosters	Nil
Ducks	Nil
Geese	Nil
Swans	Nil
Turkeys	Nil
Fowls (chickens)	10
Pheasants	10
Quails	10
Pea Fowls	2
Pigeons	See Clause 18 (14)

Order 18 (14) – The Keeping of Pigeons

Objectives:

- To ensure the satisfactory care and management for the keeping of pigeons in the Muswellbrook Shire Local Government Area; and
- To ensure that the keeping of pigeons does not adversely affect the surrounding community or the environment.

Criteria:

The keeping of domestic homing, show or fancy class pigeons by hobbyists and racing enthusiasts in the

Muswellbrook Shire Local Government Area is permitted with the following control conditions applying:

1. A maximum 40 pigeons except as permitted for Racing Pigeons (see below) may be kept.
2. All pigeons must be housed in purpose built facilities. All aviaries/lofts and other built facilities for the keeping of caged birds including pigeons require prior Council development consent, except where aviaries/lofts do not exceed the following dimensions as prescribed by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Cl2.7.

   a) A maximum 10 m2 surface area, a maximum height of 2.4 metres and with a set back from any boundary, fence or wall of 900 millimetres; and

   b) A maximum of 2 aviaries/lofts provided the total area does not exceed 10 square metres without prior Council approval.
3. The keeping of pigeons within unit or townhouse developments is not permitted.
4. **Racing Pigeons:** The maximum number of racing pigeons that may be kept on premises within an urban area is 150 birds, provided that the keeper is a certified member of a recognised pigeon racing club, federation or association is an active member of the sport and otherwise complies with other provisions of this local policy
5. Development Consent is required for any activity not considered a hobby including breeding pigeons for sale purposes.
6. Enclosed housing must use deep litter or other appropriate substrate.
7. Rodents other vermin and offensive odours must be vigorously controlled. All food must be stored in sealed vermin proof containers and must not be left uncovered.
8. Pigeons must not be kept within 9 metres of any dwelling or premises used for the sale, preparation, handling or storage of food for sale.
9. Positioning of pigeon lofts must be such that the amenity of adjoining premises is preserved, with no inconvenience or nuisance resulting from this activity or from flying birds. The pigeons' owner or the occupier of those premises must control feral pigeons attracted to captive managed flocks.
10. Waste must be disposed of in an approved manner.

11. **Liberation of Pigeons (General)**

Note: *This section relates to the practice commonly referred to as homing*

a) The uncontrolled release of pigeons (free lofting) in an urban residential area is not permitted.

b) Free flight exercise must be conducted on a planned basis, with duration time typically from 30 to 90 minutes and performed no more than twice daily.

c) Free non-flight time must be conducted under close supervision by the owner.

d) The exit and entry of these birds from a loft, aviary or cage must be fully controlled. Provision must be made for all released birds to return through a one-way entrance that will not permit uncontrolled exit.

e) Appropriate landing boards must be provided to encourage the uninterrupted return of birds to the loft, aviary or cage.

f) Every reasonable attempt must be made to retrieve birds that do not return.

g) Birds must not be permitted to roost on neighbours' premises.

h) Birds must be appropriately conditioned in their behaviour to ensure rapid and voluntary return to their enclosure after liberation.

Order 18 (15) – The Keeping of Sheep, Goats, Alpacas, Llamas, and Camels

Objectives:

- To ensure that sheep and goats are kept in a satisfactory manner in the Muswellbrook Shire Local Government Area;
- To ensure that the welfare of Sheep, Goats, Alpacas, Llamas, and Camels remains a priority;
- To ensure that the keeping of Sheep, Goats, Alpacas, Llamas, and Camels does not adversely affect nearby residents or property; and
- To ensure that the keeping of Sheep, Goats, Alpacas, Llamas, and Camels does not affect the surrounding environment.

Criteria:

1. No Sheep, Goats, Alpacas, Llamas, and Camels may be kept in a residential area on an allotment with an area less than 2500 square metres.
2. Sheep, Goats, Alpacas, Llamas, and Camels may not be kept within 10 metres of a dwelling, school shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food. ~~any premises or facility used for the commercial preparation or storage of food for human consumption.~~
3. Sheep, Goats, Alpacas, Llamas, and Camels are only permitted to be kept on land where suitable grazing exists.

4. The keeping of Sheep, Goats, Alpacas, Llamas, and Camels in townhouse or unit developments is not permitted.

5. No Sheep, Goats, Alpacas, Llamas, or Camels may be kept on a public place, including footpath areas and vacant allotments within the Muswellbrook Shire Local Government Area.

6. The slaughtering of Sheep, Goats, Alpacas, Llamas, and Camels is not permitted in urban areas unless within an approved facility.

Order 18 (16) – The Keeping of Non-Indigenous Animals Primates (Monkeys)

Objectives:

- To ensure the satisfactory care and management of non-indigenous animals in the Muswellbrook Shire Local Government Area;

- To ensure that the welfare of non-indigenous animals remains a priority; and

- To ensure that the owners keeping non-indigenous animals comply with the relevant government legislation and regulations.

Criteria:

1. All primates must have access to outside enclosures on most days.

2. Inside enclosures must maintain a temperature and humidity range that is appropriate to the species being kept.

3. All primates must be tested for tuberculosis annually, using an intradermal skin test that is conducted and assessed by a veterinary surgeon, confirming that a skin test for tuberculosis has been conducted and that the result was negative.

4. All owners of primates within the Muswellbrook Shire Local Government Area must provide the Council, each year, with a certificate prepared by a veterinary surgeon, confirming that a skin test for tuberculosis has been conducted and that the result was negative.

5. The certificate must include an opinion by the veterinary surgeon that the animal is healthy and is maintained in conditions that are suitable for the particular species.

6. The owner of any primate must agree to allow access to council officers at any reasonable time to inspect any premises where primates are kept.

7. Primates may only be held by private individuals under highly regulated circumstances. These include the provisions of a B class Zoo Licence, the *Exhibited Animals Protection Act 1986*, or otherwise under the licence provisions of the *Non-Indigenous Animals Act 1997*.

8. Appropriate licensing conditions as prescribed by NSW Agriculture must be complied with.

9. The standards and conditions of management and care prescribed by the *Exhibited Animals Protection Act 1986* must be fully complied with.

10. The primates must be held in a secure enclosure, unless under the direct supervision of an adult competent in the management and care of the primate.

11. Any enclosure used for the purposes of keeping primates must exceed the following dimensions:

12. **Species less than one kilogram in body weight –** indoor enclosure of 0.75 cubic metres, outdoor enclosure of at least 1.8 metres high and two cubic metres wide. Such an enclosure is suitable for small family groups. Building consent is required.

13. **Species between one kilogram and ten kilograms in body weight –** indoor enclosure of two cubic metres per animal, outdoor enclosure of five cubic metres per animal.

14. Enclosure must not be within 10 metres of any dwelling.

15. No species greater than ten kilograms may be held, except for individuals holding a B Class Zoo Licence.

Order 18 (17) – The Keeping of Squirrels

Criteria

1. Squirrels may only be held by private individuals under highly regulated circumstances. These include the provision of a B Class Zoo Licence, the *Exhibited Animals Protection Act 1986* or otherwise under the licence provisions of the *Non-Indigenous Animals Act 1997*.

2. All appropriate licensing conditions as prescribed by NSW Agriculture must be complied with.

3. The standards and conditions of management and care as prescribed by the Exhibited Animals Protection Act 1986 must be fully complied with.

4. Squirrels must be held in a secure enclosure, unless under the direct supervision of an adult competent in the management and care of squirrels.

5. All squirrels must have access to outside enclosures on most days.

6. Inside enclosures must maintain a temperature and humidity range appropriate to the species.

7. The owner of squirrels must agree to allow access to council officers at any reasonable time to inspect any premises where squirrels are kept.

Order 18 (18) – The Keeping of Bees

Objectives:

- To ensure that the welfare of bees remains a priority;
- To ensure that the keeping of bees does not adversely affect nearby residents or property; and
- To ensure that the keeping of bees does not affect the surrounding environment.
- To ensure that the owners keeping bees comply with the relevant government legislation and regulations.

Criteria:

1. All beekeepers must be registered with the NSW Department of Primary Industries (NSW DPI) and must comply with the *Apiaries Act 1985*.
2. All beehives must be identified by branding all brood boxes with their registration number.
3. Beekeepers must notify the NSW DPI within 24 hours if they become aware that their hive/s are infected with a disease.
4. The aims, objectives and husbandry procedures as defined in the Beekeeping Code of Practice must be complied with.
5. Complaints about beehives are to be directed to the Director-General of the NSW DPI.
6. **Urban Areas**

   In urban areas, where allotments are less than 2500m2, no more than two hives is permitted, and then only when the following circumstances prevail:

   a. Only docile strains of bees should be kept;

   b. Beekeeper must obtain permission from the owners of private lands or from the authority of government controlled lands before placing beehives on such lands;

   c. Hives should not be located within the vicinity schools, child care centres, hospitals or other public facilities;

   d. A suitable barrier must be erected close to the landing board to force flight paths above two metres;

   e. Beehives should not be positioned in the front yard of houses.

   f. Swarming must be controlled. This may be achieved by re-queening regularly with a reduced swarming strain, population control or temporarily splitting into smaller hives.

   g. A permanent water source suitable for bees should be established within close proximity to the hive;

   h. The hive is not within 10 metres of any neighbouring swimming pool;

   i. Hive/s are regularly monitored for signs of disease; and

j. The keeping of bees in unit and townhouse developments is not permitted.

Note – *Beekeepers are encouraged to increase and update their knowledge by attending training and/or belonging to a beekeeping association. In Order to keep more than two hives, development consent is required.*

7. Wild Hives

Wild hives must be controlled. Any person having a wild hive on their property must consult NSW Agriculture for advice.

A wild hive is described as feral bees not in a domesticated situation and not kept within a bee frame or a beekeeper's box.

Order 18 (19) – The Keeping of Pigs (Swine)

Objectives:

- To ensure the satisfactory standard of care for pigs (swine) in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of pigs (swine) does not adversely affect the community or the environment; and
- To ensure that the keeping of pigs (swine) complies with the relevant government legislation and regulations.

Criteria:

1. Pigs' dung and other waste must be disposed of in an approved manner on a daily basis.
2. Pigs must not be kept (and pigs dung must not be deposited) within 60 metres (or such greater distance as the council may determine in a particular case) of a dwelling, shop, office, factory, church or other place of public worship, workshop, school, a public place in a town or village or other urban part of an area. ~~a neighbouring property boundary~~.
3. No pigs may be kept in a residential area with an area of less than 2500 square metres.
4. Keeping pigs within units or townhouse developments is not permitted.
5. Pigs must be kept in an enclosed pig proof fence. Such fences must be 60 metres from the side and rear boundaries of the property.
6. Prior to the erection of any building or shed, a development application must be lodged to and approved by council.
7. The flooring of the building, shed or enclosure in which pigs are kept, must be constructed of an impervious material such as concrete or litter of some kind.
8. The building or shed that houses the pigs must be kept in good repair and in a clean and sanitary condition at all times.
9. Feeding troughs must be used and the troughs must be constructed of an impervious material.
10. All feed must be stored in vermin proof containers.
11. Noise must be controlled at all times.
12. All odours must be kept under control.

Order 18 (20) – The Keeping of Fish, Aquariums and Ponds

Objectives:

- To ensure the satisfactory standard of care for aquatic organisms in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of fish, aquariums and ponds does not adversely affect the community or the environment; and
- To ensure that all relevant guidelines, regulations and Australian Standards are complied with.

Criteria:

1. Water is to be maintained at clean and sufficient levels.
2. All noise from filtration pumps must not be used in a manner that creates a nuisance.
3. Ponds must contain shade of some kind. This may include aquatic plants.
4. Food must be made available that suits the species of aquatic organism(s). This may include aquatic plants.
5. Fish must be protected from predation. This may be done with fencing or a cover of some kind.
6. All fish and aquatic plants must be disposed of in a council approved manner. Council does not approve the dumping of fish and aquatic plants into any type of waterway, or anywhere that leads to one.
7. Ponds are required to be made child proof with a fence. The fence must comply with Australian Standard 1926. Applies to ponds more than 300 millimetres in depth.
8. Council approval is required for the construction of a pond that fails to meet the following requirements:
    a) The pond is to be located at the rear of the yard and no closer than 900 millimetres to the nearest adjoining boundary;
    b) The maximum surface area of the pond is to be 2 square metres;
    c) The pond will not be capable of being filled to a greater depth than 300 millimetres;
    d) The pond will not be constructed so that it prevents the natural flow of stormwater, drainage or runoff; and
    e) The pond will not be constructed so that it is higher than 300 millimetres above the existing ground level.

Order 18 (21) – The Keeping of Reptiles

Objectives:

- To ensure satisfactory standards of care and management are met in regards to the keeping of all reptiles in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of reptiles does not adversely affect the surrounding community and the environment; and
- To ensure that all relevant government legislation and regulations are complied with.

Criteria:

1. All provisions of the *National Parks and Wildlife Act 1974* must be complied with. This includes obtaining a licence to keep reptiles.
2. Advice regarding the keeping of reptiles must be obtained from the National Parks and Wildlife Service.
3. It is prohibited to move a reptile from the natural environment.
4. Reptiles must be housed in a manner that provides appropriate environmental conditions suited to the particular species.
5. All reptiles must be housed in an adequate manner that prevents escape. Adequate housing includes, but is not limited to:

Snakes –

a) Venomous snakes may only be kept in lockable, sealed, escape proof containers or cages within a lockable and sealed escape proof room;

b) The individual containers and the room itself must be locked when the licensee is not present in the room, so as to prevent unauthorised entry and/or tampering with containers or cages and the escape of snakes;

c) Access to all venomous snakes must be limited to persons who are under the direct supervision of the licensee or to persons holding a Class 2 licence with the same category endorsement;

d) All housing for snakes must be kept in a clean condition;

e) Muswellbrook Shire Council must approve all housing facilities for snakes.

Turtles –

f) Ponds that house turtles must be cleaned on a regular basis;

g) Basking logs and rocks must be available along and partly emerged in the pond to allow for stress free basking;

h) Adult turtles (30 centimetres or greater shell length) require a 2 metres length by 2 metres width by a 0.5 metre depth (2m (L) x 2m (W) x 0.5m (D)), with gradual sides to allow easy exit;

i) Turtles are to be in an enclosed area so as to prevent escape.

6. All offensive odours must be controlled.
7. All noise must be controlled.
8. The breeding of rats, mice or other live animals for the purpose of feeding any reptile is not permitted.
9. All reptiles must be protected from the predation of other animals.
10. Muswellbrook Shire Council strongly suggests that all reptile enthusiasts join a Reptile Keepers organisation.
11. All reptiles must be kept in appropriate numbers.

Order 18 (22) – The Keeping of Native Wildlife

Objectives:

- To ensure the satisfactory care and management of injured native wildlife;
- To ensure that the keeping of injured native wildlife does not adversely affect the surrounding community or the environment; and
- To ensure that the carers of injured native wildlife comply with relevant government legislation.

Criteria:

1. No native animal may be taken from the wild and kept as a pet.
2. Carers of injured native wildlife must be a member of a licensed rehabilitation group and have completed the appropriate training courses for the caring of injured animals.
3. Injured wildlife must not create a nuisance of any kind to the surrounding community.
4. All offensive noise must be controlled.
5. All odours must be controlled.
6. Suitable facilities for the housing of injured animals must be available and used.
7. The caring of injured native wildlife in townhouse or unit developments is not permitted.
8. A Native Animal Keepers' licence is required to keep most native animals as pets (ie those bred in captivity). Contact the Office of Environment and Heritage's licencing unit for licencing requirements.

Order 19 - Use of tennis courts

To do What?

To use or not to use a tennis court as specified.

In What Circumstances?

Actual or likely annoyance or threat to the safety of neighbours or users of a public place.

To Whom?

Occupier of land.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

1. Tennis courts are not to be used after 10:00pm unless otherwise approved by development consent.
2. Tennis courts on private property shall not be used for commercial purposes (i.e. for hire to non-residents of the property) without development consent being issued.

Order 21 - Safe and healthy land and premises

To do What?

To do or refrain from doing such things as are specified in the Order to ensure that land is, or premises are, placed or kept in a safe or healthy condition.

In What Circumstances?

The land or premises are not in a safe or healthy condition.

To Whom?

Owner or occupier of land or premises.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

Land or premises would be considered not to be in a safe or healthy condition if the safety or the health of the owner or occupier of the land or premises, or members of the community, is detrimentally affected, or conditions, matters or things on the land or premises create or are likely to create a health or safety risk to any person. Action that can be required includes, but is not limited to, the following:

1. The abatement of dampness in walls and ceilings in any property.
2. The removal of defective floor timbers and stair treads and replacement with sound material.
3. The renewal or repair of waste pipes and sanitary fittings and flush pipe to water closet pans.
4. Renewal or repair of defective sewerage service pipes.
5. Clearing of choked sewerage service pipes.
6. Repair of defective septic tanks, pipes and absorption pits.
7. The removal of the following accumulations which are likely to afford harbourage to vermin or otherwise pose a threat to health and safety to any person:

    i. disused and/or second hand building materials or household fixtures and fittings;
    ii. dilapidated and/or abandoned motor vehicle or ancillary parts and accessories or machinery;
    iii. dilapidated and/or abandoned boats, watercraft, trailers or caravans;
    iv. disused and/or second hand containers, bottles, scrap metal, wastepaper, rags, rubbish or other scrap materials; and
    v. tree trunks, tree stumps, organic material, vegetation or firewood.

8. Provision of suitable facilities for toilet, kitchen sink, bathing and for washing of clothes with hot and cold water provided.
9. Provision of suitable cooking facilities.
10. The treatment of an untreated swimming pool or excavation where the condition of the water within it is or is likely to be breeding mosquitoes.

11. The boarding up or fencing off of a dilapidated building to prevent unauthorised access where there is a safety issue and Order no. 7 cannot be used.
12. Cleaning of garbage containers and waste storage rooms or areas.
13. Disconnection of an electric fence from its energiser or otherwise render it inoperable.
14. Removal of petroleum storage tanks (underground and overground).

Order 22 - Waste on land or premises

To Do What?

To store, treat, process, collect, remove, dispose of or destroy waste which is on land or premises in the manner specified in the Order, provided that it is not inconsistent with the regulations made under the Protection of the Environment Operations Act 1997.

In What Circumstances?

Waste is present or generated on the land or premises and is not being dealt with satisfactorily, and is not regulated or controlled by, or subject to, a licence or notice granted or issued under the Protection of the Environment Operations Act 1997.

To Whom?

Owner or occupier of land or premises, owner of or person responsible for the waste or for any receptacle or container in which the waste is contained.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

1. The standards for the disposal of certain waste set out in Part 6 of Schedule 2 of the Local Government (General) Regulation 2021.

2. Waste is being stored on land or premises for collection by Council not in the approved impervious receptacles with close-fitting lids that are provided for this purpose.

3. Where waste is present on land or premises and is not being properly stored, collected or removed satisfactorily from those premises.

4. Where there is a defective on-site sewage management system.

5. Where there is disposal of human waste on site without an approved method of waste disposal.

Order 22A - Remove Waste from land

To do what?

To remove or dispose of waste that is on any residential premises or to refrain from keeping waste on those premises.

In What Circumstances?

The waste is causing or is likely to cause a threat to public health or the health of any individual.

To Whom?

Owner or occupier of the premises.

Criteria:

No additional criteria.

Order 23 - Connection to water supply

To Do What?

To connect premises to the council's water supply by a specified date

In what Circumstance?

The premises are situated within 225 metres of a water pipe of the council

To Whom?

Owner or occupier of land

Criteria:

No additional Criteria.

Exceptions:

The premises is less than ten years old and provision has been made for a wholesome water supply of more than 60,000ltrs.

Order 24 - Connection to sewerage system

To Do What?

To connect premises with a sewerage system by a specified date

In what Circumstance?

The premises are situated within 75 metres of a sewer of the council

To Whom?

Owner or occupier of land

Criteria:

No additional Criteria.

Exceptions

The premises is less than ten years old and an effective on-site sewage management system is being operated in accordance with licence conditions.

Order 25 - Human waste storage facility on premises

To Do What?

Not to use or permit the use of a human waste storage facility on premises after a specified date.

In What Circumstances?

It is necessary for the purpose of protecting public health.

To Whom?

Owner or occupier of premises.

Criteria:

The human waste storage facility is so defective or poorly designed so as to potentially or actually permit human waste to discharge or overflow from the storage facility in such a manner to be a danger to the health of the public.

Criteria Does Not Include:

Where the use of human waste storage facilities is capable of being regulated by the Department of Environment and Conservation, Council may not make an Order No. 25.

Order 27 - Object or matter in a public place

To Do What?

To remove an object or matter from a public place or prevent any object or matter being deposited there.

In What Circumstances?

The object or matter:

a) is causing or is likely to cause an obstruction or encroachment of or on the public place and the obstruction or encroachment is not authorised by or under any Act, or

b) is causing or is likely to cause danger, annoyance or inconvenience to the public.

To Whom?

Person causing obstruction or encroachment or owner or occupier of land from which the object or matter emanates or is likely to emanate.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration.

1. An Obstruction interrupts, make difficult or opposes the passage, progress or course of a person.

2. Object or matter is any article, item or thing which is visible and tangible and can include but is not limited to:

    a. advertising sign, advertisement generally;

    b. motor vehicles or motor vehicle parts;

    c. caravans or caravan parts;

    d. trailers/boats or trailer/boat parts;

    e. machinery, equipment and appliances;

    f. second hand materials including building materials;

    g. demolition materials;

    h. scrap materials;

    i. sand, soil rock, blue metal and any other material derived from any construction or dredging process;

    j. any organic or vegetative material;

    k. any industrial or commercial waste product;

l. any household fixtures, rubbish or waste.

m. second hand containers, bottles, scrap metal, waste paper, rags, or rubbish;

n. any recycled or composted material.

Criteria Does Not include:

1. The placing of articles on a public place during a designated period of a Council clean up provided these articles do not breach conditions in the circumstances (a) and (b). above.

2. The display of goods on footpaths and public places for which an approval has been obtained from Council and a licence agreement entered into in accordance with the provisions of relevant Muswellbrook Shire Council's policies.

3. The placement of outdoor dining facilities and other items on footpaths and public places for which an approval has been obtained from Council and a licence agreement entered into in accordance with the provisions of relevant Muswellbrook Shire Council's policies.

Order 28 - Damage to a public place

To Do What?

To take whatever steps are necessary to prevent damage to a public place and to repair damage to a public place.

In What Circumstances?

There is actual or likely damage:

a. by excavation or removal of material from or adjacent to the public place; or

b. by a work or structure; or

c. by surface drainage or irrigation.

