

# MUSWELLBROOK SHIRE COUNCIL

## Environment Committee

### NOTICE OF MEETING

10 March 2010

**TO:** Cr M. Rush (Chair)  
Cr J. Lecky (Deputy Chair)  
Cr J. Drayton  
Cr C. Phelps  
Mr R. Reynolds  
Mr V. Leonard  
Mr K. Timpson  
Mr J. Shewan  
Mr P. Kennedy  
Mr G. Brown  
Mr R. Tickle  
Mr J. Wolfgang  
Mr B. Macpherson  
Mr S. Jennar  
Mr M. Rothe  
Mr C. Gidney  
Mr C. Flemming

**FILE:** 240.012

A meeting of the Environment Committee will be held in the Councillors Room, Administration Centre, Muswellbrook on **17 JUNE 2010** commencing at **5.30PM**.

The attendance of all members of the Environment Committee is requested.

Mr Craig Flemming  
**SECTION LEADER, ENVIRONMENT & NATURAL RESOURCES**

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# Environment Committee

## Terms of Reference

### Functions:

To recommend and assist Council to:

- Protect and improve the environment;
- Develop an environmentally sustainable community;
- Achieve best practice environmental management;
- Encourage community awareness of environmental issues affecting the community of Muswellbrook Shire;
- Achieve best practice in the operation of extractive industries in the Shire (excluding coal mines).

### Associated Principles:

Environment and Heritage

Waste Management (monitoring and regulation)

### Assets Physical:

- Nil

### Assets Intellectual:

- Relevant sections of the Local Environmental Plan
- State of the Environment Report
- Stormwater Management Plan
- Floodplain Management Plan
- Rivercare Plans

### Specific Tasks:

- Relevant sections of the Local Environmental Plan;
- State of Environment Report;
- Rivercare Plans;
- Review applications and recommend development conditions of consent for major developments or those referred by Council;
- Yearly progress report of Muswellbrook Shire Council's Management Plan;
- Provide advice to Council on state and federal environmental initiatives and encourage council to participate, for example Rivercare, Landcare;
- Consider cumulative impacts of major/significant land use activities;
- Encourage Council to facilitate the provision of riparian zones, as well as wildlife corridors linked to areas of remnant vegetation;
- Review extractive industry development applications (excluding coal mine developments) and recommend development consent conditions for these developments for determination by Council;
- Undertake inspections as required of existing extractive industry operations (excluding coal mines) to ensure compliance with development consent conditions;
- Monitor s94 payments from extractive industry operations (excluding coal mines) and recommend appropriate actions to Council.

**Liaison Officer:** Section Leader - Environment & Natural Resources

# A G E N D A

## **APOLOGIES:**

RESOLVED that apologies for inability to attend the meeting submitted by ..... be accepted.

Moved: ..... Seconded: .....

## **DECLARATION OF INTEREST:**

## **MINUTES OF PREVIOUS MEETING:**

### **Minutes of the Meeting held on 18 March, 2010**

RESOLVED that the minutes of the previous meeting held on 18 March, 2010, copy of which was distributed to each member, be taken as read and confirmed as a true record.

Moved:..... Seconded: .....

### **MINUTES OF THE ENVIRONMENT COMMITTEE MEETING HELD IN THE COUNCILLORS ROOM ADMINISTRATION CENTRE MUSWELLBROOK ON 18 March 2010 COMMENCING AT 5:00PM**

**PRESENT:** (Chair), Cr J. Lecky (Deputy Chair), , Cr C. Phelps, Mr R. Reynolds, Mr V. Leonard, Mr J. Shewan, Mr P. Kennedy, Mr J. Wolfgang, Mr B. Macpherson, Mr M. Rothe,

**IN ATTENDANCE:** Mr C. Gidney, Mr C.Flemming,

**APOLOGIES:** RESOLVED that apologies for inability to attend the meeting submitted by Cr M. Rush, Cr J. Drayton , Mr K. Timpson , Mr G. Brown, Mr S. Jennar, Mr R.Tickle be ACCEPTED.