To Whom?

a. the person responsible for the excavation or the removal of the material.

b. the owner or person entitled to the benefit of the work or structure.

c. the owner or occupier of land from which surface drainage flows or from which spray emanates.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

1. There is no approval issued by Council.
2. The work is not in accordance with approval granted by Council.

Order 29 - Work or structure in a public place

To Do What?

To alter or repair a work or structure on, over or under a public place.

In What Circumstances?

It is in the public interest to do so.

To Whom?

Owner of the work or structure.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

1. The work or structure on, over or under the public way is not in accordance with an approval or is considered unsafe or dangerous.
2. Repairs are required to private services within a public place such as, but not limited to, sewer services and roof water / stormwater pipes that are not covered by lease agreements.
3. Driveway crossings which are not being maintained in a safe condition.
4. Shop awnings which are not being maintained in a safe or sightly condition.
5. Maintenance of underground pipes within a public place.

Order 30 - Compliance with approvals

To Do What?

To comply with an approval.

In What Circumstances?

The approval is not being complied with.

To Whom?

Person entitled to act on the approval or person acting otherwise than in compliance with the approval.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration:

1. An approval granted by Council under the Local Government Act or Regulations has not been complied with.
2. Conditions of an approval granted by Council under the Local Government Act or Regulations have not been complied with.

Additional Provisions of Policy

Copies of Certain Orders to be Provided to the Environment Protection Authority

If Council gives Order No 11, 12, 18, 21 or 25 in respect of land or premises and the land or the land on which the premises are situated is the subject of a contaminated land action, the Council must provide the EPA with a copy of the Order and of any modification or revocation of it.

Failure to provide the EPA with a copy does not invalidate an Order, modification or revocation. "Contaminated land action" means a current action under the Contaminated Land Management Act 1997 comprising:

a) a declaration or Order made under Part 3 of that Act in respect of which the EPA has notified the Council under s59 of that Act, or

b) a voluntary proposal in respect of which the EPA has notified the Council under s59 of that Act, but which has not yet been fully carried out, or

c) a notice to maintain remediation action issued by the EPA under s28 of that Act, or

d) a covenant to maintain remediation imposed by the EPA under s29 of that Act. (Clause 97 Local Government (General) Regulation ~~2005~~ 2021).

Delegations

The General Manager shall be responsible for the implementation of the provisions of this policy and responding to any complaints to Council issued Orders.

All employees who deal with complaints and the enforcement of the Local Government Act 1993, including the issuing of Orders, are responsible for adhering to this policy.

Legislation

Apiaries Act 1985

Companion Animals Act 1998

Companion Animals Amendment Act 2001 and 2006

Companion Animals Regulation 2008

Contaminated Land Management Act 1997

Environmental Planning and Assessment Act 1979

Exhibited Animals Protection Act 1986

Food Act 2003

Food Regulation 2015

Home Building Act 1989

Local Government (General) Regulation ~~2005~~ 2021

Local Government Act 1993

National Parks and Wildlife Act 1974

Non-Indigenous Animals Act 1997

Protection of the Environment Operations Act 1997 (or more recent Act)

Public Health Act 2010

Public Health Regulation ~~2012~~ 2022

Roads Act 1993

Swimming Pool Act 1992

Water Management Act 2000

Dispute Resolution

All complaints are to be submitted to the Assistant Director Environment and Community Services who authorises the issuing of Orders. If a person wishes to escalate a complaint, they can do that by writing to the General Manager who has an authority to make a final decision in regard to a disputed Order.

Associated Council Documentation

Muswellbrook Local Environmental Plan 2009

Muswellbrook Development Control Plan 2009

Authorisation Details

Authorised by:	Council
Minute No:	
Date:	
Review timeframe:	30 December 2025
Department:	Environmental and Planning Services
Document Owner:	Director Environment and Planning

Details History

Version No.	Date changed	Policy type	Modified by	Amendments made
1	12 March, 2019	Council	Sharon Pope	Original Policy
2	11 October, 2022	Council	Sharon Pope	Updates to reflect changes to the Local Government Act 1993, Local Government Act (General) Regulations 2021 and related Acts and Regulations.

9.4.4. 2022 Christmas Closure

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	{authors-names-with-position}
Community Plan Issue:	*6 - Community Leadership*
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.
	Not applicable

PURPOSE

To inform Council of possible dates for closure of the Administration Centre over the Christmas/New Year period.

OFFICER'S RECOMMENDATION

Council:

1. Endorses the closure of Council Administration, Depots and Water & Waste facilities as follows:
   * Friday 9 December, 2022 – Staff End of Year Function
   * 12 Noon Friday 23 December 2022 to 7.00am Tuesday 3 January, 2023 – Christmas/New Year.
2. Notes that the Local Government Unions have requested the following date for their combined Picnic Day and endorses the closure of Council Administration, Depots and Water and Waste facilities as follows:
   * Tuesday 1 November, 2022.

Moved: _____ Seconded: _____

REPORT

2022 Union Picnic Day

It has been suggested that Tuesday 1 November, 2022 be granted as the 2022 Union Picnic Day.

According to the Local Government (State) Award Union Picnic Day shall be regarded as a holiday for employees who are financial members of the union.

Employees who are not financial members of the Union and who are required to work on Union Picnic Day shall be paid ordinary pay for their normal working day.

Employees who are not financial members of the Union and who are not required to work on Union Picnic Day may apply to the employer to take Annual Leave, Long Service Leave, Time

off in Lieu or such other leave as may be approved by the employer.

As in previous years the Council Administration Centre will be closed. Skeleton crews will be scheduled to ensure that service areas operate as usual. Union members who wish to work or are required to work in order to meet customer service levels will be appropriately compensated.

2022 Staff End of Year Function

Each year Council holds an End of Year Function to express its gratitude to staff for the work they have undertaken throughout the year. This year the Staff End of Year Function will be held on Friday 9 December, 2022.

2022/2023 Christmas New Year Office Closure

It has been a practice in the past that some of the Muswellbrook Shire Council offices close during the Christmas and New Year period.

The offices to be closed for part or all of the period between 12 Noon Friday 23 December 2022 and Tuesday 3 January 2023 include the Muswellbrook Administration Centre, Muswellbrook and Denman Libraries, Muswellbrook Visitor Information Centre and the Muswellbrook Regional Arts Centre.

The total period of closure would be two or three (2 or 3) working days plus three (3) public holidays, with the recommended dates and times of closure being from 12 Noon Friday 23 December 2022 to 7:00am Tuesday 4 January 2023.

The public holidays included in the closure are:

Christmas Day	Sunday 25 December 2022 (Monday 26 December, 2022)
Boxing Day	Monday 26 December 2022 (Tuesday 27 December 2022)
New Year's Day	Sunday 1 January 2023 (Monday 2 January, 2023)

The proposed closure between Christmas and New Year has been selected as the quietest business time of the year with only minimal enquires and the provision of very limited service to the public across all areas of Council services.

Staff will be required to take leave during this period, which would reduce Council's leave liability.

9.4.5. Christmas Spectacular 2022

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	{authors-names-with-position}
Community Plan Issue:	*6 - Community Leadership*
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves. 4.3.1.1 - Council works in partnership with community groups to deliver a minimum of six events a year.

PURPOSE

To report to Council a request for funds to support the Muswellbrook Christmas Spectacular for 2022.

OFFICER'S RECOMMENDATION

Council supports the Christmas Spectacular for 2022 as a sponsor with a contribution of $6,000 allocated from the sundries donation budget.

Moved: _____ Seconded: _____

BACKGROUND

Council has previously provided financial support towards the Muswellbrook Christmas Spectacular and a request has been received from the organisers, Radio Hunter Valley (2NM and Power FM), for a funding contribution for this year's event.

CONSULTATION

Acting General Manager

REPORT

Radio Hunter Valley (2NM and Power FM) has sought a funding contribution of $6,000 towards the 2022 Christmas Spectacular, which will be held at the Muswellbrook Showground on 10 December, 2022. Council has sponsored the event in previous years, which has attracted significant visitor numbers and public goodwill.

It is recommended that Council sponsors the event for 2022, which will be acknowledged by the organisers in promotional material and content. The cost of the sponsorship can be met from the Sundries Donations allocation in the 2022/23 budget.

OPTIONS

1. It is recommended that Council sponsors the event with a contribution of $6,000; or
2. Councillors may elect not to sponsor the event or to grant an alternative amount.

CONCLUSION

It is recommended that Council supports the 2022 Christmas Spectacular.

SOCIAL IMPLICATIONS

The Christmas Spectacular provides the community with an exciting and entertaining experience for all ages as part of the festive season. It contributes to social cohesion and inclusion.

FINANCIAL IMPLICATIONS

The amount requested can be met from the Sundries Donations allocation within the 2022/2023 budget, which currently has $19,865 available. This will reduce the amount available for distribution under the community grants program planned for the first half of 2022.

POLICY IMPLICATIONS

Not applicable.

STATUTORY IMPLICATIONS

The Local Government Act permits donations and sponsorships of this type.

LEGAL IMPLICATIONS

No known legal implications.

OPERATIONAL PLAN IMPLICATIONS

Not applicable.

RISK MANAGEMENT IMPLICATIONS

No known risk management implications.

WASTE MANAGEMENT IMPLICATIONS

Not applicable.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Council's investment will include the promotional airtime and digital space outlined. The sponsorship period is October 2022 and ending in December 2022 inclusive.

9.4.6. 2023 Half Day Public Holiday

Attachments:	1. 2023 Muswellbrook Cup Public Holiday Survey All Summary Data [**9.4.6.1** - 2 pages] 2. MRC Public Holiday Application Support Letter [**9.4.6.2** - 1 page] 3. Media Release [**9.4.6.3** - 1 page] 4. Example of Community Consultation Email [**9.4.6.4** - 1 page]
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	{authors-names-with-position}
Community Plan Issue:	*1 - Economic Prosperity*
Community Plan Goal:	*A dynamic Local economy with full employment for current and future residents in a diverse range of high value industries.*
Community Plan Strategy:	1.2.1 - Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise

PURPOSE

For Councillors to consider supporting the proposed application to NSW Treasury for the Local half-day public holiday on Friday 31 March, 2023.

OFFICER'S RECOMMENDATION

Council makes an application to the Minister for the Public Service and Employee Relations for the declaration of a half-day public holiday for the Muswellbrook Cup Day from noon on Friday, 31 March, 2023.

Moved: _____ Seconded: _____

BACKGROUND

In order that the 2023 Muswellbrook Cup Half-Day Public Holiday can be observed, Muswellbrook Shire Council is required to make application to NSW Treasury under the *Public Holidays Act 2010* for the declaration of local public holidays and local event days.

CONSULTATION

Muswellbrook Race Club

Local businesses, schools, banks, transport providers and community members

REPORT

To be officially recognised, the Minister for the Public Service and Employee Relations must declare a local public holiday or event day following an application by Council.

The Muswellbrook Race club has been granted approval from Racing NSW to hold the Muswellbrook Cup Race Day on 31 March 2023 and it is proposed a local half day holiday be held in the Muswellbrook LGA, from noon, to stimulate greater participation and interest in the event.

Alternatives to a local half day public holiday are a part day public holiday – from noon to 6pm and a local event day - which is recognised as a day of special significance to the community in name only and does not attract entitlement to paid leave or penalty rates unless specified in the form of an enterprise agreement or by contract and does not preclude schools, banks and retail outlets from opening on the day.

Consultation with relevant stakeholders has been undertaken to support the application and Council has received positive feedback in support of the declaration of a half day public holiday as proposed. Results from the survey are attached as Appendix A. A letter of support from Muswellbrook Race Club, which states their preference for a part day public holiday, is attached as Appendix B. Sample media release is attached as Appendix C. Example of community consultation email is attached as Appendix D.

The local half day public holiday is a feature of Muswellbrook Cup Race Day and has been declared for many years. The Muswellbrook Cup Race Day is one of the major sporting events in the region and generally attracts a large crowd with a portion of this support contributed to the declaration of a local half day public holiday.

However, the holiday does create an imposition on local business and schools, although the community benefit must also be measured in this decision as it does provide the opportunity for residents to participate in a local event which benefits the economic and social aspects of the Shire. Without the declaration of the holiday, numbers attending Muswellbrook Cup Race Day may decline significantly.

It is therefore recommended that Council supports an application to NSW Treasury for a half day – from 12 noon - public holiday be approved.

OPTIONS

Council may consider not making an application for a public holiday or to support a local event day as an alternative.

CONCLUSION

It is recommended that Council seeks approval from the Minister for the declaration of a half-day public holiday for the Muswellbrook Cup Day on Friday, 31 March, 2023 from noon.

SOCIAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Council employees who would be required to work and maintain a minimum level of service to the community would be entitled to penalty rates in accordance with the Local Government State Award (2020).

POLICY IMPLICATIONS

Not applicable.

STATUTORY IMPLICATIONS

Not applicable.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

Not applicable.

RISK MANAGEMENT IMPLICATIONS

Not applicable.

WASTE MANAGEMENT IMPLICATIONS

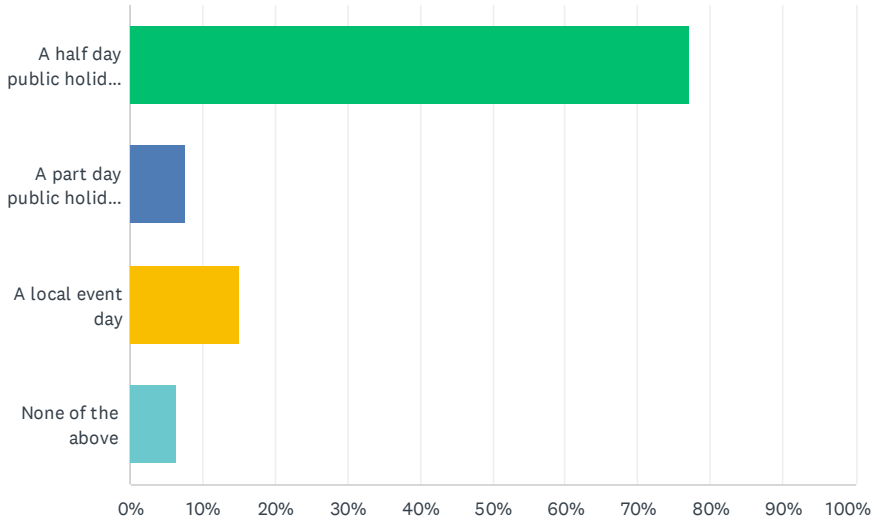
Not applicable.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Not applicable.

Q1 For Muswellbrook Cup Day on 31 March 2023 which of the following would you prefer to be held in the Muswellbrook Shire:

Answered: 79 Skipped: 0

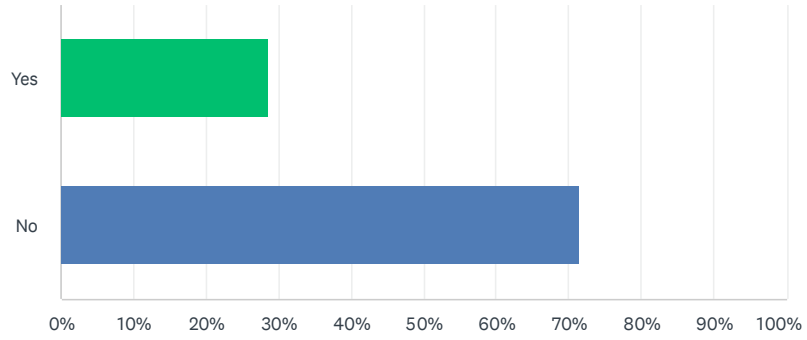


ANSWER CHOICES	RESPONSES	
A half day public holiday (from noon)	77.22%	61
A part day public holiday (noon to 6pm only)	7.59%	6
A local event day	15.19%	12
None of the above	6.33%	5
Total Respondents: 79		

Q2 Do you have a business that would be impacted by the gazettal of public holidays?

Answered: 77 Skipped: 2

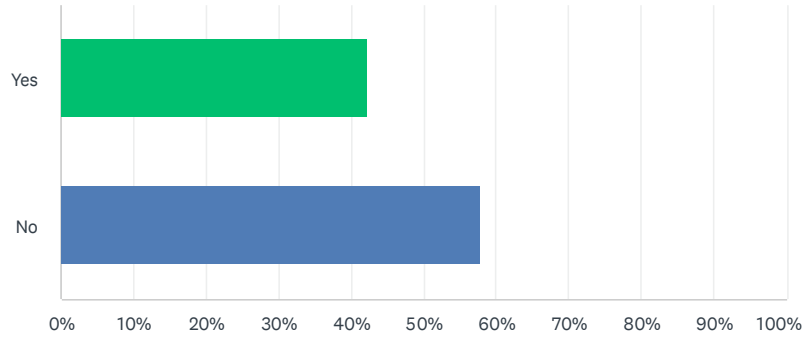
Have your say on the 2023 half-day public holiday for the Muswellbrook Cup



ANSWER CHOICES	RESPONSES	
Yes	28.57%	22
No	71.43%	55
TOTAL		77

Q3 Are you a parent or carer who would be affected by the gazettal of public holidays (e.g. child's travel to and from school, childcare during business hours)?

Answered: 78 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	42.31%	33
No	57.69%	45
Total Respondents: 78		

MUSWELLBROOK
RACE CLUB

ABN : 68 000 559 375

Skellatar Park Racecourse

16th August 2022

Acting GM Derek Finigan and Honourable Mayor Steve Reynolds

Muswellbrook Shire Council

Dear Derek and Honourable Mayor Steve,

On behalf of Muswellbrook Race Club, I would like to strongly support the application for a part day public holiday for our Muswellbrook Cup Day on **Friday 31st March 2023**.

I feel that a part-day holiday (12 noon to 6pm) would benefit the club and community and be beneficial to the hospitality businesses in the town who will be taking many patrons into their premises after 6pm.

The Race Club relies heavily on this application being successful to ensure the success of not only the day but also the festival of events that is created over several days and the increased business to the local area from outside visitors during this time.

The hospitality and tourism sector in the Upper Hunter has suffered significantly from the effects of Covid19, so continuing with previous arrangements with community events such as ours is essential to supporting these businesses.

I look forward to a favourable outcome for the community and our race club.

Kind Regards,

Trevor Taylor

General Manager

Ph: (02) 6541 1699

Mob: 0421-581714.

gm@muswellbrookraceclub.com.au

www.muswellbrookraceclub.com.au

19 September 2022

Survey to decide Public Holiday proposal for 2023 Muswellbrook Cup Day

Muswellbrook Shire Council is seeking community feedback on a proposed half day public holiday (from noon onward) for the Muswellbrook Gold Cup Day, to be run on Friday, 31 March 2023.

Council is seeking views on whether the Muswellbrook Cup Holiday should be a half day public holiday (from noon onward) a part day public holiday (from noon to 6pm only) or merely a local event day. A 'local event day' is recognised as a day of special significance to the community in name only and does not attract entitlement to paid leave or penalty rates unless specified in the form of an enterprise agreement or by contract.

Council will consult with the community, local businesses, schools, banks and the Muswellbrook Race Club before applying to the Minister for the Public Service and Employee Relations for either a half day or part day public holiday or local event day.

Residents and business operators are encouraged to have their say by completing the survey here: https://www.surveymonkey.com/r/MuswellbrookCupPublicHoliday2023

The Public Holiday Survey will be live until Friday, 30 September 2022.

ENDS

Contact: Christine Middleton, Communications and Media Co-Ordinator
P: 6549 3763
E: Christine.Middleton@muswellbrook.nsw.gov.au

I refer to an application by Muswellbrook Shire Council for a local half day public holiday to be observed on Friday, 31 March 2023 from 12.00 noon. Council is required to consult with the community on the proposed application.

Council has undertaken broad community consultation on the matter, and seeks feedback from our Shire's schools on the potential impact such a public holiday may have, particularly with respect to the transport of students.

Under the administrative arrangements to declare a public holiday, Council must apply for all full or half public holiday and the Minister must approve its gazettal before being officially recognised by the State. As an alternative to a local half day public holiday, the community also has the option of supporting a part-day public holiday – from 12noon to 6pm and a local event day. A local event day is again declared by the Minister, although it does not preclude banks and certain retail outlets from trading on the day. Entitlements to penalty rates will only arise in the case where an enterprise agreement or contract has been signed.

Council considers the local half public holiday to be a significant event for the Muswellbrook Shire and provides for a community occasion which is well supported by industry within the Shire.

It would be appreciated if you could provide your views on the proposal by October 10, via email council@muswellbrook.nsw.gov.au so Council may proceed with the lodgement of the application. Alternatively, you may complete online survey available at:
https://www.surveymonkey.com/r/MuswellbrookCupPublicHoliday2023

Please advise if you require further information

Kind regards

9.4.7. Establishment of Grants Review Committee

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	{authors-names-with-position}
Community Plan Issue:	*5 - Community Infrastructure*
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	5.1.1 - Review, develop and maintain liveable town and village precincts. 5.1.4.1 - Capital works programmes prioritised to demonstrate continual improvement in community infrastructure.

PURPOSE

The report is submitted for Council's consideration in establishing a Grants Review Committee.

OFFICER'S RECOMMENDATION

1. Council establishes a Grants Review Committee to comprise the following membership:
   (i) Councillor _____
   (ii) Councillor _____
   (iii) Councillor _____
2. The Grants Review Committee shall meet at such times and places as it may determine to be necessary; and
3. The Grants Review Committee may invite such persons to participate in its considerations that will enable the Committee to effectively and efficiently perform its functions.

Moved: _____ Seconded: _____

BACKGROUND

The State and Federal government grants environment is complex, dynamic and fast paced, with brief timeframes required for the submission of some grant applications. So that Councillors are appropriately consulted and informed, it is proposed to establish a Grants Review Committee, comprised of Councillors and senior staff, to consider upcoming grant opportunities and to review the status of proposed and submitted grant applications.

CONSULTATION

Mayor Cr Steve Reynolds

Manex team

REPORT

For the benefit of all residents, business and visitors, Muswellbrook Shire Council is committed to improving the prosperity, sustainability, liveability and accessibility of Muswellbrook Shire. An important contributor to the ongoing development and improvement of Muswellbrook Shire's physical infrastructure and social wellbeing and welfare, is applying for and securing grant funding that assists Council to realise the community's vision outlined in the Community Strategic Plan.

Deadlines for grant submissions often fall between scheduled Council meetings and the timeframe for appropriately responding to some grant opportunities are of brief duration. So that Councillors are appropriately consulted and informed in relation to upcoming grant opportunities, and to ensure Council's grant application efforts are aligned with the Community Strategic Plan goals and Council's priorities, it is proposed to establish a Grants Review Committee. The Committee will comprise Councillors and appropriate senior and subject matter expert members of staff.

The Committee's structure and terms of reference will be formalised at the first meeting of the Grants Review Committee. It is considered that the following Councillor officers will act as liaison officers to the Committee:

1. Deputy General Manager
2. Director – Corporate Services & Chief Financial Officer
3. Grants and Community Engagement Advisor
4. Director - Community and Economy
5. Director - Property and Place
6. Manager - Roads, Drainage and Technical Services

OPTIONS

Council may decide to establish or not establish a Grants Review Committee.

CONCLUSION

In order to provide an enhanced level of Councillor engagement in the grant submission and review process, it is considered beneficial to establish a Grants Review Committee comprised of Councillors and suitably senior members of staff.

SOCIAL IMPLICATIONS

The objective of seeking and securing grant funding is to provide ongoing physical and social benefit to the community.

FINANCIAL IMPLICATIONS

Nil. The formation and operation of the Grants Review Committee will be carried out within existing budgets.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Local Government Act 1993

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

Submission of the report complies in principle with item 5.1.4.1 of the Operational Plan: 'Capital works programmes prioritised to demonstrate continual improvement in community infrastructure'.

RISK MANAGEMENT IMPLICATIONS

The establishment of a Grants Review Committee will assist to ensure Council demonstrates sound governance and financial oversight practice.

WASTE MANAGEMENT IMPLICATIONS

Nil.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Community consultation and information will be provided for discrete grant opportunities.

9.4.8. Annual Report on Code of Conduct Complaint Statistics: 1 October, 2021 to 30 September, 2022

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	{authors-names-with-position}
Community Plan Issue:	*6 - Community Leadership*
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.5 - Implement a comprehensive and targeted business improvement program.
	6.2.5.4 - Develop, implement and monitor a calendar of compliance to support Council's statutory reporting obligations.

PURPOSE

To present the Muswellbrook Shire Council Code of Conduct Complaints report to Council for the 1 October 2021 – 30 September 2022 reporting period.

OFFICER'S RECOMMENDATION

Council:

1. Notes the report;
2. Authorises the Acting General Manager to submit the report to the Office of Local Government prior to the 31 December 2022 due date.

Moved: _____Seconded: _____

BACKGROUND

The reporting of complaints statistics is an important accountability mechanism that provides local communities with a valuable insight into the performance of their councils and also provides the Office of Local Government with the means to evaluate Council's implementation of the Model Code framework and whether the framework has achieved its policy objectives.

In line with the Office of Local Government Calendar of Compliance, and in accordance with the *Model Code of Conduct Procedure*:

Cl.11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period);

b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period;

c) the number of code of conduct complaints finalised by a conduct reviewer at the

preliminary assessment stage during the reporting period and the outcome of those complaints;

d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period;

e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period;

f) the number of matters reviewed by the Office of Local Government during the reporting period and, without identifying particular matters, the outcome of the reviews; and

g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.

Cl.11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

CONSULTATION

Corporate Lawyer

REPORT

Clause 11.1(a)

6 code of conduct complaints were made against Muswellbrook Shire Councillors and the General Manager during the reporting period from 1 October 2021 to 30 September 2022.

Clause 11.1(b)

No code of conduct complaints were reported to a conduct reviewer during the reporting period. 2 code of conduct complaints were referred to the Office of Local Government for investigation. 1 code of conduct complaint was referred to an external agency for investigation.

Clauses 11.1(c) and 11.1(d)

Not applicable.

Clause 11.1(e)

Ome (1) code of conduct complaint was found not to constitute a breach of the Council's code of conduct.

Twp (2) code of conduct complaints were resolved by alternative means including, but not limited to, explanation, informal discussion, a voluntary apology or an undertaking not to repeat the offending behaviour.

One (1) code of conduct complaint was found to constitute a breach of the Council's code of conduct and was resolved by a voluntary apology and undertaking not to repeat the offending behaviour.

Two (2) code of conduct complaints have not been concluded as at the date of this report.

Clause 11.1(f)

Two (2) code of conduct complaints were referred to the Office of Local Government. These matters have not been concluded as at the date of this report.

Clause 11.1(g)

The total cost of dealing with code of conduct complaints made about Councillors and the General Manager during the reporting period, including staff costs is estimated at $18,000.

OPTIONS

In line with the Office of Local Government Calendar of Compliance, and in accordance with the *Model Code of Conduct Procedure*:

Cl.11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

Cl.11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

CONCLUSION

It is recommended that Council notes the 1 October 2021 – 30 September 2022 Code of Conduct Complaints report and authorises the Acting General Manager to submit the Report to the Office of Local Government prior to 31 December 2022.

SOCIAL IMPLICATIONS

None identified

FINANCIAL IMPLICATIONS

None identified

POLICY IMPLICATIONS

This report is in compliance with the *Model Code of Conduct Procedures*

STATUTORY IMPLICATIONS

None identified

LEGAL IMPLICATIONS

None identified

OPERATIONAL PLAN IMPLICATIONS

6.2.5.4 - Develop, implement and monitor a calendar of compliance to support Council's statutory reporting obligations.

RISK MANAGEMENT IMPLICATIONS

None identified

WASTE MANAGEMENT IMPLICATIONS

None identified

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

None identified

9.4.9. Councillors and Designated Persons' Disclosures of Interest Returns

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	{authors-names-with-position}
Community Plan Issue:	*6 - Community Leadership*
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.5 - Implement a comprehensive and targeted business improvement program. 6.2.5.4 - Develop, implement and monitor a calendar of compliance to support Council's statutory reporting obligations.

PURPOSE

To inform Council of the Councillors' and designated persons' disclosures of interest returns received for the 30 June 2021 to 30 June 2022 reporting period prior to their publishing via Council's website.

OFFICER'S RECOMMENDATION

Council notes the information contained in this report.

Moved: _____ Seconded: _____

BACKGROUND

Pursuant to cl 4.21 of the *2020 Model Code of Conduct*, Councillors and designated persons are required to lodge a completed written return of interest form with the General Manager within three months after –

a. becoming a councillor or designated person, and
b. 30 June of each year, and
c. the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 of the Code of Conduct, that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

Councillors and designated persons were reminded of this obligation via email dated 5 September 2022, and via a follow-up reminder on 23 September, 2022.

Pursuant to cl 4.25 of the *2020 Model Code of Conduct*, returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged (30 September).

CONSULTATION

All Councillors

Designated persons

REPORT

The following returns were received from Councillors and designated persons for the 30 June 2021 to 30 June 2022 reporting period:

- Cr Amanda Barry
- Cr Mark Bowditch
- Cr De-Anne Douglas
- Cr Jeffrey Drayton
- Cr Louise Dunn
- Cr Jennifer Lecky, Deputy Mayor.
- Cr Rohit Mahajan
- Cr Darryl Marshall
- Cr Graeme McNeill
- Cr Steven Reynolds, Mayor.
- Cr Rod Scholes
- Cr Brett Woodruff.
- Acting General Manager
- Director – Community & Economy
- Director – Corporate Services & Chief Financial Officer
- Director – Planning & Environment
- Director – Property & Place
- Manager Governance
- Finance Manager
- Manager – Community Services
- Corporate Lawyer

These Returns are tabled for Council's information and a register of returns is stored in Council's Electronic Document Management System.

In accordance with the *2020 Model Code of Conduct*, cl 4.27 information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Please note that confidential information (signatures, addresses, accounts etc) will remain confidential in that they have been redacted from the forms received, before being placed on Council's website for public accessibility in accordance with the above legislation.

OPTIONS

Not Applicable.

CONCLUSION

It is recommended the information in this report be noted.

SOCIAL IMPLICATIONS

Nil known.

FINANCIAL IMPLICATIONS

Nil known.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Section 450A of the Local Government Act requires the General Manager to maintain a Register containing the completed and lodged Returns of Councillors and designated persons.

In accordance with the *2020 Model Code of Conduct*, cl 4.27, information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

6.2.5.4 - Develop, implement and monitor a calendar of compliance to support Council's statutory reporting obligations.

RISK MANAGEMENT IMPLICATIONS

Nil known.

WASTE MANAGEMENT IMPLICATIONS

Nil known.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil known.

9.4.10. Authorisation Under Section 226 of the Local Government Act

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Michelle Sandell-Hay – Governance Officer
Community Plan Issue:	*6 - Community Leadership*
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

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

OFFICER'S RECOMMENDATION

Council notes the information provided in the report.

Moved: _____ Seconded: _____

BACKGROUND

Section 226 (d) of the *Local Government Act* 1993 provides for the Mayor to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council. Since the 26 July 2022 Ordinary Council Meeting, the Mayor has exercised his delegation on 1 occasion.

CONSULTATION

General Manager.

REPORT

The following delegation was exercised:

1. 11 October, 2022 to authorise the change of venue for the Ordinary Council meetings scheduled as follows:
    a. 25 October, 2022 to the Loxton Room, Administration Centre, 60-82 Bridge Street, Muswellbrook due to the University of Newcastle – Upper Hunter Campus not being available on this date and arrangements be made to hold the October Council Meeting at the Administration Centre.
    b. 20 December, 2022 to Memorial Hall, Ogilvie Street, Denman due to the University of

Newcastle – Upper Hunter Campus not being available on this date and arrangements be made to hold the December Council Meeting at Memorial Hall, Denman.

2. 11 October, 2022 to authorise the donation of 3 X $50 Gift Cards for a Local Fundraising event, due to the event being held prior to the October Council Meeting.

OPTIONS

Not applicable.

CONCLUSION

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

SOCIAL IMPLICATIONS

Not applicable

FINANCIAL IMPLICATIONS

Not applicable

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Section 226 (d) of the *Local Government Act* 1993 provides for the Mayor to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

Not applicable

WASTE MANAGEMENT IMPLICATIONS

Not applicable

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Not applicable

9.4.11. Report on Investments Held as at 30 September 2022

Attachments:	1. Portfolio Valuation Report - 30 September 2022 [**9.4.11.1** - 5 pages] 2. Trading Limit Report - 30 September 2022 [**9.4.11.2** - 8 pages]
Responsible Officer:	David Walsh - Director - Corporate Services & Chief Financial Officer
Author:	Mandy Fitzgerald – Senior Financial Accountant
Community Plan Issue:	*6 - Community Leadership*
Community Plan Goal:	24.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

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

OFFICER'S RECOMMENDATION

Council notes the Council's Investments as at 30 September 2022.

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.

Funds invested under Section 625 of the Local Government Act, as at 30 September 2022 are shown in the attachments.

COMMENT:

As at 30 September 2022, Council's weighted running yield is 2.77% for the month.

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.

	Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	**Market Value**	% Total Value	Running Yield	Weighted Running Yield
At Call Deposit											
	Westpac Bus Prem At Call		4,604,928.35	1.00000000	4,604,928.35	100.000	0.000	**4,604,928.35**	7.16%	0.34%	
	Westpac Muswellbrook Trading Acct At Call		100,000.00	1.00000000	100,000.00	100.000	0.000	**100,000.00**	0.16%	0.34%	
			4,704,928.35		4,704,928.35			**4,704,928.35**	7.32%		0.34%
Fixed Rate Bond											
	BENAU 1.7 06 Sep 2024 Fixed	AU3CB0266377	2,500,000.00	1.00000000	2,500,000.00	94.181	0.113	**2,357,350.00**	3.67%	1.68%	
	NTTC 1.1 15 Dec 2025 - Issued 31 August 2021 - Muswellbrook Council Fixed		2,000,000.00	1.00000000	2,000,000.00	100.000	0.322	**2,006,440.00**	3.12%	1.10%	
	NTTC 1.1 15 Dec 2025 - Issued 6 September 2021 - Muswellbrook Council Fixed		1,500,000.00	1.00000000	1,500,000.00	100.000	0.322	**1,504,830.00**	2.34%	1.10%	
	SunBank 1.85 30 Jul 2024 Fixed	AU3CB0265403	2,000,000.00	1.00000000	2,000,000.00	94.797	0.312	**1,902,180.00**	2.96%	1.80%	
			8,000,000.00		8,000,000.00			**7,770,800.00**	12.08%		1.46%
Floating Rate Note											
	Auswide 0.75 07 Nov 2022 FRN	AU3FN0057345	1,000,000.00	1.00000000	1,000,000.00	99.969	0.436	**1,004,050.00**	1.56%	3.01%	
	Auswide 1.05 17 Mar 2023 FRN	AU3FN0053567	2,000,000.00	1.00000000	2,000,000.00	100.168	0.117	**2,005,700.00**	3.12%	3.89%	
	Auswide 0.6 22 Mar 2024 FRN	AU3FN0059317	1,500,000.00	1.00000000	1,500,000.00	99.719	0.039	**1,496,370.00**	2.33%	3.51%	
	BOQ 1.05 03 Feb 2023 FRN	AU3FN0040549	500,000.00	1.00000000	500,000.00	100.113	0.513	**503,130.00**	0.78%	3.23%	
	BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	1,000,000.00	1.00000000	1,000,000.00	100.151	0.649	**1,008,000.00**	1.57%	3.20%	
	BOQ 1.1 30 Oct 2024 FRN	AU3FN0051272	500,000.00	1.00000000	500,000.00	100.125	0.556	**503,405.00**	0.78%	3.22%	
	BENAU 1.05 25 Jan 2023 FRN	AU3FN0040523	500,000.00	1.00000000	500,000.00	100.124	0.598	**503,610.00**	0.78%	3.26%	
	MACQ 0.48 09 Dec 2025 FRN	AU3FN0057709	3,000,000.00	1.00000000	3,000,000.00	98.375	0.178	**2,956,590.00**	4.60%	3.09%	
	RACB 0.93 24 Feb 2023 FRN	AU3FN0053146	1,000,000.00	1.00000000	1,000,000.00	100.027	0.337	**1,003,640.00**	1.56%	3.32%	
	MYS 0.65 16 Jun 2025 FRN	AU3FN0061024	3,000,000.00	1.00000000	3,000,000.00	99.251	0.132	**2,981,490.00**	4.64%	3.45%	
	NAB 0.93 26 Sep 2023 FRN	AU3FN0044996	2,000,000.00	1.00000000	2,000,000.00	100.447	0.043	**2,009,800.00**	3.13%	3.93%	
	NPBS 1.4 06 Feb 2023 FRN	AU3FN0040606	500,000.00	1.00000000	500,000.00	100.201	0.531	**503,660.00**	0.78%	3.60%	
	NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	4,500,000.00	1.00000000	4,500,000.00	99.813	0.515	**4,514,760.00**	7.02%	3.30%	
	Qld Police 1.15 06 Dec 2022 FRN	AU3FN0052072	2,000,000.00	1.00000000	2,000,000.00	100.012	0.243	**2,005,100.00**	3.12%	3.70%	
	Qld Police 0.75 22 Mar 2024 FRN	AU3FN0059416	1,500,000.00	1.00000000	1,500,000.00	99.462	0.070	**1,492,980.00**	2.32%	3.66%	
	UBS Aust 1.05 21 Nov 2022 FRN	AU3FN0054151	1,000,000.00	1.00000000	1,000,000.00	100.014	0.363	**1,003,770.00**	1.56%	3.40%	
	UBS Aust 0.87 30 Jul 2025 FRN	AU3FN0055307	1,650,000.00	1.00000000	1,650,000.00	99.759	0.516	**1,654,537.50**	2.57%	2.94%	
			27,150,000.00		27,150,000.00			**27,150,592.50**	42.22%		3.42%
Term Deposit											
	AMP 1 30 Nov 2022 365DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.833	**1,008,328.77**	1.57%	1.00%	
	AMP 4.2 15 Jun 2023 365DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	1.231	**4,049,249.32**	6.30%	4.20%	
	AMP 4.45 21 Jul 2023 365DAY TD		1,250,000.00	1.00000000	1,250,000.00	100.000	0.866	**1,260,820.20**	1.96%	4.45%	
	AUBANK 4.2 01 Aug 2023 386DAY TD		5,000,000.00	1.00000000	5,000,000.00	100.000	0.932	**5,046,602.75**	7.85%	4.20%	
	BOQ 4 21 Jul 2023 365DAY TD		1,250,000.00	1.00000000	1,250,000.00	100.000	0.778	**1,259,726.03**	1.96%	4.00%	
	JUDO 0.95 10 Oct 2022 272DAY TD		5,000,000.00	1.00000000	5,000,000.00	100.000	0.682	**5,034,095.90**	7.83%	0.95%	

	Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	**Market Value**	% Total Value	Running Yield	Weighted Running Yield
	ME Bank 0.5 18 Oct 2022 484DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	0.638	**3,019,150.68**	4.69%	0.50%	
	NAB 4.05 13 Sep 2023 365DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	0.189	**4,007,545.20**	6.23%	4.05%	
			24,500,000.00		24,500,000.00			**24,685,518.85**	38.38%		2.93%
Fixed Interest Total			64,354,928.35		64,354,928.35			**64,311,839.70**	100.00%		2.77%

Section 2: FI Portfolio Valuation With Associated Latest Deal Information

	Fixed Interest Security	ISIN	Latest FI Deal Settlement Date	WAL / Maturity Date Interim	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	**Market Value**	% Total Value	Latest FI Deal Code	Notes of Latest FI Deal
At Call Deposit													
	Westpac Bus Prem At Call		30 Sep 2022	31 Dec 3020	4,604,928.35	1.00000000	4,604,928.35	100.000	0.000	**4,604,928.35**	7.16%	LC155142	
	Westpac Muswellbrook Trading Acct At Call		31 Oct 2018	31 Dec 3020	100,000.00	1.00000000	100,000.00	100.000	0.000	**100,000.00**	0.16%	LC64506	
					4,704,928.35		4,704,928.35			**4,704,928.35**	7.32%		
Fixed Rate Bond													
	BENAU 1.7 06 Sep 2024 Fixed	AU3CB0266377	9 Jun 2020	6 Sep 2024	2,500,000.00	1.00000000	2,500,000.00	94.181	0.113	**2,357,350.00**	3.67%	LC88979	
	NTTC 1.1 15 Dec 2025 - Issued 31 August 2021 - Muswellbrook Council Fixed		31 Aug 2021	15 Dec 2025	2,000,000.00	1.00000000	2,000,000.00	100.000	0.322	**2,006,440.00**	3.12%	LC111825	
	NTTC 1.1 15 Dec 2025 - Issued 6 September 2021 - Muswellbrook Council Fixed		6 Sep 2021	15 Dec 2025	1,500,000.00	1.00000000	1,500,000.00	100.000	0.322	**1,504,830.00**	2.34%	LC112238	
	SunBank 1.85 30 Jul 2024 Fixed	AU3CB0265403	29 Sep 2021	30 Jul 2024	2,000,000.00	1.00000000	2,000,000.00	94.797	0.312	**1,902,180.00**	2.96%	LC112956	
					8,000,000.00		8,000,000.00			**7,770,800.00**	12.08%		
Floating Rate Note													
	Auswide 0.75 07 Nov 2022 FRN	AU3FN0057345	6 Nov 2020	7 Nov 2022	1,000,000.00	1.00000000	1,000,000.00	99.969	0.436	**1,004,050.00**	1.56%	LC96479	
	Auswide 1.05 17 Mar 2023 FRN	AU3FN0053567	17 Mar 2020	17 Mar 2023	2,000,000.00	1.00000000	2,000,000.00	100.168	0.117	**2,005,700.00**	3.12%	LC84611	
	Auswide 0.6 22 Mar 2024 FRN	AU3FN0059317	22 Mar 2021	22 Mar 2024	1,500,000.00	1.00000000	1,500,000.00	99.719	0.039	**1,496,370.00**	2.33%	LC103798	
	BOQ 1.05 03 Feb 2023 FRN	AU3FN0040549	5 Feb 2018	3 Feb 2023	500,000.00	1.00000000	500,000.00	100.113	0.513	**503,130.00**	0.78%	LX55025	
	BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	18 Jul 2019	18 Jul 2024	1,000,000.00	1.00000000	1,000,000.00	100.151	0.649	**1,008,000.00**	1.57%	LC74377	
	BOQ 1.1 30 Oct 2024 FRN	AU3FN0051272	2 Jun 2020	30 Oct 2024	500,000.00	1.00000000	500,000.00	100.125	0.556	**503,405.00**	0.78%	LX88585	
	BENAU 1.05 25 Jan 2023 FRN	AU3FN0040523	25 Jan 2018	25 Jan 2023	500,000.00	1.00000000	500,000.00	100.124	0.598	**503,610.00**	0.78%	LX54945	
	MACQ 0.48 09 Dec 2025 FRN	AU3FN0057709	8 Mar 2021	9 Dec 2025	3,000,000.00	1.00000000	3,000,000.00	98.375	0.178	**2,956,590.00**	4.60%	LC103387	
	RACB 0.93 24 Feb 2023 FRN	AU3FN0053146	24 Feb 2020	24 Feb 2023	1,000,000.00	1.00000000	1,000,000.00	100.027	0.337	**1,003,640.00**	1.56%	LX83602	
	MYS 0.65 16 Jun 2025 FRN	AU3FN0061024	16 Jun 2021	16 Jun 2025	3,000,000.00	1.00000000	3,000,000.00	99.251	0.132	**2,981,490.00**	4.64%	LC107737	
	NAB 0.93 26 Sep 2023 FRN	AU3FN0044996	18 Mar 2020	26 Sep 2023	2,000,000.00	1.00000000	2,000,000.00	100.447	0.043	**2,009,800.00**	3.13%	LX84919	
	NPBS 1.4 06 Feb 2023 FRN	AU3FN0040606	21 Nov 2019	6 Feb 2023	500,000.00	1.00000000	500,000.00	100.201	0.531	**503,660.00**	0.78%	LC79854	
	NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	14 Apr 2020	4 Feb 2025	4,500,000.00	1.00000000	4,500,000.00	99.813	0.515	**4,514,760.00**	7.02%	LC85944	
	Qld Police 1.15 06 Dec 2022 FRN	AU3FN0052072	6 Dec 2019	6 Dec 2022	2,000,000.00	1.00000000	2,000,000.00	100.012	0.243	**2,005,100.00**	3.12%	LC80115	
	Qld Police 0.75 22 Mar 2024 FRN	AU3FN0059416	22 Mar 2021	22 Mar 2024	1,500,000.00	1.00000000	1,500,000.00	99.462	0.070	**1,492,980.00**	2.32%	LC103942	
	UBS Aust 1.05 21 Nov 2022 FRN	AU3FN0054151	21 May 2020	21 Nov 2022	1,000,000.00	1.00000000	1,000,000.00	100.014	0.363	**1,003,770.00**	1.56%	LC87861	
	UBS Aust 0.87 30 Jul 2025 FRN	AU3FN0055307	10 Mar 2021	30 Jul 2025	1,650,000.00	1.00000000	1,650,000.00	99.759	0.516	**1,654,537.50**	2.57%	LC103504	
					27,150,000.00		27,150,000.00			**27,150,592.50**	42.22%		
Term Deposit													
	AMP 1 30 Nov 2022 365DAY TD		30 Nov 2021	30 Nov 2022	1,000,000.00	1.00000000	1,000,000.00	100.000	0.833	**1,008,328.77**	1.57%	LC115777	
	AMP 4.2 15 Jun 2023 365DAY TD		15 Jun 2022	15 Jun 2023	4,000,000.00	1.00000000	4,000,000.00	100.000	1.231	**4,049,249.32**	6.30%	LC145780	
	AMP 4.45 21 Jul 2023 365DAY TD		21 Jul 2022	21 Jul 2023	1,250,000.00	1.00000000	1,250,000.00	100.000	0.866	**1,260,820.20**	1.96%	LC147777	
	AUBANK 4.2 01 Aug 2023 386DAY TD		11 Jul 2022	1 Aug 2023	5,000,000.00	1.00000000	5,000,000.00	100.000	0.932	**5,046,602.75**	7.85%	LC147411	

Fixed Interest Security	ISIN	Latest FI Deal Settlement Date	WAL / Maturity Date Interim	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Latest FI Deal Code	Notes of Latest FI Deal
BOQ 4 21 Jul 2023 365DAY TD		21 Jul 2022	21 Jul 2023	1,250,000.00	1.00000000	1,250,000.00	100.000	0.778	**1,259,726.03**	1.96%	LX147775	
JUDO 0.95 10 Oct 2022 272DAY TD		11 Jan 2022	10 Oct 2022	5,000,000.00	1.00000000	5,000,000.00	100.000	0.682	**5,034,095.90**	7.83%	LX116947	
ME Bank 0.5 18 Oct 2022 484DAY TD		21 Jun 2021	18 Oct 2022	3,000,000.00	1.00000000	3,000,000.00	100.000	0.638	**3,019,150.68**	4.69%	LX108326	
NAB 4.05 13 Sep 2023 365DAY TD		13 Sep 2022	13 Sep 2023	4,000,000.00	1.00000000	4,000,000.00	100.000	0.189	**4,007,545.20**	6.23%	LX153816	
				24,500,000.00		24,500,000.00			**24,685,518.85**	38.38%		
Fixed Interest Total				64,354,928.35		64,354,928.35			**64,311,839.70**	100.00%		

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BRISBANE OFFICE: LEVEL 15 CENTRAL PLAZA 1, 345 QUEEN STREET, BRISBANE QLD, 4000 T 61 7 3123 5370

Report Code: TBSBP100EXT-01.17
Report Description: Portfolio Valuation As At Date
Parameters:
Term Deposit Interest Included
Cash Excluded
Settlement Date-Based Balances

1 Issuer Trading Limits

Issuer	Issuer Rating Group (Long Term)	Issuer Parent	Already Traded (with Issuer Group) Face Value Notional	Limit For Book or Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded ($)
AMP Bank Ltd	BBB+ to BBB-		6,250,000.00	Book	10.00	% of 64,354,928.35	6,435,492.84	97.00	3.00	185,493	0.00	0
ANZ Banking Group Ltd	AA+ to AA-		0.00	Book	30.00	% of 64,354,928.35	19,306,478.51	0.00	100.00	19,306,479	0.00	0
Australian Unity Bank	BBB+ to BBB-		5,000,000.00	Book	10.00	% of 64,354,928.35	6,435,492.84	78.00	22.00	1,435,493	0.00	0
Auswide Bank Limited	BBB+ to BBB-		4,500,000.00	Book	10.00	% of 64,354,928.35	6,435,492.84	70.00	30.00	1,935,493	0.00	0
Bank of Melbourne	AA+ to AA-	Westpac Banking Corporation Ltd	4,704,928.35	Book	30.00	% of 64,354,928.35	19,306,478.51	24.00	76.00	14,601,550	0.00	0
Bank of Queensland Ltd	A+ to A-		6,250,000.00	Book	10.00	% of 64,354,928.35	6,435,492.84	97.00	3.00	185,493	0.00	0
BankSA	AA+ to AA-	Westpac Banking Corporation Ltd	4,704,928.35	Book	30.00	% of 64,354,928.35	19,306,478.51	24.00	76.00	14,601,550	0.00	0
BankVic	BBB+ to BBB-		0.00	Book	10.00	% of 64,354,928.35	6,435,492.84	0.00	100.00	6,435,493	0.00	0
BankWest Ltd	AA+ to AA-	Commonwealth Bank of Australia Ltd	0.00	Book	30.00	% of 64,354,928.35	19,306,478.51	0.00	100.00	19,306,479	0.00	0
Bendigo & Adelaide Bank Ltd	A+ to A-		3,000,000.00	Book	10.00	% of 64,354,928.35	6,435,492.84	47.00	53.00	3,435,493	0.00	0
Commonwealth Bank of Australia Ltd	AA+ to AA-		0.00	Book	30.00	% of 64,354,928.35	19,306,478.51	0.00	100.00	19,306,479	0.00	0
Credit Suisse Sydney	BBB+ to BBB-		0.00	Book	20.00	% of 64,354,928.35	12,870,985.67	0.00	100.00	12,870,986	0.00	0
Credit Union Australia Ltd t/as Great Southern Bank	BBB+ to BBB-		0.00	Book	10.00	% of 64,354,928.35	6,435,492.84	0.00	100.00	6,435,493	0.00	0
Greater Bank Ltd	BBB+ to BBB-		0.00	Book	10.00	% of 64,354,928.35	6,435,492.84	0.00	100.00	6,435,493	0.00	0
Heritage Bank Ltd	BBB+ to BBB-		0.00	Book	10.00	% of 64,354,928.35	6,435,492.84	0.00	100.00	6,435,493	0.00	0
ING Bank Australia Limited	A+ to A-		0.00	Book	10.00	% of 64,354,928.35	6,435,492.84	0.00	100.00	6,435,493	0.00	0
Investec Bank Australia Limited	A+ to A-		0.00	Book	10.00	% of 64,354,928.35	6,435,492.84	0.00	100.00	6,435,493	0.00	0
Judo Bank	BBB+ to BBB-		5,000,000.00	Book	10.00	% of 64,354,928.35	6,435,492.84	78.00	22.00	1,435,493	0.00	0
Macquarie Bank	A+ to A-		3,000,000.00	Book	20.00	% of 64,354,928.35	12,870,985.67	23.00	77.00	9,870,986	0.00	0
Members Banking Group Limited t/as RACQ Bank	BBB+ to BBB-		1,000,000.00	Book	10.00	% of 64,354,928.35	6,435,492.84	16.00	84.00	5,435,493	0.00	0
Members Equity Bank Ltd	A+ to A-	Bank of Queensland Ltd	6,250,000.00	Book	10.00	% of 64,354,928.35	6,435,492.84	97.00	3.00	185,493	0.00	0
MyState Bank Ltd	BBB+ to BBB-		3,000,000.00	Book	10.00	% of 64,354,928.35	6,435,492.84	47.00	53.00	3,435,493	0.00	0
National Australia Bank Ltd	AA+ to AA-		6,000,000.00	Book	30.00	% of 64,354,928.35	19,306,478.51	31.00	69.00	13,306,479	0.00	0
Newcastle Permanent Building Society Ltd	BBB+ to BBB-		5,000,000.00	Book	10.00	% of 64,354,928.35	6,435,492.84	78.00	22.00	1,435,493	0.00	0
Northern Territory Treasury Corporation	AA+ to AA-		3,500,000.00	Book	30.00	% of 64,354,928.35	19,306,478.51	18.00	82.00	15,806,479	0.00	0
NSW Treasury Corporation	AA+ to AA-		0.00	Book	100.00	% of 64,354,928.35	64,354,928.35	0.00	100.00	64,354,928	0.00	0
P&N Bank Ltd	BBB+ to BBB-		0.00	Book	10.00	% of 64,354,928.35	6,435,492.84	0.00	100.00	6,435,493	0.00	0
QPCU LTD t/a QBANK	BBB+ to BBB-		3,500,000.00	Book	10.00	% of 64,354,928.35	6,435,492.84	54.00	46.00	2,935,493	0.00	0
Rabobank Australia Ltd	A+ to A-		0.00	Book	20.00	% of 64,354,928.35	12,870,985.67	0.00	100.00	12,870,986	0.00	0
Rabobank Nederland Australia Branch	A+ to A-		0.00	Book	20.00	% of 64,354,928.35	12,870,985.67	0.00	100.00	12,870,986	0.00	0

1 Issuer Trading Limits

Issuer	Issuer Rating Group (Long Term)	Issuer Parent	Already Traded (with Issuer Group) Face Value Notional	Limit For Book or Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded ($)
Royal Bank of Scotland	A+ to A-		0.00	Book	5.00	% of 64,354,928.35	3,217,746.42	0.00	100.00	3,217,746	0.00	0
Rural Bank Ltd	A+ to A-	Bendigo & Adelaide Bank Ltd	3,000,000.00	Book	10.00	% of 64,354,928.35	6,435,492.84	47.00	53.00	3,435,493	0.00	0
St George Bank Limited	AA+ to AA-	Westpac Banking Corporation Ltd	4,704,928.35	Book	30.00	% of 64,354,928.35	19,306,478.51	24.00	76.00	14,601,550	0.00	0
Suncorp-Metway Ltd	A+ to A-		2,000,000.00	Book	20.00	% of 64,354,928.35	12,870,985.67	16.00	84.00	10,870,986	0.00	0
UBS Australia Ltd	AA+ to AA-		2,650,000.00	Book	20.00	% of 64,354,928.35	12,870,985.67	21.00	79.00	10,220,986	0.00	0
Westpac Banking Corporation Ltd	AA+ to AA-		4,704,928.35	Book	30.00	% of 64,354,928.35	19,306,478.51	24.00	76.00	14,601,550	0.00	0
			87,719,713.40				440,831,259.20			353,111,552		0
		(Excluding Parent Group Duplicates)	64,354,928.35									

2 Security Rating Group Trading Limits

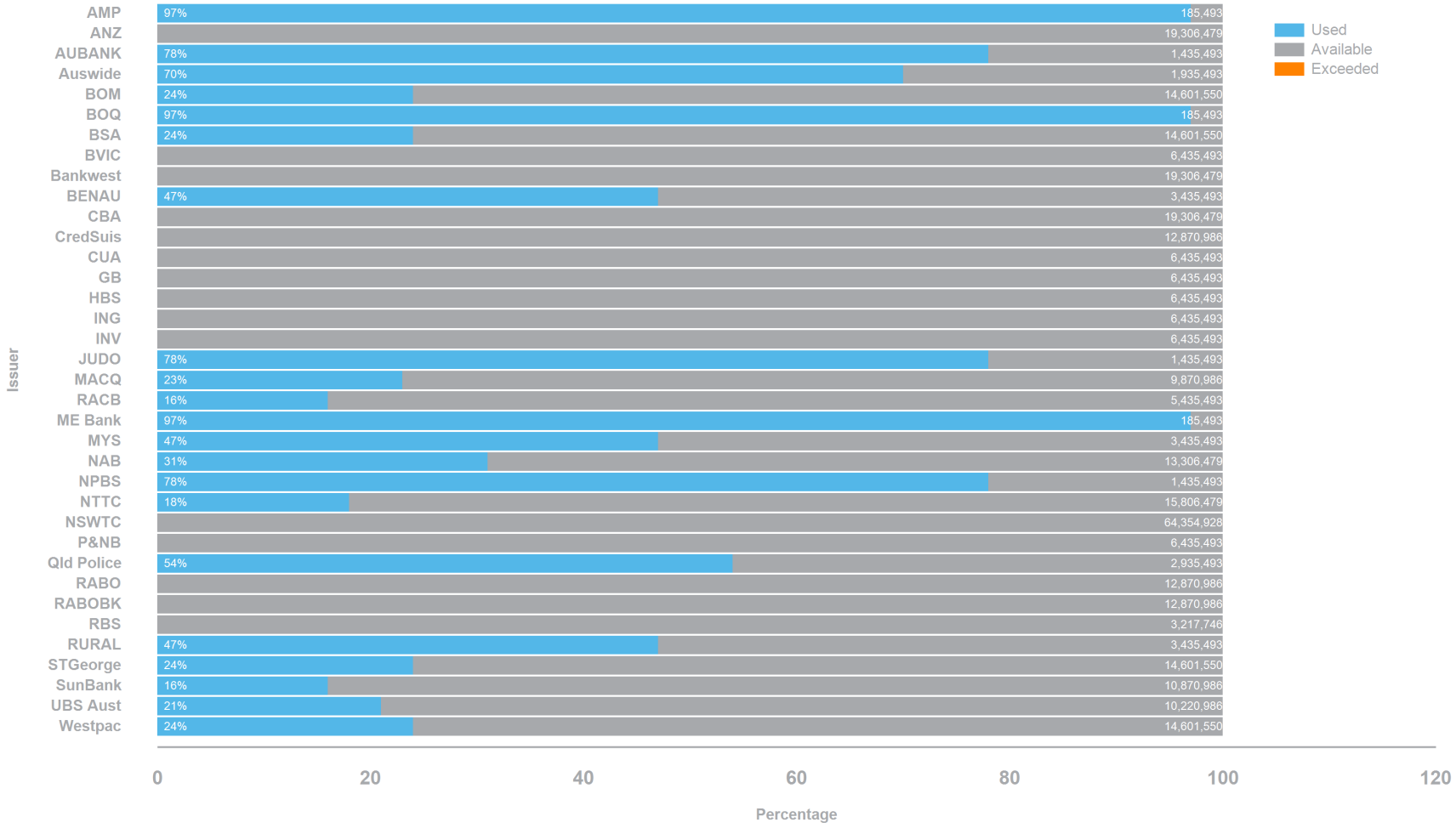
Security Rating Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded ($)
AAA	0.00	Book	100.00	% of 64,354,928.35	64,354,928.35	0.00	100.00	64,354,928	0.00	0
AA+ to AA-	5,500,000.00	Book	100.00	% of 64,354,928.35	64,354,928.35	9.00	91.00	58,854,928	0.00	0
A+ to A-	8,650,000.00	Book	70.00	% of 64,354,928.35	45,048,449.85	19.00	81.00	36,398,450	0.00	0
A1+	10,704,928.35	Book	100.00	% of 64,354,928.35	64,354,928.35	17.00	83.00	53,650,000	0.00	0
A1	1,000,000.00	Book	100.00	% of 64,354,928.35	64,354,928.35	2.00	98.00	63,354,928	0.00	0
A2	21,000,000.00	Book	70.00	% of 64,354,928.35	45,048,449.85	47.00	53.00	24,048,450	0.00	0
A3	7,000,000.00	Book	60.00	% of 64,354,928.35	38,612,957.01	18.00	82.00	31,612,957	0.00	0
BBB+ to BBB-	10,500,000.00	Book	60.00	% of 64,354,928.35	38,612,957.01	27.00	73.00	28,112,957	0.00	0
	64,354,928.35				424,742,527.11			360,387,598		0

Notes
1. In instances where long securities have a term remaining which is less than 365 days, the issuer's short term rating is used instead of the security's (presumably long term) rating.

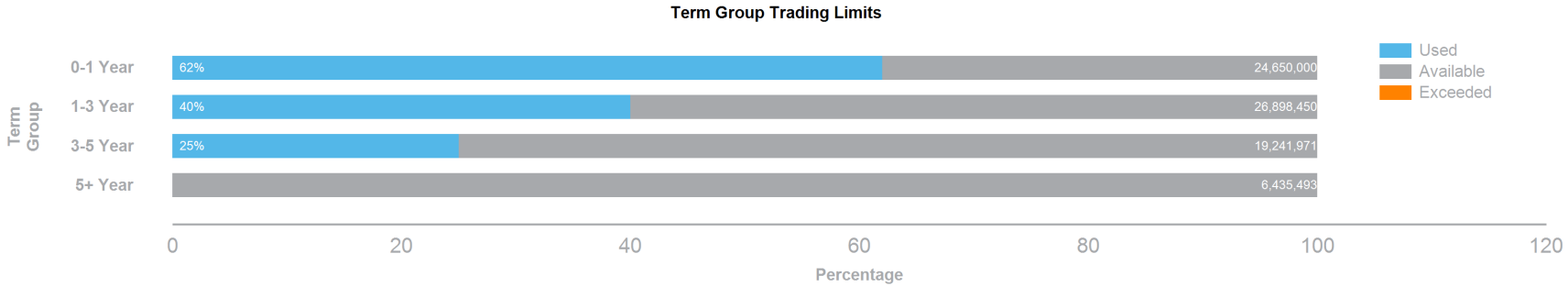
3 Term Group Trading Limits

Term Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded ($)
0-1 Year	39,704,928.35	Book	100.00	% of 64,354,928.35	64,354,928.35	62.00	38.00	24,650,000	0.00	0
1-3 Year	18,150,000.00	Book	70.00	% of 64,354,928.35	45,048,449.85	40.00	60.00	26,898,450	0.00	0
3-5 Year	6,500,000.00	Book	40.00	% of 64,354,928.35	25,741,971.34	25.00	75.00	19,241,971	0.00	0
5+ Year	0.00	Book	10.00	% of 64,354,928.35	6,435,492.84	0.00	100.00	6,435,493	0.00	0
	64,354,928.35				141,580,842.37			77,225,914		0

Issuer Trading Limits



Security Rating Group Trading Limits
Used
Available
Exceeded
Security Rating Group
AAA
AA+ to AA-
A+ to A-
A1+
A1
A2
A3
BBB+ to BBB-
64,354,928
9%
58,854,928
19%
36,398,450
17%
53,650,000
2%
63,354,928
47%
24,048,450
18%
31,612,957
27%
28,112,957
0
20
40
60
80
100
120
Percentage


Term Group Trading Limits
0-1 Year
1-3 Year
3-5 Year
5+ Year
Term Group
62%
40%
25%
24,650,000
26,898,450
19,241,971
6,435,493
Used
Available
Exceeded
0
20
40
60
80
100
120
Percentage

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BRISBANE OFFICE: LEVEL 15 CENTRAL PLAZA 1, 345 QUEEN STREET, BRISBANE QLD, 4000 T 61 7 3123 5370

Report Code: TBSBP125EXT-00.16
Report Description: Trading Limit Performance As At Date
Parameters:
As At/Scenario Date: 30 September 2022
Balance Date: 8 October 2022 (but 30 Sep 2022 used instead)
Trading Entity: Muswellbrook Shire Council
Trading Book: Muswellbrook Shire Council
Report Mode: BalOnly
Using Face Value
Trading Entity and Book Limits
Effects of Parent/Child Issuers Not Ignored

9.4.12. Monthly Financial Reports - September 2022

Attachments:	1. Monthly Financial Reports - September 22 [**9.4.12.1** - 10 pages]
Responsible Officer:	David Walsh - Director - Corporate Services & Chief Financial Officer
Author:	Mandy Fitzgerald – Senior Financial Accountant
Community Plan Issue:	*6 - Community Leadership*
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

To provide Council with an overview of the monthly financial performance of Council's General, Water, Sewer and Future Funds and to identify and explain any material variances against Council's approved budget at an organisational level for the month ending 30 September 2022.

OFFICER'S RECOMMENDATION

Council notes the Financial Reports for the month ending 30 September 2022.

Moved: _____Seconded: _____

REPORT

Please refer to the attachment for the September 2022 details of:

- Monthly & YTD operating performance by Fund
- Project Spend
- Details of Current Loans
- Outstanding Debtors.

Muswellbrook Shire Council

Financial Report - September 2022

Council Consolidated

Account Group	Monthly Actuals	Monthly Budget	Monthly Var	Mth Var %	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Budget	YTD % vs FY Budget	Variance Commentary (By material exception)
	Monthly				YTD				Full Year		
Revenue											
Rates and Charges	$222,382	$2,566,304	($2,343,922)	-91%	$30,101,950	$7,698,912	$22,403,038	291%	$30,795,649	98%	
User Charges and Fees	$1,993,803	$1,709,436	$284,367	17%	$4,272,923	$5,128,307	($855,384)	-17%	$20,513,229	21%	Most of the Rates Revenue is levied and recognised at the start of the year. As a result, a favourable year-to-date result will show for much of the year. * Rates & Charges are at 98% of the FY Budget * Overall revenue is at 56% of the FY Budget.
Interest and Investments Revenues	$138,882	$42,533	$96,349	227%	$117,218	$127,598	($10,380)	-8%	$510,393	23%	
Other Revenues	$138,070	$213,864	($75,794)	-35%	$531,036	$641,592	($110,556)	-17%	$2,566,369	21%	
Operating Grants and Contributions	$22,071	$607,749	($585,678)	-96%	$804,738	$1,823,247	($1,018,509)	-56%	$7,292,987	11%	*See individual funds for commentary specific to that fund*
Internal Revenue	$295,371	$343,687	($48,316)	-14%	$1,006,113	$1,031,062	($24,949)	-2%	$4,124,249	24%	
Total Revenue	**$2,810,579**	**$5,483,573**	**($2,672,994)**	**-49%**	**$36,833,978**	**$16,450,719**	**$20,383,259**	**124%**	**$65,802,874**	**56%**	
Expenses											
Wages and Salaries	$1,214,161	$1,399,321	$185,160	13%	$3,886,166	$4,197,964	$311,798	7%	$16,791,856	23%	
Materials and Contracts	$1,214,742	$1,609,922	$395,180	25%	$4,130,410	$4,829,767	$699,357	14%	$19,319,068	21%	Other costs are high from a YTD perspective - at 37% against FY budget. Rates and Insurances are paid at the start of the year.
Other Costs	$252,264	$449,602	$197,338	44%	$1,985,357	$1,348,805	($636,552)	-47%	$5,395,222	37%	
Borrowing Costs	$81,950	$185,607	$103,657	56%	$385,825	$556,821	$170,996	31%	$2,227,285	17%	
Overheads	$321,028	$379,510	$58,482	15%	$963,083	$1,138,529	$175,446	15%	$4,554,118	21%	*See individual funds for commentary specific to that fund*
Depreciation	$1,190,675	$1,266,708	$76,033	6%	$3,572,025	$3,800,125	$228,100	6%	$15,200,499	23%	
Total Expenses	**$4,274,820**	**$5,290,671**	**$1,015,851**	**19%**	**$14,922,866**	**$15,872,012**	**$949,146**	**6%**	**$63,488,048**	**24%**	
Result	**($1,464,241)**	**$192,902**	**($1,657,143)**		**$21,911,112**	**$578,707**	**$21,332,405**		**$2,314,827**		

Muswellbrook Shire Council

Financial Report - September 2022

General Fund

Account Group	Monthly Actuals	Monthly Budget	Monthly Var	Mth Var %	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs FY Budget	Full-Year Budget	YTD % vs FY Budget	Variance Commentary *(By material exception)*
	Monthly				YTD				Full Year		
Revenue											
Rates and Charges	$222	$1,964,382	($1,964,160)	-100%	$23,322,604	$5,893,146	$17,429,458	296%	$23,572,585	99%	
User Charges and Fees	$477,232	$693,038	($215,806)	-31%	$1,222,464	$2,079,113	($856,649)	-41%	$8,316,453	15%	
Interest and Investments Revenues	$101,836	$28,352	$73,484	259%	$91,653	$85,056	$6,597	8%	$340,223	27%	Revenue commentary will focus on material exceptions and concerns * Most of the Rates Revenue is levied and recognised at the start of the year. As a result, a favourable year-to-date result will show for much of the year.
Other Revenues	$138,070	$213,864	($75,794)	-35%	$531,036	$641,592	($110,556)	-17%	$2,566,369	21%	
Operating Grants and Contributions	$22,071	$601,572	($579,501)	-96%	$804,738	$1,804,717	($999,979)	-55%	$7,218,869	11%	
Internal Revenue	$295,371	$312,449	($17,078)	-5%	$886,113	$937,346	($51,233)	-5%	$3,749,386	25%	
Total Revenue	**$1,034,802**	**$3,813,657**	**($2,778,855)**	**-73%**	**$26,858,608**	**$11,440,971**	**$15,417,637**	**135%**	**$45,763,884**	**59%**	
Expenses											
Wages and Salaries	$1,047,258	$1,196,667	$149,409	12%	$3,372,141	$3,590,001	$217,860	6%	$14,360,006	24%	
Materials and Contracts	$891,935	$1,224,712	$332,777	27%	$3,078,047	$3,674,135	$596,088	16%	$14,696,540	21%	
Other Costs	$225,987	$303,270	$77,283	25%	$1,426,451	$909,809	($516,642)	-57%	$3,639,235	40%	Wages and Salaries and Materials and Contracts are on track against budget from a YTD perspective. * Other Costs show an unfavourable variance against YTD budget due to the recognition of full-year insurance premium and rates costs at the start of the year.
Borrowing Costs	$14,583	$40,666	$26,083	64%	$27,008	$121,997	$94,989	78%	$487,990	6%	
Overheads	$134,251	$192,732	$58,481	30%	$402,752	$578,196	$175,444	30%	$2,312,783	17%	
Depreciation	$790,168	$855,611	$65,443	8%	$2,370,504	$2,566,833	$196,329	8%	$10,267,330	23%	
Total Expenses	**$3,104,182**	**$3,813,657**	**$709,475**	**19%**	**$10,676,903**	**$11,440,971**	**$764,068**	**7%**	**$45,763,884**	**23%**	
Result	**($2,069,380)**	**($0)**	**($2,069,380)**		**$16,181,705**	**($0)**	**$16,181,705**		**($0)**		

Muswellbrook Shire Council

Financial Report - September 2022

Water Fund

Account Group	Monthly Actuals	Monthly Budget	Monthly Var	Mth Var %	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs FY Budget	Full-Year Budget	YTD % vs FY Budget	Variance Commentary *(By material exception)*
	Monthly				YTD				Full Year		
Revenue											
Rates and Charges	$0	$157,663	($157,663)	-100%	$1,893,837	$472,989	$1,420,848	300%	$1,891,956	100%	
User Charges and Fees	$892,851	$368,246	$524,605	142%	$840,709	$1,104,737	($264,028)	-24%	$4,418,950	19%	
Interest and Investments Revenues	$25,835	$9,919	$15,916	160%	$17,030	$29,758	($12,728)	-43%	$119,033	14%	* Rates Revenue is levied and recognised at the start of the year. As a result, a favourable year-to-date result will show for much of the year.
Other Revenues	$0	$0	$0	0%	$0	$0	$0	0%	$0	0%	* User Charges and Fees show an unfavourable variance against YTD Budget due to the levying and recognition of this revenue in line with the billing periods throughout the year.
Operating Grants and Contributions	$0	$3,127	($3,127)	-100%	$0	$9,381	($9,381)	-100%	$37,526	0%	
Internal Revenue	$0	$20,939	($20,939)	-100%	$0	$62,816	($62,816)	-100%	$251,263	0%	
Total Revenue	**$918,686**	**$559,894**	**$358,792**	**64%**	**$2,751,576**	**$1,679,682**	**$1,071,894**	**64%**	**$6,718,728**	**41%**	
Expenses											
Wages and Salaries	$88,740	$110,366	$21,626	20%	$263,077	$331,097	$68,020	21%	$1,324,386	20%	
Materials and Contracts	$166,345	$161,839	($4,506)	-3%	$502,964	$485,518	($17,446)	-4%	$1,942,071	26%	
Other Costs	$7,183	$30,512	$23,329	76%	$44,422	$91,537	$47,115	51%	$366,147	12%	Overall costs are just below YTD projections at 23%.
Borrowing Costs	$0	$7,122	$7,122	100%	$0	$21,367	$21,367	100%	$85,467	0%	* All cost categories are at or below expected levels for YTD.
Overheads	$86,445	$86,446	$1	0%	$259,335	$259,337	$2	0%	$1,037,348	25%	
Depreciation	$157,891	$163,609	$5,718	3%	$473,673	$490,827	$17,154	3%	$1,963,310	24%	
Total Expenses	**$506,604**	**$559,894**	**$53,290**	**10%**	**$1,543,471**	**$1,679,682**	**$136,211**	**8%**	**$6,718,728**	**23%**	
Result	**$412,082**	**($0)**	**$412,082**		**$1,208,105**	**($0)**	**$1,208,105**		**($0)**		

Muswellbrook Shire Council

Financial Report - September 2022

Sewer Fund

Account Group	Monthly Actuals	Monthly Budget	Monthly Var	Mth Var %	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs FY Budget	Full-Year Budget	YTD % vs FY Budget	Variance Commentary *(By material exception)*
	Monthly				YTD				Full Year		
Revenue											
Rates and Charges	$222,160	$444,259	($222,099)	-50%	$4,885,509	$1,332,777	$3,552,732	267%	$5,331,108	92%	
User Charges and Fees	$94,415	$48,065	$46,350	96%	$94,800	$144,194	($49,394)	-34%	$576,776	16%	* Rates Revenue is levied and recognised at the start of the year. As a result, a favourable year-to-date result will show for much of the year.
Interest and Investments Revenues	$11,211	$4,261	$6,950	163%	$8,535	$12,784	($4,249)	-33%	$51,136	17%	* User Charges and Fees show an unfavourable variance against YTD Budget due to the levying and recognition of this revenue in line with the billing periods throughout the year.
Other Revenues	$0	$0	$0	0%	$0	$0	$0	0%	$0	0%	
Operating Grants and Contributions	$0	$3,049	($3,049)	-100%	$0	$9,148	($9,148)	-100%	$36,593	0%	
Internal Revenue	$0	$0	$0	0%	$0	$0	$0	0%	$0	0%	
Total Revenue	**$327,786**	**$499,634**	**($171,848)**	**-34%**	**$4,988,844**	**$1,498,903**	**$3,489,941**	**233%**	**$5,995,613**	**83%**	
Expenses											
Wages and Salaries	$63,445	$72,138	$8,693	12%	$198,539	$216,414	$17,875	8%	$865,658	23%	
Materials and Contracts	$46,716	$90,153	$43,437	48%	$203,643	$270,458	$66,815	25%	$1,081,830	19%	
Other Costs	$13,379	$37,612	$24,233	64%	$116,750	$112,836	($3,914)	-3%	$451,344	26%	Overall costs are just below YTD projections at 23%.
Borrowing Costs	$52,483	$58,395	$5,912	10%	$163,193	$175,186	$11,993	7%	$700,742	23%	* Other Costs show recognition of full-year insurance premium costs at the start of the year.
Overheads	$59,008	$59,008	$0	0%	$177,024	$177,025	$1	0%	$708,099	25%	
Depreciation	$177,456	$182,328	$4,872	3%	$532,368	$546,985	$14,617	3%	$2,187,940	24%	
Total Expenses	**$412,487**	**$499,634**	**$87,147**	**17%**	**$1,391,517**	**$1,498,903**	**$107,386**	**7%**	**$5,995,613**	**23%**	
Result	**($84,701)**	**($0)**	**($84,701)**		**$3,597,327**	**($0)**	**$3,597,327**		**($0)**		

Muswellbrook Shire Council

Financial Report - September 2022

Future Fund

Account Group	Monthly Actuals	Monthly Budget	Monthly Var	Mth Var %	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs FY Budget	Full-Year Budget	YTD % vs FY Budget	Variance Commentary *(By material exception)*
	Monthly				YTD				Full Year		
Revenue											
Rates and Charges	$0	$0	$0	0%	$0	$0	$0	0%	$0	0%	
User Charges and Fees	$529,305	$600,087	($70,782)	-12%	$2,114,950	$1,800,262	$314,688	17%	$7,201,050	29%	
Interest and Investments Revenues	$0	$0	$0	0%	$0	$0	$0	0%	$0	0%	* Overall income sits at 31%. User Charges include October rent.
Other Revenues	$0	$0	$0	0%	$0	$0	$0	0%	$0	0%	
Operating Grants and Contributions	$0	$0	$0	0%	$0	$0	$0	0%	$0	0%	
Internal Revenue	$0	$10,300	($10,300)	-100%	$120,000	$30,900	$89,100	288%	$123,600	97%	
Total Revenue	**$529,305**	**$610,387**	**($81,082)**	**-13%**	**$2,234,950**	**$1,831,162**	**$403,788**	**22%**	**$7,324,650**	**31%**	
Expenses											
Wages and Salaries	$14,718	$20,151	$5,433	27%	$52,409	$60,452	$8,043	13%	$241,807	22%	
Materials and Contracts	$109,746	$133,219	$23,473	18%	$345,756	$399,657	$53,901	13%	$1,598,627	22%	
Other Costs	$5,715	$78,208	$72,493	93%	$397,734	$234,624	($163,110)	-70%	$938,496	42%	Overall costs are on track with YTD projections - with costs at 26% against FY budget. * Other Costs show an unfavourable variance against YTD budget due to the recognition of full-year insurance premium and rates costs at the start of the year.
Borrowing Costs	$14,884	$79,424	$64,540	81%	$195,624	$238,271	$42,647	18%	$953,086	21%	
Overheads	$41,324	$41,324	$0	0%	$123,972	$123,972	$0	0%	$495,889	25%	
Depreciation	$65,160	$65,160	($0)	0%	$195,480	$195,480	($0)	0%	$781,919	25%	
Total Expenses	**$251,547**	**$417,485**	**$165,938**	**40%**	**$1,310,975**	**$1,252,456**	**($58,519)**	**-5%**	**$5,009,823**	**26%**	
Result	**$277,758**	**$192,902**	**$84,856**		**$923,975**	**$578,707**	**$345,268**		**$2,314,827**		

Muswellbrook Shire Council

Financial Report - September 2022

Capital Costs (Incl. Loan Repayments & excl. Revenue)

	YTD Actuals	Carry Overs	Total Budget	YTD % Spend	Over Budget	Comments
General Fund Projects						
Planning, Community and Corporate Services Projects						
Adventure Playground - Wollombi Road	-	480,000	480,000	0%		
Aquatic Centres program	36,677	-	110,000	33%		
Art Acquistions	1,200	-	70,000	2%		
Buildings New and Replacement	21,307	1,009,696	1,562,566	1%		
Bushfire Assets	7,553	591,239	591,239	1%		
Capital Works Contingency	-	-	100,000	0%		
CBD Stage 7 (Town Centre)	1,055,363	1,000,345	1,630,345	65%		
Civic Precinct (Town Square)	987,696	2,762,782	3,404,981	29%		
Contribution to Future Fund	-	-	880,000	0%		
COVID 19	-	-	121,711	0%		
Denman Childrens Centre - Expansion	41,097	521,402	521,402	8%		
Denman Heritage Village	112,266	876,394	1,809,525	6%		
Denman Netball Courts	-	206,286	311,451	0%		
Future Fund Contribution	-	-	1,120,000	0%		
General Design Program	8,075	25,707	25,707	31%		
General Projects - Loans	-	-	149,999	0%		
Hunter Beach	147,313	3,128,232	3,128,232	5%		
Information Technology Strategy	26,933	-	200,000	13%		
Investigation and Design - Aquatic Centre	20,829	151,553	151,553	14%		
Karoola Park Citizens Walk Pathway	12,778	30,000	30,000	43%		
Library Books General Capital Purchases	6,828	25,225	83,725	8%		
Library Subsidy Projects	13,239	65,649	65,649	20%		
Local Priority Grant	-	51,240	62,240	0%		
Major Landcare Projects	35,530	46,286	171,286	21%		
Mbk and Dnm Indoor Sports Centre Upgrades	-	261,462	261,462	0%		
MSC Depot	1,200	-	200,000	1%		
Muscle Creek Nature Trail and Revegetation	37,739	140,238	140,238	27%		
Olympic Park Project	36,747	2,909,650	3,409,650	1%		
Performance and Convention Centre	1,412	5,581,007	6,208,018	0%		
Companion Animal Impounding Facility	374,580	1,206,134	1,206,134	31%		
Recreation Capital Works	50,413	274,879	769,879	7%		
Renewable Energy Target Works	-	-	250,000	0%		
Sport and Rereation Small Capital Grants	-	-	25,000	0%		
Total Planning, Community and Corporate Services	**3,036,775**	**21,345,406**	**29,251,992**	10%		

Muswellbrook Shire Council

Financial Report - September 2022

Capital Costs (Incl. Loan Repayments & excl. Revenue)

	YTD Actuals	Carry Overs	Total Budget	YTD % Spend	Over Budget	Comments
Roads and Drainage Projects						
Bridge St Footpath	15,871	-	64,304	25%		
Bridges Renewal program	4,910	42,281	42,281	12%		
Carpark Renewal program	-	93,143	93,143	0%		
CPTIGS - Bus Shelter	-	48,400	278,400	0%		
Developer Coordinated Works program	-	-	-	0%		
Drainage	-	300,000	615,188	0%		
Drainage Devices program	-	-	150,000	0%		
Drainage Channel - Lorne Street	7,748	711,573	711,573	1%		
Emulsion Tank	-	-	-	0%		
Flood Warning Systems	-	-	50,000	0%		
Footpath and Cycleway Renewal program	17,542	-	150,000	12%		
Heavy Patching program	116,356	-	500,000	23%		
Ironbark Road Footpath	-	-	-	0%		
Kerb and Gutter Replacement program	138,635	-	150,000	92%		
Kirk and Peberdy Bridges	-	-	80,322	0%		
Large Plant Items	72,755	1,170,000	1,680,000	4%		
Leachate Dam	-	482,980	482,980	0%		
LED Fire Danger Warning Signs (BSBR)	-	152,304	152,304	0%		
LISF - Roads Infrastructure Backlog	91,378	-	371,478	25%		
Mangoola Road Upgrade	-	-	-	0%		
Natural Disaster - ARGN 987	158,683	-	410,891	39%		
Natural Disaster Event - Baerami Creek Causeway	-	-	-	0%		
Natural Disaster Event - Widden Creek Bank	-	-	-	0%		
New Footpath and Cycleway program	-	-	250,000	0%		
Oakleigh Bridge Replacement (BSBR)	-	543,988	543,988	0%		
Purchase of Vehicles	-	92,558	342,558	0%		
Regional Road Renewal program	-	-	307,000	0%		
Replace Failed Fence	-	-	-	0%		
Resources for Regions - Mine Affected Roads	-	-	-	0%		
Resources for Regions - Round 5	1,026,672	2,425,459	2,425,459	42%		
Resources for Regions - Round 6	79,993	521,282	521,282	15%		
Resources for Regions Road Program	-	-	-	0%		
Road Design Program	-	-	-	0%		
Road Resealing program	-	92,655	892,655	0%		
Roads Capital Contingency	-	-	100,000	0%		
Roads to Recovery Program	-	-	577,898	0%		
Road Safety Program-School Zone	116,242	213,498	213,498	54%		
Rosebrook Bridge	-	1,543,391	1,543,391	0%		
Rosemount Road Culvert	-	-	-	0%		
Rural Road Pavement and Rehabilitation	-	-	-	0%		
Rural Road Regravelling Program	43,335	-	329,628	13%		
Rural Road Renewal program	-	-	-	0%		
Safety Audit Ridgelands Road	-	-	-	0%		
Safety Device Renewal program	-	73,120	193,120	0%		
Sandy Creek Road Curve Improvement	-	167,484	167,484	0%		
Sandy Hollow Village Centre	-	-	-	0%		
Transport Vehicles	-	52,258	152,258	0%		
Urban Road Renewal Program	-	-	372,000	0%		
Waste Management Facility	-	-	-	0%		
Widden Creek Bank	4,711	223,569	223,569	2%		
Widden Valley Road Pavement Rehab	-	-	-	0%		
Wilkinson Bridge	27,200	-	109,398	25%		
Yarrawa Road (Fixing Local Roads)	423,022	1,027,801	1,027,801	41%		
Total Roads and Drainage	**2,345,053**	**9,977,744**	**16,275,851**	14%		
Total General Fund	**5,381,828**	**31,323,150**	**45,527,843**	12%		

Muswellbrook Shire Council

Financial Report - September 2022

Capital Costs (Incl. Loan Repayments & excl. Revenue)

	YTD Actuals	Carry Overs	Total Budget	YTD % Spend	Over Budget	Comments
Future Fund Projects						
111 Brook Street Mbk Purchase	-	-	-	0%		
Bakery Set Up	-	-	-	0%		
Donald Horne Building	-	-	150,000	0%		
Marketplace	1,601,788	-	3,768,747	43%		
Marketplace Air Conditioning	-	-	-	0%		
Renewal of Existing Assets/New Acquisitions	151,462	-	657,999	23%		
Throsby ACT	129,999	-	520,000	25%		
Town Education Centre 2	123,798	580,613	580,613	21%		
Upgrade of Loxton House	272,335	-	275,000	99%		
Total Future Fund	**2,279,382**	**580,613**	**5,952,359**	38%		
Sewer Fund						
Access & Security Improvements RWTW	127,113	100,466	155,466	82%		
Asset Management Planning	-	-	-	0%		
Denman Treatment Plant Upgrade	-	-	-	0%		
Mains Renewal and Replacement	2,235	-	589,431	0%		
Muswellbrook Recycle Water Treatment Project	-	-	-	0%		
Operations Contingency Project	-	-	150,000	0%		
Sewer Plant and Equipment	-	-	-	0%		
Solar Array	-	-	1,800,000	0%		
System Plant Asset Renewals	115,979	-	650,000	18%		
Transportation System Improvement	21,518	81,939	81,939	26%		
Loan - Sewer RWTW	181,152	-	651,553	28%		
Skellatar Main	-	-	91,957	0%		
Total Sewer Fund	**447,997**	**182,405**	**4,170,346**	11%		
Water Fund						
Asbestos, Earthworks, Security	68,561	-	155,000	44%		
Depot - Investigation and Design	-	-	-	0%		
Laboratory Equipment	-	-	-	0%		
Mains Renewal and Replacement	355,134	448,278	748,278	47%		
Office Upgrade	-	-	-	0%		
Operations Contingency Project	19,272	-	117,686	16%		
Replacement of Water Meters program	10,245	-	65,000	16%		
Sandy Hollow Augmentation	-	-	25,427	0%		
South Muswellbrook Reservoir	-	-	350,197	0%		
System Plant Asset Renewals	47,637	191,376	891,376	5%		
Upgrade Fluoride Dosing System WTP	19,861	346,461	346,461	6%		
Vehicle Replacement	-	-	-	0%		
Vehicle-Equipment Replacement	-	78,684	78,684	0%		
Water Fund Environmental Grants	-	-	-	0%		
Water Stop Valve Replacement	12,430	35,627	285,627	4%		
Total Water Fund	**533,140**	**1,100,426**	**3,063,736**	17%		
Consolidated Total	**8,642,347**	**33,186,594**	**58,714,284**	**15%**		

Details of Current Council Loans

Balance at 30/06/2021	Payment Type	2019/20 Repayments	2020/21 Repayments	2021/22 Repayments	2022/23 Repayments	2023/24 Repayments	2024/25 Repayments	2025/26 Repayments	2026/27 Repayments	2027/28 Repayments	2028/29 Repayments	2029/30 Repayments	2030/31 Repayments
Water Fund													
$1,007,297	Principal	$310,206	$330,160	$351,400	$375,624	$280,273	$0	$0	$0	$0	$0	$0	$0
	Interest	$87,745	$67,791	$46,551	$23,815	$4,977	$0	$0	$0	$0	$0	$0	$0
	Total	**$397,951**	**$397,951**	**$397,951**	**$399,439**	**$285,250**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**	**$0**
Sewer Fund													
$15,619,999	Principal	$642,256	$677,873	$710,385	$743,509	$778,430	$816,997	$856,300	$780,502	$815,416	$850,535	$886,347	$922,883
	Interest	$761,835	$726,218	$693,706	$660,582	$625,661	$587,094	$549,281	$509,827	$474,913	$439,794	$403,982	$367,446
	Total	**$1,404,091**	**$1,404,091**	**$1,404,091**	**$1,404,091**	**$1,404,091**	**$1,404,091**	**$1,405,581**	**$1,290,329**	**$1,290,329**	**$1,290,329**	**$1,290,329**	**$1,290,329**
General Fund													
$7,033,329	Principal	$592,931	$614,941	$715,625	$747,212	$589,049	$398,903	$411,895	$425,955	$440,494	$455,537	$471,112	$400,583
	Interest	$226,943	$245,540	$233,183	$201,596	$160,992	$145,179	$147,540	$133,362	$118,758	$103,536	$87,667	$59,397
	Total	**$819,874**	**$860,481**	**$948,808**	**$948,808**	**$750,041**	**$544,083**	**$559,435**	**$559,318**	**$559,252**	**$559,073**	**$558,780**	**$459,980**
Future Fund													
$45,600,163	Principal	$4,822,070	$5,116,650	$5,447,178	$4,270,338	$3,546,155	$3,608,444	$3,699,073	$3,788,145	$2,781,513	$2,095,246	$1,306,313	$1,010,380
	Interest	$1,196,886	$964,183	$839,494	$994,087	$999,404	$955,814	$892,420	$798,502	$442,438	$380,663	$336,230	$270,629
	Total	**$6,018,956**	**$6,080,833**	**$6,286,672**	**$5,264,425**	**$4,545,559**	**$4,564,258**	**$4,591,493**	**$4,586,647**	**$3,223,952**	**$2,475,910**	**$1,642,544**	**$1,281,009**
$69,260,789		**$8,640,872**	**$8,743,355**	**$9,037,522**	**$8,016,763**	**$6,984,940**	**$6,512,431**	**$6,556,509**	**$6,436,294**	**$5,073,533**	**$4,325,312**	**$3,491,652**	**$3,031,318**

Purpose	Original Amount	Interest Rate	Balance at 30/06/2022	2022/23 Principal Repayments	2022/23 Interest Repayments	2022/23 Total Payments	Year of Final Payment	Notes (If any)
Water - South Muswellbrook Reservoir	$1,100,000	6.03%	$91,947	$91,947	$1,109	$93,056	2022/23	
Water - Sandy Hollow Augmentation	$300,000	6.09%	$25,427	$25,426	$325	$25,751	2022/23	
Water - South Muswellbrook Reservoir	$3,200,000	6.61%	$538,522	$258,250	$22,382	$280,632	2023/24	
Sewer - Mains and Pump Stations	$1,300,000	6.50%	$406,758	$91,957	$21,805	$113,762	2025/26	
General - Widden Bridge	$1,750,000	6.00%	$1,159,354	$80,322	$65,744	$146,066	2034/35	
General - Smiths Bridge	$1,573,967	4.28%	$1,180,412	$64,304	$48,194	$112,498	2024/25	
General - Roads Infrastructure Backlog	$3,000,000	5.90%	$573,423	$371,478	$33,832	$405,310	2023/24	LIFS interest rate subsidy applies
General - Olympic Park Bridge	$1,785,000	1.45%	$1,641,582	$109,398	$23,093	$132,491	2025/26	
Future Fund	$3,300,000	1.60%	$2,970,000	$165,000	$46,310	$211,310	2024/25	
Future Fund - Seven Hills, Campbell's Corn	$7,980,502	4.35%	$7,980,502	$672,758	$339,944	$1,012,702	2026/27	
Future Fund - Muswellbrook Marketplace	$13,276,500	1.20%	$12,200,896	$625,546	$143,216	$768,762	2023/24	
Future Fund - Muswellbrook Marketplace	$5,000,000	3.43%	$739,277	$739,277	$12,582	$751,859	2022/23	
Future Fund - Muswellbrook Marketplace	$12,500,000	2.34%	$9,285,643	$1,338,923	$209,160	$1,548,083	2024/25	
Future Fund - Donald Horne building	$2,500,000	4.80%	$2,500,000	$208,834	$117,534	$326,368	2026/27	
Sewer - Sewer Treatment Plant	$7,000,000	4.49%	$6,074,062	$263,628	$267,344	$530,972	2038/39	
Sewer - Sewer Treatment Plant	$10,000,000	4.50%	$8,428,794	$387,925	$371,432	$759,357	2037/38	
Covid 19	$2,000,000	1.77%	$1,762,933	$121,711	$30,732	$152,443	2022/23	
Throsby ACT	$7,800,000	1.86%	$6,976,667	$520,000	$125,341	$645,341	2025/26	
TOTAL	**$85,365,969**		**$64,536,199**	**$6,136,684**	**$1,880,079**	**$8,016,763**		

Debtor Balances as at 30 September 2022

Account	120 days	90 days	60 days	30 days	Current	Balance
Waste Depot Charges	$34,940	$0	$67,944	$108,489	$53,800	$265,173
Inspection Fees	$13,911	$0	$0	$0	$0	$13,911
Sam Adams College Rent	$0	$0	$0	$0	$0	$0
Council Properties - Future Fund *	$216,414	$52,240	$150,009	$90,005	$87,962	$596,630
Council Properties - Marketplace *	$442,467	$0	$31,274	$0	$85,627	$559,368
Council Properties - Education Fund	$0	$1,257	$11,014	$21,406	$0	$33,677
Recreation	$0	$82	$1,031	$234	$0	$1,348
Sundries	$443,857	$2,718	$3,029	$1,917	$611	$452,131
Water Tanker Sales	$411	$14	$16,923	$23,137	$14,974	$55,458
Trade Waste Charges	$684	$0	$0	$0	$0	$684
Muswellbrook Sewer	$62,853	$0	$0	$72,133	$0	$134,986
GST Tax Debtor	$0	$0	$0	$0	$0	$0
TOTAL	$1,215,536	$56,311	$281,224	$317,321	$242,973	$2,113,366

* Includes deferrals.

9.4.13. Report on Council Grant Funding and Community Engagement

Attachments:	Nil
Responsible Officer:	David Walsh - Director - Corporate Services & Chief Financial Officer
Author:	Ivan Skaines – Grants & Community Engagement Advisor
Community Plan Issue:	*6 - Community Leadership*
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

To advise Council of recent grant applications submitted, grant funding recently announced or to be announced shortly, and of upcoming grant opportunities. In addition, to provide updates on Council's other grants and community engagement activities.

OFFICER'S RECOMMENDATION

Council notes the information contained in the report and approves the recommended community grants (Round 2, 2022) totalling $5,293.00 to be funded from the Sundry Donations and Community Halls allocations.

Moved: _____ Seconded: _____

BACKGROUND

For some time, Muswellbrook Shire Council has been successful in obtaining grants which have been decided via competitive applications and, in addition, Council has continued to receive grant allocations from both State and Federal government sources for which Council is required to nominate proposed projects for funding. Council also runs several grant programs and has established a grant finding portal via Council's website.

CONSULTATION

Grant applications are aligned to projects identified by Council's Delivery Program and prepared in consultation with the Mayor, Council's senior managers and key staff in relevant sections. Councillors are regularly updated about grant applications.

REPORT

Grant applications recently submitted:

- The following six projects were submitted for funding under the NSW Government's **Stronger Country Communities Fund Round 5** on Friday, 23 September 2022:

  1. Victoria Park Amenities Upgrade

2. Muswellbrook Shire public buildings accessibility program
3. Construction of a new Muswellbrook Civic Precinct Pocket Green at 88-104 Bridge Street, Muswellbrook
4. Animal Care Facility and Sustainability Hub Watercourse and Riparian Corridor
5. Accessible paths around four bus shelters across Muswellbrook
6. Pram ramp installation around Muswellbrook Shire.

- **Round 2 of the Regional Tourism Activation Fund** aimed to accelerate the development of high impact tourism infrastructure projects that will increase visitation, expenditure and extend length of stay for visitors to regional NSW. Muswellbrook Shire Council submitted an application for Denman Tourist Park and Hot Water Pools on Tuesday, 27 September.
- **Resources for Regions funding for Round 9** applications closed Friday, 30 September and Council submitted the following projects for funding:
    1. Community Infrastructure Depot Enabling Resource Recovery and Recycling Precinct for Muswellbrook
    2. Denman Recreation Reserve Works for Denman
    3. Merton Street drainage for Denman
    4. Reactivation of Campbells Corner Retail Space for Muswellbrook
    5. Demolition prior to development of the Civic Pocket Park for Muswellbrook
    6. Relocation of Sustainability Hub for Muswellbrook
- Council put forward the update of Council's s7.11 plan as our request for funding under the **NSW Regional Housing Strategic Planning Fund.**
- On Friday, 7 October Council submitted documentation to contribute to a review of the **Australian Government's 2022 election commitment** of $10.5 million for the completion of the Muswellbrook Town Centre Plan and $5.5 million to construct a grandstand and improve amenities at Olympic Park, Muswellbrook.
- Council submitted an application to the **NSW Environmental Trust's Restoration and Rehabilitation Grants Program** which closed on Monday, 10 October. Our nominated project was "Restoring Muscle Creek Through Environmental and Educational Action".
- As part of the 2022 round of **Fixing Country Roads** Council put forward three applications, being the Muswellbrook Bypass Interchange to Bridge Street project, Thomas Mitchell Drive and Wybong Road. The latter two roads are listed as priorities in Council's Mine Affected Road Network Plan Review (May 2020) which shows that Wybong Road is the alternate Oversize Overmass vehicle route for high and wide loads which cannot use the State road due to restrictions on Denman Bridge. This report also highlights the importance of Thomas Mitchell Drive for access to the mines for transportation of plant and other equipment.
- Crown Lands has been allocated $15 million funding to assist with the **Restoration and Clean-up of Crown Land** affected by the February/March 2022 storm and flood event (AGRN 1012). Council has submitted an application for funding to reinstate a stormwater drainage outlet at the carpark, Olympic Park, Muswellbrook.

Upcoming grant and funding opportunities:

- Submissions are now open to eligible disaster declared councils to submit a program of works for the $1 million grants jointly funded by the Commonwealth and NSW State Government under **Local Government Recovery Grants** - NSW Severe Weather and

Floods (27 June 2022 onwards - AGRN 1025). Submissions of the program of works under AGRN 1025 are due by Friday, 21 October and Council is planning to submit an application for Possum Gully works.

- The **Summer Holiday Break Program** provides young people with opportunities to connect, socialise, and have fun during the school holidays by delivering a range of free and subsidised activities across regional NSW. The program is funded by the Office for Regional Youth. Council will work with Upper Hunter Youth Services on an appropriate application which closes on Friday, 21 October.
- **Public Library Infrastructure Grants** are for projects that will assist NSW councils to improve public library infrastructure, including buildings and information technology systems. Applications for the 2022-23 round are now open and close on Friday, 28 October. Council is investigating the details and costs of establishing a podcast studio as an extension of the small meeting room in the Muswellbrook Library.
- The **Safe and Secure Water Program** (SSWP) provides funding to local water utilities throughout regional NSW for high priority water and sewer projects. The funding helps to reduce the most significant risks to water security, water quality and the environment and funding is set aside for the highest priority projects. Project proposals for funding are to be submitted by the end of October 2022 and funding is available for:
    1. Muswellbrook Water Supply Scheme
    2. Denman Water Supply Scheme
    3. Sandy Hollow Water Treatment
- The NSW Environmental Trust is now inviting applications to its **2022–23 Environmental Education Grants Program**. A total of $1 million is available for projects that develop, broaden and transform the community's knowledge, skills and intrinsic motivation to undertake sustainable behaviour and encourage participation in protecting the environment. Funding of up to $60,000 (Tier 1) and between $60,001 and $250,000 (Tier 2) for projects is being offered and applications close Monday, 7 November. Council staff recommend Council applies for funding to develop a formal network of groups to learn about, share knowledge and take positive on ground action leading to behavioural change across the community. The program will focus on providing existing community groups with the resources needed to become active ambassadors who encourage the wider community to change their behaviour relating to building resilience to climate change, while improving local biodiversity.
- The **Anzac Community Grants Program** provides grants of up to $3,000 for projects that either promote appreciation and understanding of the service and sacrifice of military service personnel or support activities and services to enhance the wellbeing of the NSW veteran community. Submissions close Friday, 11 November and categories include:
    1. Local community historical research and education
    2. Preservation or display of war memorabilia
    3. Public commemorative events, arts and culture
    4. Provide support to members of the NSW veteran community.
- **Go FOGO** grants support NSW councils to deliver new weekly food only (FO) or food organics and garden organics (FOGO) services to their communities. These may be households that currently have no kerbside organics bin service or households with only a garden waste collection. The objectives of the Go FOGO grants are to:
    1. support the effective rollout of weekly FOGO (or FO) services to 500,000 households that have no organics service

2. support the effective rollout of weekly FOGO (or FO) services to 1,500,000 households that have a garden only waste service
3. provide additional support to councils with a significant number of multi-unit dwellings (MUDs) to deliver additional tailored communication to these properties.

All NSW councils are eligible to apply for funding to roll out new weekly FOGO services or FO services to households that do not currently have a service. The service must be active within three years of the grant application approval. Applications must be submitted by Wednesday, 16 November and following the assessment and approval process, successful applicants are expected to be notified in early 2023.

- Applications for the 2023-24 Australian Government's **Black Spot Program** are now open. On receipt of a completed Black Spot nomination form, the relevant state and territory transport agency will examine the nominated site's eligibility, and may undertake an economic assessment of a treatment proposal. Nominations are considered annually by Black Spot Consultative Panels in each jurisdiction, who recommend projects for approval by the responsible Minister. Applications will close on Friday, 18 November.
- The **Places to Swim** program supports the creation of great places for people to enjoy inland places like rivers, lakes, dams and inland waterways, and to improve access to water, allowing people to get in, on and around water. It also aims at improving access for recreational engagement with waterways, such as kayaking and paddle boarding or walking and being around water. Applications close on Monday, 21 November and options for Council's application include:
    1. an extension of the shared cycleway on the site to the south as a preferred pathway to improve access for swimming, along with exclusion fencing extensions to the proposed work for Stage 1 of Hunter Beach($500k);
    2. a jetty/launch for kayaks and Council would seek further advice from other Councils on dynamic river environments and kayak activity ($750k);
    3. improved and upgraded car park areas and the inclusion of a secondary connection to Aberdeen Street ($1m).
- Applications are open for the $200 million **NSW Infrastructure Betterment Fund** to help recovery efforts focus on rebuilding damaged and destroyed infrastructure, such as bridges and stormwater drainage, in a more resilient way. Public assets directly impacted by the 2019-20 Black Summer bush fires, the storm and flood events in early 2021 and the severe weather and flooding in early 2022 will be eligible for the fund. Applications close Thursday, 15 December.

  This is in addition to a further $312.5 million announced to target road and transport-related infrastructure in 26 northern NSW councils impacted by the early 2022 flooding through the **Regional Roads and Transport Recovery Package**. Muswellbrook Shire Council is eligible for this funding and applications close Thursday, 1 December and Wybong Road re-construction could be a focus for Council's application.

  The total $512.5 million has been made available through the joint Commonwealth-State Disaster Recovery Funding Arrangements (DRFA) and will be administered by both Regional NSW and Transport for NSW, delivering a consistent, whole-of-government approach.
- The **Start Strong Capital Works Grants** improve access to preschool by creating additional preschool places in areas of need and demand across the State and Council has worked with Denman Children's Centre to gain funding under this program in the past.

  Eligible not-for-profit organisations can apply for funding through the Major Capital Fund,

which supports the creation of additional preschool places through new builds, extensions or renovations of centre-based preschools that offer preschool education to preschool-aged children in areas of need and demand. The upcoming rounds for the Major Capital Fund are:

Round 1: open from 4 October to 14 November 2022 (for community preschools).

Round 2: open from 6 February to 19 March 2023 (expanded eligibility for community preschools and long day care services offering a preschool program).

Round 3: open from 3 April to 14 May 2023 (expanded eligibility for community preschools and long day care services offering a preschool program).

- The **Commonwealth Bridges Renewal Program (BRP) and the Heavy Vehicle Safety and Productivity Program (HVSPP)** are Australian Government initiatives funding infrastructure projects that improve the productivity and safety outcomes of heavy vehicle operations across Australia. A likely project for the Heavy Vehicle Safety and Productivity Program component is the re-development of Thomas Mitchell Drive starting from the Denman Road intersection.

Grant funding recently announced:

We have received no notifications of successful grant funding since the last Council meeting.

Grant funding to be announced shortly:

Council applied for $1 million for **Stage 1 of the Muswellbrook Town Centre** under Round 6 of the Federal Building Better Regions Program - Infrastructure Projects.

Unsuccessful applications:

We have received no notifications of unsuccessful applications since the last Council meeting.

Muswellbrook Shire Council Grants Portal

The report for data from March 2022 to September 2022 for Council's grant finding portal at https://muswellbrook.grantguru.com.au/ is listed in the table below:

Indicator	Sep	Aug	Jul	Jun	May	Apr	Mar
Total unique portal visitors[1]	43	59	38	63	63	33	96
Number of page views[2]	134	242	242	248	190	133	374
Total cumulative registrations to the portal (via the sign-up form)[3]	79	76	71	63	56	52	52
Grant alerts sent per month to registered users	630	653	542	490	463	373	485

[1] A visitor is someone who has viewed your portal, but may or may not be registered - the same person is not double counted.

[2] Page views are the total number of a visitor's 'clicks' within your portal, and includes viewing grant information. Repeated views of a single page are counted.

[3] Registrations are people that have registered to your portal via the signup form and are still active.

Community interaction with the grant finding portal is generally positive. The number of registered users is continuing to increase.

Community grants - Round 2 2022

Applications for Muswellbrook Shire Council's Community Grants (Round 2 2022) opened on 14 September and closed on 30 September 2022. Applications were received for the following five eligible projects with a total value of $5,293.

Applicant	Request	Contribution	Total Cost	Description
St Martin's Guild	$598	$0	$598	Purchase of two fabric noticeboards, 1200mm x 900mm, for installation in the Hall.
Hunter Community Legal Centre	$1,695	$2,300	$3,995	The Hunter Community Legal Centre seeks to purchase a marquee for use in outdoor community events and outreach in the Upper Hunter region. The Hunter CLC does regular community outreach and CLE in Muswellbrook & the Upper Hunter, and an outdoor marquee will expand The Hunter CLC's ability to deliver these services to more people more frequently.
Muswellbrook Rotary Club	$1,000	$2,126	$3,126	The Club is intending to purchase several items that will assist in fundraising activities, promote the Club and encourage others to volunteer their time in helping the broader community. In particular, the Club is seeking support to fund a branded tent, not only used by Rotarians but local schools, clubs for sports carnivals etc throughout the year.
Sandy Hollow Charity Horse Ride Committee	$2,000	$7,000	$10,000	The aim of the Annual Community Charity Horse Ride to raise funds for the Westpac Rescue Helicopter Service. The funds from this grant would go towards staging the event so that the amount raised for the Westpac rescue Helicopter service can be maximised and not lost in the costs of holding the event.
Total	**$5,293**			

CONCLUSION

Council notes upcoming grant and funding opportunities, grant funding recently announced, grant funding to be announced shortly, data on Council's Grant Portal, and the applications

received in Round 2, 2022 of Council's community grants program.

SOCIAL IMPLICATIONS

The projects supported by Council's Community Grants address priority issues in the community and are well-supported.

FINANCIAL IMPLICATIONS

The funding received under these grant programs will offset expenditure that would otherwise be needed to be made by Council. There are co-contributions required as specified in the descriptions above.

Council has also approved the incorporation of the Rural Halls Funding into the development of a Community Grants Program

POLICY IMPLICATIONS

The Community Grants have been allocated according to Council's Financial Assistance and Sponsorship Policy (MSC05E).

STATUTORY IMPLICATIONS

Council's grant applications align with the goals contained in the Muswellbrook Shire Community Strategic Plan and with a range of Federal and State strategy documents.

LEGAL IMPLICATIONS

Where grant applications are successful, Muswellbrook Shire Council will be required to enter into a grant agreement with the funding body.

OPERATIONAL PLAN IMPLICATIONS

The projects funded by these grants are in line with Council's Operational Plan.

RISK MANAGEMENT IMPLICATIONS

Council is required to identify risks and associated risk management strategies for each project in preparing the grant application.

WASTE MANAGEMENT IMPLICATIONS

Nil

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

All the grant funding successes contained in this report are no longer under embargo.

9.5. Community and Economy

9.5.1. Community Services

Attachments:	Nil
Responsible Officer:	Shaelee Welchman – Director Community and Economy
Author:	Kim Manwarring – Manager – Community Services
Community Plan Issue:	*6 - Community Leadership*
Community Plan Goal:	24.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.
Community Plan Strategy:	24.1.2 - Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.

PURPOSE

To provide an update on activities in the Community Services section.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ Seconded: _____

MUSWELLBROOK SHIRE LIBRARIES – MUSWELLBROOK AND DENMAN

September was a busy month for the Muswellbrook Shire Libraries with an author talk, school holidays and the Our First Teachers Exhibit. The Muswellbrook and Denman Branches were attended by 2565 customers during September.

The Muswellbrook Shire Libraries currently delivers personally selected books, DVDs and Audio books to homebound customers each fortnight. During the month of September this service conducted 2 deliveries and delivered.

September Library Programs		
Type	**No. of Programs**	**Attendance**
Literacy and lifelong learning	17	296
Informed and connected citizens	2	24
Digital Inclusion	8	36
Personal development and wellbeing	3	15

September Library Programs		
Type	**No. of Programs**	**Attendance**
Stronger and more creative communities	5	53
Economic and workforce development	0	0
TOTAL	**35**	**424**

Children's Programs

September was a busy month for the children's services team as they shared a number of children's programs within the library branches as well as participating in a Muscle Creek School visit in partnership with council's sustainability team. This school visit provided a great opportunity for library staff to share stories with students from Muswellbrook South Public School. This event was attended by **140 children**.

The Library celebrated a Junior member who has completed her first 100 books in the Library's *Rising Readers: 1000 Books Before School Challenge*. Congratulations to Adhvika who received a certificate and a book from the library to encourage her continued reading efforts. The rising reading challenge aims to encourage library members aged 0-5 to read 1000 books before starting primary school with the aim being to build reading aloud into regular routines.

The Library hosted a visit from Muswellbrook Preschool early in the month with our visitors enjoying the Library Sensory Courtyard for their morning tea following a Story Time session.

Our STEM Story time group at Muswellbrook LIbrary discovered rainbows this month with **6 children attending**. Denman Library incorporated STEM programming into their Father's Day Storytime with attendees making walking rainbow fathers day cards. This session was attended by **5 members**.

LEGO Club at Muswellbrook Library designed balloon cars to test their theory of aerodynamic construction. This session was attended by **21 children**. The Denman Library LEGO Club finished their LEGO name plate designs by constructing their names using different sized LEGO blocks. This session was attended by **6 children**.

The Library branches have hosted a series of Spring themed school holiday programs starting with a Seed Paper activity at Muswellbrook Branch which was attended by **17 children** and a Worm Farm activity at Denman in partnership with Council's Sustainability team with **9 attendees**.

Baby Rhyme and Story Time continue to be popular at both branches with **48 attendees** throughout the month.

Youth Programs

The Library hosted a Virtual Reality Experience for teens with attendees accessing virtual worlds using Oculus VR Headsets. This session was attended by **9 attendees**.

Adults Programs:

Author Talk with Fiona McArthur and Tamara McWilliams: this author talk was hosted at Muswellbrook Library and attended by **20 adults**.

Brain Training was hosted during the month at Muswellbrook with **3 attendees**.

The **Adult Craft Group** meets fortnightly at the Muswellbrook Branch and was attended by **12 attendees** during September. This social groups shares crafts projects and provides important adult social connections to members of the Muswellbrook Community.

The **Bookclub** groups were hosted at Muswellbrook and Denman Branch and was attended by **12 attendees**. These groups meet monthly. The Library also promotes a new online bookclub 'Ben's Bookclub' with simultaneous use books available through our Libby App.

The **Writers Group** was attended by **7 attendees**.

The **Blue Heeler Film Festival** team hosted a series of film making workshops utilising the Library Seminar Room. These workshops were attended by 24 attendees.

Exhibitions:

The **Our First Teachers Exhibit** was hosted at the Muswellbrook Library from the **5th-23rd September**. This exhibit was curated and created by Natasha Kellett and Rosslyn Thomson and featured contemporary Aboriginal art and tools which have been collected and created.

Working Dogs Photography Exhibit: The Muswellbrook Library displayed a number of photographs taken by local photographers of working dogs in action. This display has been a great talking point for visitors of the library.

COMMUNITY PARTNERSHIPS

Extensive work has been carried out this month in the governance support of Upper Hunter Youth Services and the organisations review and refocus on the delivery of youth programs to vulnerable young people.

Support has also been directly provided to Upper Hunter Homeless Support, Drug & Alcohol Services and Arts UH, Community Partnerships Officer has also coordinated the facilitation of the Upper Hunter Community Services Interagency and participated in the Upper Hunter Youth Network and Community Drug Action Team.

The Wanaruah Aboriginal Language Program has received and enormous response with over 80 individuals registering for the program, a small assessment panel has assessed applications against course criteria, the result has been the establishment of 2 classes that will commence in October.

PARTNERSHIPS & ENGAGEMENT

An extensive amount of work has occurred this month in the final preparation for the Blue Heeler Film Festival, screenings and celebrations are set for the 22 October at the Denman Memorial Hall, the University of Newcastle School of Creative Industries Students and major sponsor Bengalla Mining and Pet Domain will ensure the event will be a festive night.

The Blue Heeler Film Festival Community Screening scheduled for the 23 October is also a free event and will be held in Muswellbrook, no registration is required however given the pending wet weather the venue will be confirmed in the coming days.

MUSWELLBROOK REGIONAL ARTS CENTRE

The current exhibition Brad Franks RETRO, In the Frame: James Gleeson and Unleashed! finish on the 22 October. The exhibition has been well supported, the Saturday Art Station, Art Detective program and the People's Studio have all occurred this month featuring works from the exhibitions.

The Viola Bromley Art Prize entries have now closed, opening night will be held Saturday 29

October and be on exhibition until the 23 December. The Viola Bromley Art Prize is a celebration of local art across the disciplines of painting, works on paper, sculpture and photography and open to all artist of the Muswellbrook, Singleton and Upper Hunter Shires.

MUSWELLBROOK FITNESS & AQUATIC CENTRE – MUSWELLBROOK & DENMAN

The Muswellbrook Aquatic & Fitness Centre Team have delivered exceptional service to over 6000 patrons during the September School Holidays. Community Members have enjoyed the free access into the Muswellbrook Indoor Pool Facilities, all patrons have been kept safe and staff have received positive feedback from patrons regarding the quality of the indoor pool facilities.

The Muswellbrook and Denman Outdoor Pools are now open and operational, the Muswellbrook Indoor Aquatic Centre will resume its normal programs such as Aqua Aerobics and Learn to Swim lessons.

10. Minutes of Committee Meetings

10.1. State Significant Development Committee Meetings - 19/09/2022 & 10/10/2022

Attachments:	1. Minutes - State Significant Development Committee - 19/09/2022 [**10.1.1** - 3 pages] 2. Minutes - State Significant Development Committee - 10/10/2022 [**10.1.2** - 2 pages]
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	{authors-names-with-position}
Community Plan Issue:	*6 - Community Leadership*
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	1.2.1 - Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise

PURPOSE

To inform Council of the following meetings of the State Significant Development Committee:

1. Meeting held on 19 September, 2022
2. Meeting held on 10 October, 2022

OFFICER'S RECOMMENDATION

The minutes for the following State Significant Development Committee meetings be NOTED:

1. Meeting held on19 September, 2022
2. Meeting held on 10 October, 2022

Moved: _____ Seconded: _____

REPORT

The Governance Officer reports that the following meetings were held:

1. Meeting held on 19 September, 2022
2. Meeting held on 10 October, 2022

The minutes of these meetings are attached for the information of the Councillors.

MINUTES OF THE STATE SIGNIFICANT DEVELOPMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE LOXTON ROOM, ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON MONDAY 19 SEPTEMBER, 2022 COMMENCING AT 4.31PM

PRESENT:	Cr B. Woodruff (Chair), Cr J. Lecky, Cr G. McNeill (VC) and Cr R. Scholes .
IN ATTENDANCE:	Cr D. Marshall, Mr D. Finnigan (Acting General Manager), Ms S. Pope (Director – Planning & Environment), Mrs S. Welchman (Director - Community & Economy), Ms T. Folpp (Development Compliance Officer), Mrs K. Scholes, Mr C. White (Bengalla), Mr J. Campbell (Bengalla), Mr M. Molan (Bengalla), Mr N. Rose (Firm Power), Mr G. Tischljar (Firm Power), Mr S. Ingram (Firm Power), Mr B. O'Krane (Muswellbrook Coal), Ms J. Thomas (Muswellbrook Coal), Mr R. Balks (Muswellbrook Coal), Mr R. Gallagher (Muswellbrook Coal) and Mrs M Sandell-Hay.

1 Apologies

RECOMMENDED on the motion of Cr R. Scholes and Cr G. McNeill that:

The apologies for inability to attend the meeting submitted by Cr S. Reynolds be ACCEPTED.

2 Confirmation of Minutes of Previous Meeting

RECOMMENDED on the motion of Cr J. Lecky and Cr R. Scholes that:

The Minutes of the State Significant Development Committee Meeting held on **15 August, 2022**, 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 Interests

Cr B. Woodruff - Declared a pecuniary interest in Item 5.1. Cr Woodruff advised the Committee that his employer undertakes work for Bengalla.

Cr G. McNeill - Declared a pecuniary interest in Item 5.1. Cr McNeill advised the Committee that he owns property at the end of the proposed realignment which would impact on travel time.

Cr G. McNeill - Declared a Non-Pecuniary Interest in Item 5.3. Cr McNeill advised the Committee that the propety mentioned above is under Muswellbrook Coal western lease which adjoins his current place of employment.

4 Business Arising

Nil

5 Business

5.1 Bengalla Link Road - Realignment

Disclosure of Interest

Cr Woodruff declared a pecuniary Interest in this item. Cr Woodruff advised the Committee that his employer undertakes work for Bengalla.

Cr McNeill declared a pecuniary interest in this item. Cr McNeill advised the Committee that he owns property at the end of the proposed realignment.

At 4.34pm Cr G. McNeill and Cr B. Woodruff left the Council Chambers and therefore took no part in discussion or voting on this item.

Cr Scholes assumed the role of Chair for the conduct of this item.

Mr White and Mr Campbell provided the Committee with a brief presentation on the proposed alignment of Bengalla Link Road.

RECOMMENDED on the motion of Cr J. Lecky and Cr R. Scholes that:

The information contained in this report be noted.

Ms Scholes, Mr White, Mr Campbell and Mr Malone left the meeting at 4.59pm

At 5:01pm Cr B. Woodruff and Cr G. McNeill returned to Council Chambers and resumed their chair/s at the meeting table.

Cr Woodruff resumed the role of Chair for the remainder of the meeting.

5.2 SSD 29704663 Muswellbrook Battery Energy Storage System - Introduction

RECOMMENDED on the motion of Cr R. Scholes and Cr J. Lecky that:

the information in the report be noted.

6 Closed Committee

RECOMMENDED on the motion of Cr R. Scholes and Cr J. Lecky that:

The Meeting move into Closed Committee.

6.1 DA 2002-205 Muswellbrook Coal - Extension to Haulage Timeframe

Disclosure of Interest

Cr McNeill declared a non-pecuniary interest in this item. Cr McNeill advised the Committee that the property mentioned above is under Muswellbrook Coal western lease which adjoins his current place of employment.

At 5:44pm Cr G. McNeill left the Meeting and therefore took no part in discussion or voting on this item.

RESOLVED on the motion of Cr J. Lecky and Cr R. Scholes that:

1. The SSD Committee advise the Muswellbrook Coal Company that Council does not have a policy position prohibiting consideration of a Modification that would allow the handling, storage and transportation of coal from the Muswellbrook Coal Mine site being extended to 31 March 2023.

2. The SSD Committee agree to review the Muswellbrook Coal Modification if lodged.

Mr O'Krane, Ms Thomas, Mr Balks and Mr Gallagher left the meeting at 5.52pm

At 5:53pm Cr G. McNeill returned to Council Chambers and resumed their chair/s at the meeting table.

7 Resumption of Open Committee

RECOMMENDED on the motion of Cr R. Scholes and Cr J. Lecky that:

The Meeting return to Open Committee.

5.3 State Significant Development - Activities Summary

RECOMMENDED on the motion of Cr R. Scholes and Cr J. Lecky that:

The information contained in this report be noted.

8 Date of Next Meeting

17 October, 2022

9 Closure

The meeting was declared closed at 6.08pm.

..... Mr D. Finnigan **Acting General Manager**	..... Cr B. Woodruff **Chairperson**

MINUTES OF THE STATE SIGNIFICANT DEVELOPMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE LOXTON ROOM, ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON MONDAY 10 OCTOBER 2022 COMMENCING AT 4.00PM.

PRESENT:	Cr S. Reynolds (Chair), Cr J. Lecky, Cr G. McNeill and Cr B. Woodruff.
IN ATTENDANCE:	Cr D. Marshall, Mr D. Finnigan (Acting General Manager), Ms S. Pope (Director – Planning & Environment), Ms S. Welchman (Director - Community & Economy), Ms T. Folpp (Development Compliance Officer), Ms A. Hathway (Corporate Lawyer), Mrs M Sandell-Hay and Ms K. McCann.

1 Apologies

RECOMMENDED on the motion of Cr B. Woodruff and Cr J. Lecky that:

The apologies for inability to attend the meeting submitted by Cr R. Scholes be ACCEPTED.

2 Confirmation of Minutes of Previous Meeting

RESOLVED on the motion of Cr J. Lecky and Cr B. Woodruff that:

The Minutes of the State Significant Development Committee Meeting held on **19 September, 2022**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr G. McNeill and Cr B. Woodruff.

Against: Nil.

3 Disclosure of Any Pecuniary and Non-Pecuniary Interests

Nil

4 Business Arising

Nil

5 Business

5.1 Muswellbrook Battery Energy Storage System - Comments on Environmental Impact Statement

A report was submitted to the committee to finalise Council comments on the Environmental Impact Statement (EIS) for the Muswellbrook Battery Energy Storage System (BESS).

RECOMMENDED on the motion of Cr G. McNeill and Cr J. Lecky that:

The SSD Committee approves comments on the Muswellbrook Battery Energy Storage System Environmental Impact Statement as set out in he amended Attachment B.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr G. McNeill and Cr B. Woodruff.

Against: Nil.

5.2 Liverpool Range Wind Farm - Objection to use of Council local roads

A report was submitted to the Committee providing an update on an upcoming submission to the Liverpool Range Wind Farm Modification 1.

RESOLVED on the motion of Cr B. Woodruff and Cr G. McNeill that:

The information contained in this report be noted.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr G. McNeill and Cr B. Woodruff.

Against: Nil.

5.3 State Significant Development - Activities Summary

A report was submitted to the Committee providing an update on current works being undertaken by Council Officers in relation to State Significant Development and Energy Generation projects.

RESOLVED on the motion of Cr J. Lecky and Cr G. McNeill that:

The information be received and noted.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr G. McNeill and Cr B. Woodruff.

Against: Nil.

7 Date of Next Meeting

21 November, 2022

8 Closure

The meeting was declared closed at 4.45pm

....

Mr D. Finnigan
Acting General Manager

Cr S. Reynolds
Chairperson

10.2. Local Traffic Committee Meeting - 9/08/2022

Attachments:	1. Minutes - Local Traffic Committee - 9/08/2022 [**10.2.1** - 18 pages]
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	{authors-names-with-position}
Community Plan Issue:	*6 - Community Leadership*
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	1.2.1 - Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise

PURPOSE

To inform Council of the following meeting of the Local Traffic Committee:

1. Meeting held on 9 August, 2022

OFFICER'S RECOMMENDATION

The minutes for the 9 August 2022 meeting of the Local Traffic Committee meeting be NOTED.

Moved: _____ Seconded: _____

REPORT

The Road Status Officer reports that the following meetings were held:

1. Meeting held on 19 August, 2022

The minutes of this meeting are attached for the information of the Councillors.

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM, ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON 9 AUGUST, 2022 COMMENCING AT 1.30PM

PRESENT:	Cr D. Marshall (Chair), Mr M. Kelly, Snr Const. A. Sweeney, Ms B. Haverhoek, Ms K. Scholes.
IN ATTENDANCE:	Mrs I. Williams

1 Apologies

RECOMMENDED on the motion of Mr Kelly and Ms K. Scholes that:

The apologies for inability to attend the meeting submitted by Cr M. Bowditch be ACCEPTED.

2 Confirmation of Minutes of Previous Meeting

RECOMMENDED on the motion of Mr M. Kelly and Snr Const. A. Sweeney that:

The Minutes of the Local Traffic Committee Meeting held on 8 March, 2022, 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 Interests

Nil

4 Business Arising

Nil

5 Business

5.1 Mangoola Coal Temporary Road Closures for Blasting

RECOMMENDED on the motion of Ms B. Haverhoek and Mr M. Kelly that:

Council use it's delegated authority to approve the Mangoola Closing Public Road- Mining Procedure for the temporary closure of Council public roads when blasting within 500m of the road.

VOTE: Unanimous Supporrt

7 Date of Next Meeting

13 September, 2022

8 Closure

The meeting was declared closed at 2.05pm

.....
Cr D. Marshall
CHAIR

MANGOOLA
OPEN CUT

GLENCORE

Closing Public Roads – Mining Procedure

Number: MANOC-1772150304-208
Owner: Superintendent - Pit Services
Status: Approved
Version: 14.0
Effective: 8/05/2022
Review: 3/09/2023

Uncontrolled unless viewed on the intranet

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1. Purpose

The purpose of this procedure is to provide operational management for the temporary closure of public roads when blasting activities associated with Mangoola Coal will interact with public roads.

2. Scope

This procedure applies to all work blasts areas within the Mangoola Open Cut, that have the potential to affect Public roads (including Wybong Road, Wybong Post Office Road and Ridgelands Road)

3. Major Hazards

A team-based Risk Assessment has been conducted to assess the hazards associated with the Mangoola Blast Clearing and Firing procedures (*MANOC-1772150304-6382 Blast Clearing and Firing Procedure*). The key hazards identified which are addressed in this Procedure are listed below:

- Emergency vehicle access required along public roads during blasting;
- Failure to maintain security of access points;
- Public liability;
- Dust/fume leaving EPL premise or disturbance boundary;
- Potential fly rock impact on public roads and associated traffic delays;
- Lack of communication of potential road delays to community;
- Dust/fume affecting personnel/public; and
- Public refusing to recognize the roadblock.

4. Requirements

In accordance with Condition B22 of SSD 8642, the Applicant shall not undertake blasting on the site within 500 metres of any public road or any land outside the site not owned by the Applicant, unless the Applicant has:

a) a written agreement with the relevant infrastructure owner or landowner to allow blasting to be carried out closer to the public road or land, and the Applicant has advised the Department in writing of the terms of this agreement; or

b) demonstrated, to the satisfaction of the Planning Secretary, that the blasting can be carried out closer to the public road or land without compromising the safety of people or livestock or damaging the road or other buildings and structures, and updated the Blast Management

Plan to include specific mitigation measures to be implemented when blasting is being carried out within 500 metres of the road or land.

In addition, Condition B23 (d) of SSD 8642 states:

The Applicant must prepare a Blast Management Plan for the development to the satisfaction of the Planning Secretary. The plan must:

d) include a Road Closure Management Plan for any blasting within 500 metres of a public road, that has been prepared in consultation with relevant roads authorities and includes provisions for:

   i) minimising the duration of closures, both on a per event basis and weekly basis;

   ii) avoiding peak traffic periods as far as reasonable; and

   iii) co-ordinating closures within nearby mines to minimise the cumulative effect of road closures.

Muswellbrook Shire Council (MSC) approval applies to the temporary closure of public roads approximately depicted (yellow) in Figure 1.

Mangoola Coal will implement road closures within 500m of any public road. These will involve:

- Closure to public access for up to 20 minutes duration each;
- No road closures more than three times per week, subject to the required notice to MSC;
- The road will not be closed for periods longer than is necessary; and
- Multiple blasts will be fired within 5 minutes for a single closure, or at least 45 minutes apart for multiple closures.

Blasting will be conducted as per applicable Drill and Blast procedures and the Mangoola Coal Blast Management Plan.

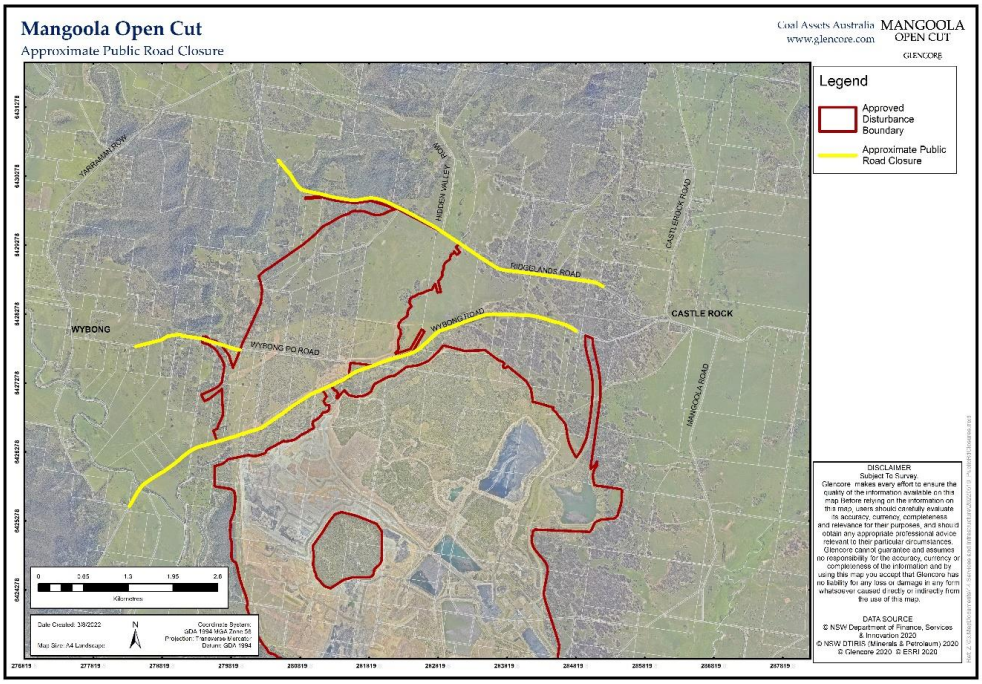


Figure 1: Section of public roads affected by blasting at Mangoola Coal

5. Road Closure Management

This document provides a process for road closure management for Mangoola Coal in accordance with Condition B22 and B23 of SSD 8642. This document is subject to approval by Muswellbrook Shire Council. The key aspects of this document include:

- The relevant roads that will be closed;
- The notification of affected parties;
- Procedures for road closure and traffic management;
- Modified shotfiring procedures; and
- A protocol for the passage of emergency vehicles.

5.1 Public Road Closures

Mangoola Coal will implement road closures within 500m of any public road. The following roads may be closed as a result of blasting operations by Mangoola Coal:

- Ridgelands Road;
- Wybong Post Office Road; and
- Wybong Road.

5.2 Notifications (See Appendix A – Road Closure Checklist)

Blasting at Mangoola Coal is permitted between 9am and 5pm Monday to Saturday inclusive. No blasting is allowed on Sundays, public holidays or at any other time without written approval from the EPA. Closure of public roads will, however, be further restricted to weekdays between 10am and 2pm in order to avoid peak traffic (8:00 to 9:00am and 2:00 to 4:00pm) and weekend traffic. Closure of public roads also will not occur during school bus operation on affected roads.

Road closures undertaken by Mangoola Coal will be advertised in the local newspapers (or online newspapers) 1 week prior to the planned blast.

Mangoola Coal will provide notification of scheduled road closure blasts (dates and times) to Muswellbrook Shire Council for inclusion on the MSC web page by 4pm, two (2) days prior to that in which road closures are required.

Permanent signage on associated public roads will advise regular road users of the likely date and time of any blasting operations that will result in a temporary road closure, at least two (2) days prior to the blast (see **Figure 2**). This signage will also display the telephone number for the Mangoola Coal Community Response Line (1800 014 339) which provides 24hr / 7 day communication with nominated Mangoola Coal representatives.

Local residents and tenants on Mangoola Coal properties will be notified of road closures by nominated Environment & Community representatives of Mangoola Coal, as per the Mangoola Coal Blasting Notification Register. Where the access from public roads to neighbouring properties is to be blocked, those affected will be directly contacted at least two (2) days prior to the blast, as those accesses will also require temporary closure.

NSW Fire Brigade (Muswellbrook), NSW Rural Fire Service (Mangoola & Wybong Brigades), NSW Ambulance Service (Muswellbrook), NSW Police (Muswellbrook & Denman), and Muswellbrook State Emergency Service will be advised of road closures two (2) days prior to blasting as well as on the morning of the blast.

Mangoola will include surrounding mining operations of the notification of road closures.

Traffic control personnel will be notified of requirements at least two (2) days prior to the blast.

All parties will be punctually notified in the event that a blast is postponed.

Figure 2: Road closure signage

5.3 Traffic Management (See Appendix B – Traffic Control Plan)

Mangoola Coal will comply with the requirements of the *Roads Act 1993* and ensure that traffic control is carried out in accordance with the 'Austroads Guide to Traffic Management' and 'Transport for NSW Traffic Control at Worksites Techinical Manual'..

Approved temporary signage will be placed on the day of blasting, as illustrated on the authorized Traffic Control Plan. Traffic control work is to be undertaken by personnel who hold a current SafeWork NSW Traffic Control Work Training Card (TCWT) or equivalent.

All signs must comply with notes outlined in Appendix B: Traffic Control Plan.

Traffic controllers will be able to make radio contact with the Blast Controller, via an appointed Blast Sentry, until the blast has been cleared. The Blast Sentry will be stationed with the traffic controllers on the controlled section of public road throughout the blast event.

Appointed Blast Sentries will be placed on private access roads, and will be familiar with the road closure and shotfiring procedures.

The traffic controllers and sentries must close the road prior to the blasting, when advised by the Blast Controller. A Mangoola appointed Blast Sentry must then clear all traffic and personnel from the affected area and advise the Blast Controller when this has been completed.

All traffic must be halted for the duration of the blast. In the case of emergency traffic, or other inadvertent access, refer to **Section 4.4** (below).

The Blast Sentry must not re-open the road until advised by the Blast Controller that it is safe to do so and the road has been inspected by a Blast Sentry to ensure it is in a safe and trafficable condition.

Any damage, fly-rock, or other problems must be rectified, with personnel available on standby for immediate road clearing purposes if deemed necessary. Muswellbrook Shire Council must be notified of any damage to the road and remedial work undertaken by qualified road repair personnel, in consultation with Muswellbrook Shire Council, in a timely manner so as to minimise disruption to public thoroughfare.

When the blast has been cleared normal traffic will be resumed and signage removed.

5.4 Shotfiring Procedure

The Blast Controller must fire the blast according to this procedure and in accordance with other applicable blasting and environmental procedures, with the following exceptions:

- Blasting will not take place at times when adverse environmental conditions (or other prevailing conditions) make road closure hazardous;
- Blasts requiring the closure of public roads will not be tied up if environmental conditions are expected to prevent blasting within the required timeframe;
- In the case of a misfire and dependent upon the Blast Controller's discretion, public roads may be re-opened whilst the misfire event is investigated. Public roads will be closed again during firing of the misfire. This process will allow for lengthy road closures to be avoided whilst protecting the safety of people. If the Blast Controller deems it necessary, public roads may remain closed until the misfire event is addressed.

After firing, the Blast Controller must advise the traffic controllers (via Mangoola appointed Blast Sentry) when it is safe and the road will be checked for damage/fly rock. If road conditions are deemed satisfactory, traffic flow may be permitted (under supervision of traffic controllers). Traffic controllers will remain in position until the Blast Controller has provided final clearance for the blast.

5.5 Passage of Emergency Vehicles

If traffic controllers or sentries encounter emergency vehicles (police, ambulance, fire, mines rescue etc) requiring immediate access to public roads, it may be necessary to abort the blast. This may also apply if other parties refuse to stop or ignore signage.

Traffic controllers and/or sentries must break radio silence and inform the Blast Controller if access is required (or has occurred) once shotfiring is in progress. If the blast can be halted, emergency vehicles will be allowed to pass and the shotfiring procedure will recommence once the road is clear.

6. Implementation and Review

This Mangoola Closing Public Roads - Mining Procedure is subject to approval by Muswellbrook Shire Council.

This procedure will be reviewed every 3 years (or as required) as part of the Blast Management Plan. This procedure will also be reviewed if unexpected blast performance/behaviour indicates that changes to road closure practices or clearance distances are required.

Where there are no changes to the physical closure locations of public roads this will not be consulted with MSC.

7. Accountabilities

Role	Accountabilities for this document
Drill and Blast Superintendent	Oversee the review of process and procedure. Review and approve procedure. Ensure a process for training of relevant personnel.
Drill & Blast Supervisor	Review procedure. Ensure a process for training of relevant personnel.
Environment & Community Manager	Ensure that blasting notices are published within relevant local newspapers in advance of blast event. Liaise with Reception / Admin to ensure that all relevant stakeholders including local residents and tenants on Mangoola Coal properties, relevant emergency services, and Muswellbrook Shire Council will be notified of road closures on the Blasting Notification Register.
Reception / Admin	Ensure that all relevant stakeholders including local residents and tenants on Mangoola Coal properties, relevant emergency services, and Muswellbrook Shire Council will be notified of road closures on the Blasting Notification Register.

8. Document Information

Related documents and reference information in this section provides a single reference point to develop and maintain site compliance information.

8.1 Related Documents

Related documents, listed in Table 7-1 below, are internal documents directly related to or referenced from this document.

Number	Title
MANOC-1772150304-6429	Blast Clearing and Firing Procedure
MANOC-1772150304-5918	Blast Controller Checklist and Clearance Plan
MANOC-1772150304-757	Blast Fume Management Procedure
MANOC-1772150304-4601	Blast Management Plan

Number	Title
MANOC-1772150304-292	Blast Monitoring Procedure for TransGrid Powerlines
MANOC-1772150304-1099	Blast Permit
MANOC-1772150304-884	Blasting Procedure
MANOC-1772150304-55	Explosives Control Plan
MANOC-1772150304-434	Pre Blast Environmental Assessment Procedure

Table 8-1 – Related documents

8.2 Reference Information

Reference information, listed in Table 7-2 below, is external information that is directly related to the development of this document or referenced from within this document.

Title
Muswellbrook Shire Council Road Closure Guidelines
Austroads Guide to Traffic Management and TfNSW Traffic Control at Worksites Technical Manual
AS 1742.1:2014 - Manual of uniform traffic control devices - General introduction and index of signs
AS 1743:2001 – Road signs – Specifications
AS 1742.2: 2009 – Manual of uniform traffic control devices - Traffic control devices for general use
AS 1906.1:2007 - Retroreflective materials and devices for road traffic control purposes - Retroreflective sheeting

Table 7-2 – Reference information

8.3 Change Information

Full details of the document history are recorded in the document control register, by version. A summary of the current change is provided in Table 7-3 below. Example detail shown below.

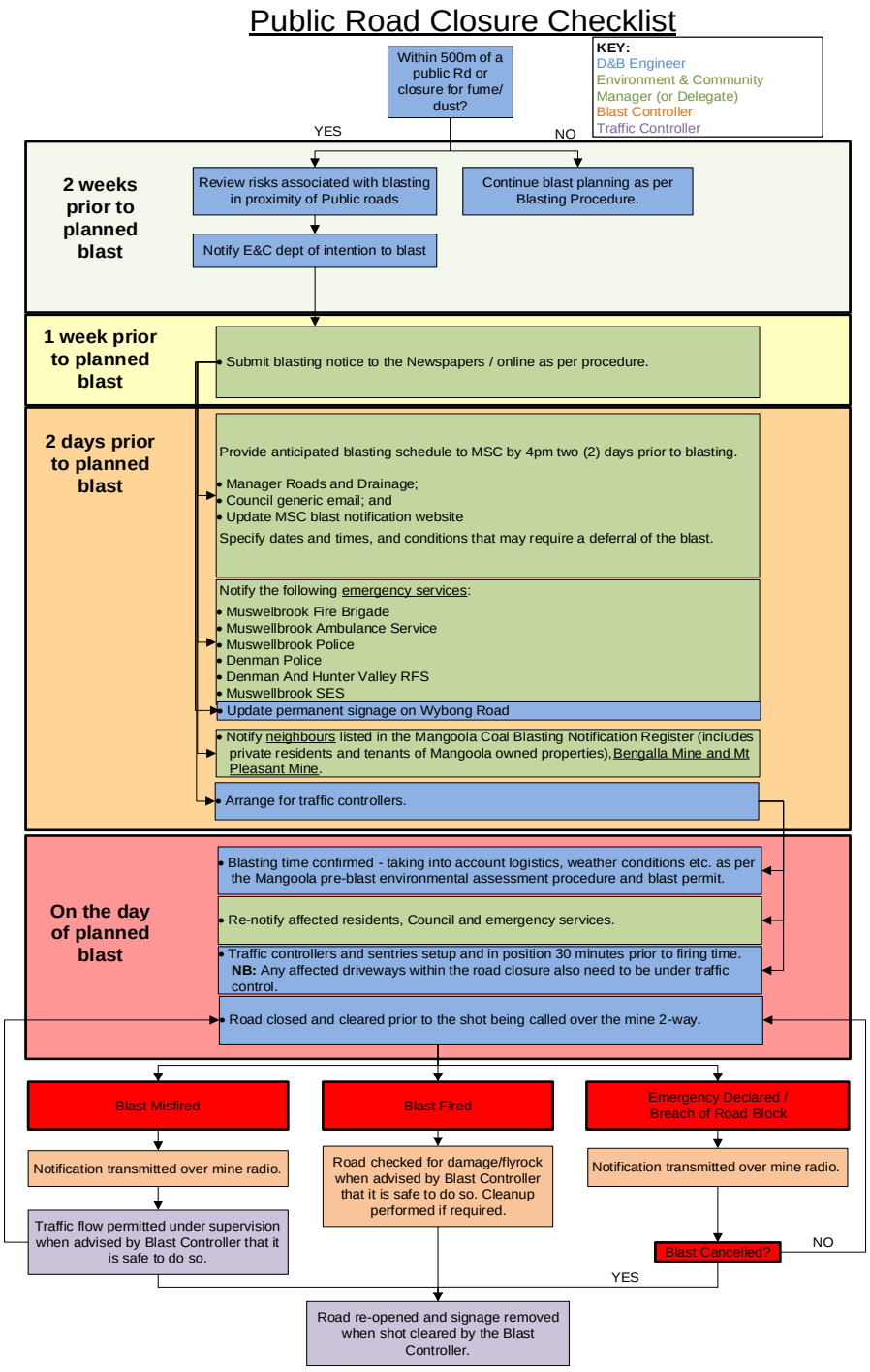
Version	Date	Change Summary
1	09/02/2011	Initial issue Change heading, document owner Update properties Changes as per Mark Williams Added telephone number on page 7 Change Section 4.1 Notification – add as well as on the morning of the blast

Version	Date	Change Summary
2	04/07/2011	Remove Watermark (Draft)
3	02/12/2011	Update notification timeframe reduce from seven (7) to two (2) days notification & advertisement in local press. Updated changes within document for auditing purposes
4	14/12/2011	Added community relations coordinator to accountabilities Replaced sign photo with current version.
5	28/12/2011	Change document to Drill and Blast Engineer Replaced sign photo with current version
6	22/02/2013	Updated major hazards to include noxious cloud Updated accountabilities section to include Community Relations Coordinator
7	03/08/2015	Updated traffic control contractor details Updated text to reflect blasting activities no longer being undertaken in North Pit.
8	04/02/2016	Updated to change Blast Times permitted for blast when road is not required to be closed.
9	01/08/2016	Updated road closure zones in text and figure to reflect pit progression Updated notifications for process in event of blast postponement Updated relevant accountabilities to include stakeholder notification by reception Updated *Table 7.1 - Related Documents* Modified *Appendix A – Wybong Road Closure Checklist* to a flow chart; Modified *Appendix B – Traffic Control Plan* to reflect no closure of Wybong Post Office Road
10	29/09/2017	Reassign ownership of Mine Procedure – closing public roads to Tim Haig. D Rankin and M Faulkner 28.09.17
11	11/06/2020	Only change is on page 7, part 6, please change Technical Services Manager to drill and blast superintendent
12	03/09/2020	Transfer into new template. Full review of document, no changes required.
13	8/05/2022	Minor updates to add risk assessment detail and additional related documents.
14	04/04/2022	Replaced term “Supervising Sentry” with “Blast Sentry” for consistency of language between explosive related documents.

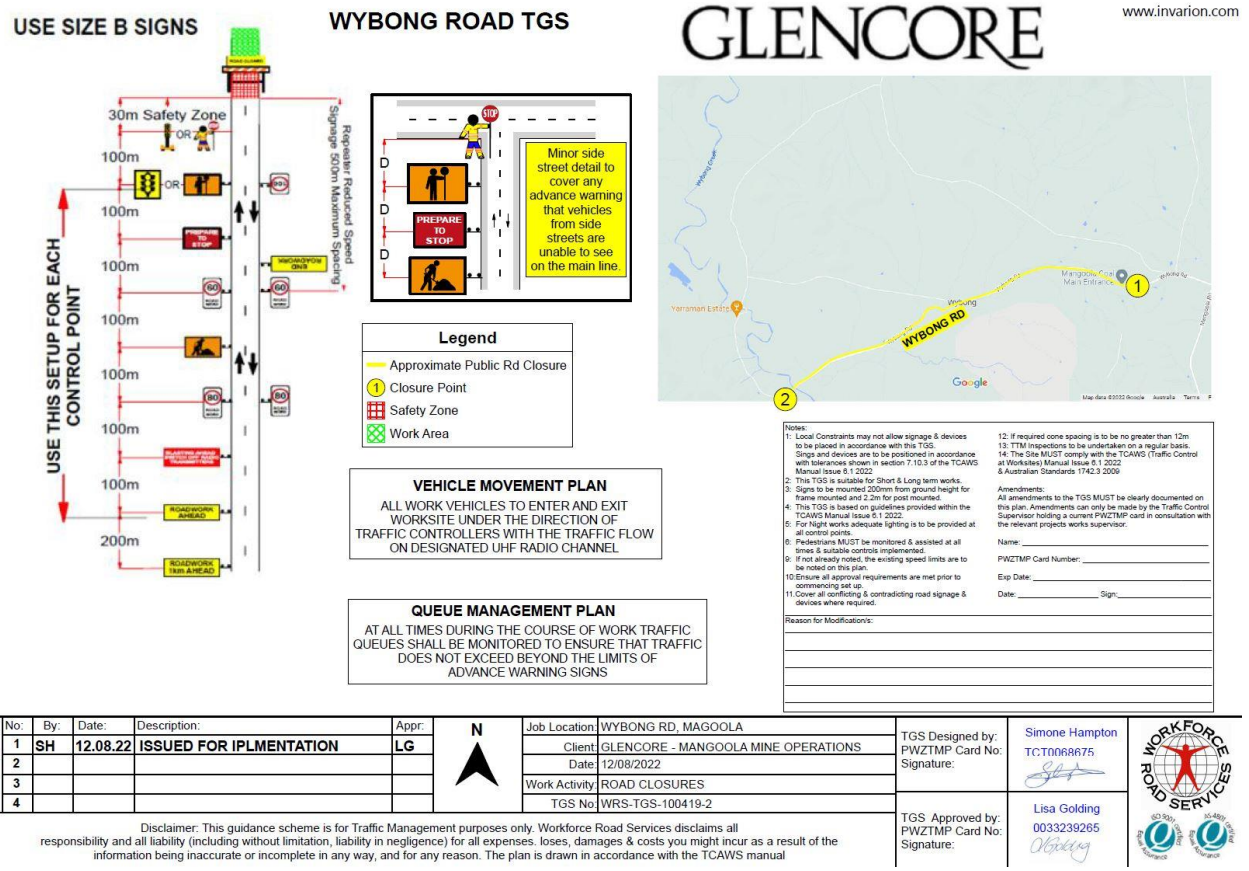
Version	Date	Change Summary
		Review team: W Williams, J Cribb, D Collins, J Gordon, P Boland, A Taylor
15	May 2022	Major updates to include public roads relating to the MCCO area as required for SSD 8642. Update to Figure 1, updated to *Appendix B – Traffic Control Plan* to reflect additional mining area. Revision includes approval from MSC.

Table 8-3 – Change information summary

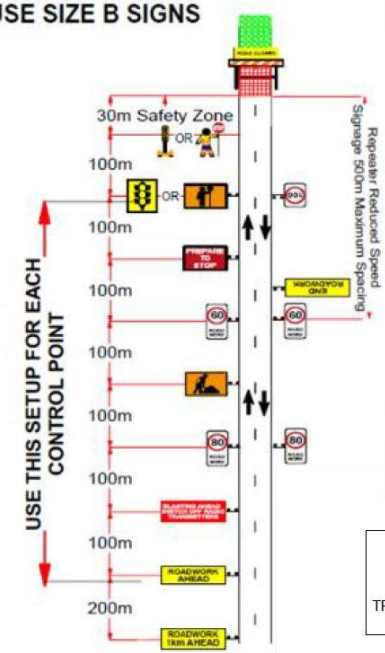
Appendix A - Road Closure Checklist



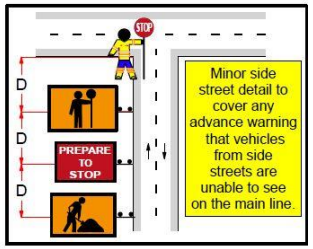
Appendix B - Traffic Guidance Scheme



USE SIZE B SIGNS



WYBONG POST OFFICE ROAD TGS



Legend

- Approximate Public Rd Closure
- (1) Closure Point
- Safety Zone
- Work Area

VEHICLE MOVEMENT PLAN

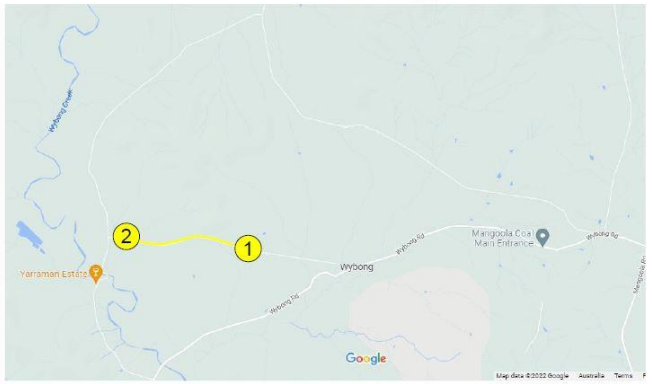
ALL WORK VEHICLES TO ENTER AND EXIT WORKSITE UNDER THE DIRECTION OF TRAFFIC CONTROLLERS WITH THE TRAFFIC FLOW ON DESIGNATED UHF RADIO CHANNEL

QUEUE MANAGEMENT PLAN

AT ALL TIMES DURING THE COURSE OF WORK TRAFFIC QUEUES SHALL BE MONITORED TO ENSURE THAT TRAFFIC DOES NOT EXCEED BEYOND THE LIMITS OF ADVANCE WARNING SIGNS

GLENCORE

www.invarion.com



Notes:
1: Local Constraints may not allow signage & devices to be placed in accordance with this TGS. Sings and devices are to be positioned in accordance with tolerances shown in section 7.10.3 of the TCAWS Manual Issue 6.1 2022
2: This TGS is suitable for Short & Long term works.
3: Signs to be mounted 200mm from ground height for frame mounted and 2.2m for post mounted.
4: This TGS is based on guidelines provided within the TCAWS Manual Issue 6.1 2022.
5: For Night works adequate lighting is to be provided at all control points.
6: Pedestrians MUST be monitored & assisted at all times & suitable controls implemented.
9: If not already noted, the existing speed limits are to be noted on this plan.
10: Ensure all approval requirements are met prior to commencing set up.
11. Cover all conflicting & contradicting road signage & devices where required.
12: If required cone spacing is to be no greater than 12m
13: TTM Inspections to be undertaken on a regular basis.
14: The Site MUST comply with the TCAWS (Traffic Control at Worksites) Manual Issue 6.1 2022 & Australian Standards 1742.3 2009

Amendments:
All amendments to the TGS MUST be clearly documented on this plan. Amendments can only be made by the Traffic Control Supervisor holding a current PWZTMP card in consultation with the relevant projects works supervisor.

Name: _____
PWZTMP Card Number: _____
Exp Date: _____
Date: _____ Sign: _____

Reason for Modification/s:

Revisions	No:	By:	Date:	Description:	Appr:
	1	SH	12.08.22	ISSUED FOR IPLMENTATION	LG
	2				
	3				
	4				

N

Job Location:	WYBONG POST OFFICE RD, MAGOOLA
Client:	GLENCORE - MANGOOLA MINE OPERATIONS
Date:	12/08/2022
Work Activity:	ROAD CLOSURES
TGS No:	WRS-TGS-100419-3

TGS Designed by:	Simone Hampton	WORKFORCE ROAD SERVICES
PWZTMP Card No:	TCT0068675	
Signature:		
TGS Approved by:	Lisa Golding	
PWZTMP Card No:	0033239265	
Signature:		

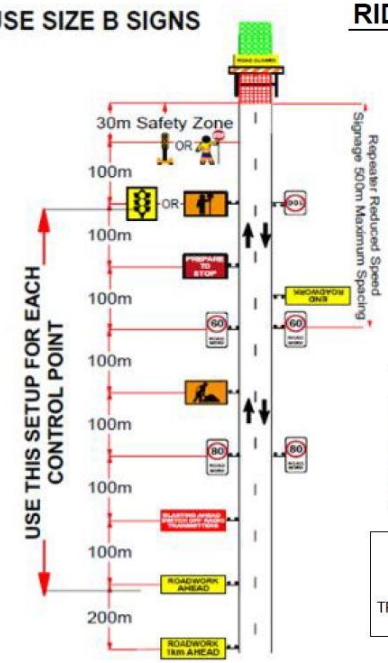
Disclaimer: This guidance scheme is for Traffic Management purposes only. Workforce Road Services disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses. loses, damages & costs you might incur as a result of the information being inaccurate or incomplete in any way, and for any reason. The plan is drawn in accordance with the TCAWS manual

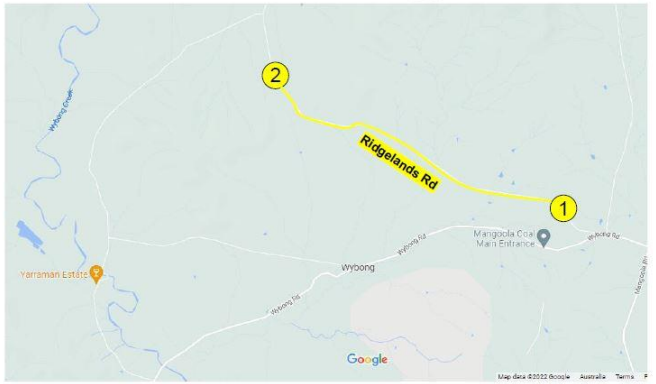
USE SIZE B SIGNS

RIDGELANDS ROAD TGS

www.invarion.com

GLENCORE





Legend

- Approximate Public Rd Closure
- (1) Closure Point
- Safety Zone
- Work Area

VEHICLE MOVEMENT PLAN

ALL WORK VEHICLES TO ENTER AND EXIT WORKSITE UNDER THE DIRECTION OF TRAFFIC CONTROLLERS WITH THE TRAFFIC FLOW ON DESIGNATED UHF RADIO CHANNEL

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AT ALL TIMES DURING THE COURSE OF WORK TRAFFIC QUEUES SHALL BE MONITORED TO ENSURE THAT TRAFFIC DOES NOT EXCEED BEYOND THE LIMITS OF ADVANCE WARNING SIGNS

Notes:
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11. Cover all conflicting & contradicting road signage & devices where required.
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13: TTM Inspections to be undertaken on a regular basis.
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Amendments:
All amendments to the TGS MUST be clearly documented on this plan. Amendments can only be made by the Traffic Control Supervisor holding a current PWZTMP card in consultation with the relevant projects works supervisor.

Name: _____
PWZTMP Card Number: _____
Exp Date: _____
Date: _____ Sign: _____

Reason for Modification/s:

Revisions	No:	By:	Date:	Description:	Appr:
	1	SH	12.08.22	ISSUED FOR IPLMENTATION	LG
	2				
	3				
	4				

N

Job Location:	RIDGELANDS RD, MAGOOLA
Client:	GLENCORE - MANGOOLA MINE OPERATIONS
Date:	12/08/2022
Work Activity:	ROAD CLOSURES
TGS No:	WRS-TGS-100419-1

TGS Designed by:	Simone Hampton	
PWZTMP Card No:	TCT0068675	
Signature:		
TGS Approved by:	Lisa Golding	
PWZTMP Card No:	0033239265	
Signature:		

WORKFORCE ROAD SERVICES

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Appendix C - Muswellbrook Shire Council Approval

Appoval will be added prior to finalisation

11. Notices of Motion

Nil

12. Councillors Reports

13. Written Questions

Nil

14. Questions for Next Meeting

15. 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.

16. Closed Council

RECOMMENDATION

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:

Moved: _____ **Seconded:** _____

16.1. Muswellbrook Bypass Central Interchange Link to Bridge Street

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public *interest.*

16.2. Possum Gully Easement - Maintenance Request

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the *public interest.*

16.3. Demolition of Fire Damaged Dwelling - 2 Lae Street, Muswellbrook

This report is CONFIDENTIAL under the provisions of Section 10A(2)(b) of the Local Government Act 1993, as it relates to the personal hardship of any resident or ratepayer.

Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

17. Resumption of Open Council

18. Closure

Date of Next Meeting: 22 November, 2022