Moved: Cr C. Phelps Seconded: Mr V. Leonard

**DECLARATION OF INTEREST:** Nil

### **OTHER ITEMS FOR DISCUSSION AT THE MEETING:**

- (i) **Mr J Shewan: Presentation regarding the alternative route for the 500kV Electricity Transmission Line around Mangoola Mine**
- (ii) **Upper Hunter Air Quality Monitoring**

**MINUTES:** RESOLVED that the Minutes of the Committee Meeting held on 17 December 2009, copy of which had been distributed to each member, be taken as read and confirmed as a true record.

Moved: Mr B. Macpherson Seconded: Mr P. Kennedy

**BUSINESS ARISING:**

(i) **Extractive Industries**

The committee was advised that the RTA has indicated that the Golden Highway in the vicinity of the Dalswinton Quarry will be upgraded and the intersection will be developed in agreement with the property owner. The intersection at Cruickshank's Winery is still under review by RTA. Mr Gidney will follow up this matter up with the RTA.

**CORRESPONDENCE:**

NIL

**GENERAL BUSINESS:**

(i) **Environmental Assessment Requirements for Mangoola Mine Plan Modification and 500kV Electricity Transmission Line Relocation**

The committee was advised of the action taken by Council in regard to the request from the Department of Planning for Environmental Assessment Requirements for the Mangoola Mine Plan Modification and 500kV Electricity Transmission Line Relocation.

RECOMMENDED that the information on the response to Department of Planning regarding environmental assessment requirements for the Xstrata Mangoola modified Mine Plan (MOD4) and Transgrid Bayswater to Mt Piper 500kV Electricity Transmission Line relocation applications be NOTED.

Moved: Cr C. Phelps

Seconded: Mr P. Kennedy

Mr J Shewan presented to the committee information about an alternative route for the ETL. The presentation outlined several reasons why an alternate northern route was preferable to the proposed southern route.

Mr Shewan also submitted that community consultation by Mangoola Coal had not met community expectations. To demonstrate this, issues relating to the intersections of Wybong road and Castlerock and Ridglands Roads were presented.

RECOMMENDED that:

Xstrata Mangoola Coal be invited to brief the Committee on the progress of:

1. the Electricity Transmission Line relocation project and
  2. information on the intersections of Wybong road and Castlerock and Ridglands Roads;
- and further that Mr Shewan be thanked for his presentation in these matters

Moved: Mr P. Kennedy

Seconded: Cr C. Phelps

(ii) **Consent for Kyoto Energy Park**

The Committee was advised of the recent notification regarding the Department of Planning Approval for Kyoto Energy Park Bayswater B.

RECOMMENDED:

That the information on the Development Consent for the Kyoto Energy Park be NOTED and Further that a request be sent to the Company to include a representative of Muswellbrook Council to be included on the Committee which oversees this development during the period when the location of the route for the power transmission lines has been determined.

Moved: Cr C. Phelps

Seconded: Mr J. Shewan

(iii) **Concept Approval for Bayswater B**

The Committee was advised of the recent notification regarding the Department of Planning Approval for Bayswater B.

RECOMMENDED that the information on the Bayswater B Approval be NOTED

Moved: Mr M. Rothe

Seconded: Mr J. Wolfgang

(iv) **Extractive Industries Update Report**

RECOMMENDED that the information be noted and further that the outstanding items are followed up with operators with a further report provided in June 2010

Moved: Mr B. Macpherson

Seconded: Mr V. Leonard

(v) **Muswellbrook ANSTO ASP PM2.5 Air Quality Sampling**

RECOMMENDED that the information provided about the PM2.5 monitoring results be NOTED and that the continued operation of the monitoring equipment be supported

Moved: Mr B. Macpherson

Seconded: Mr J. Wolfgang

(vi) **Management Plan**

RECOMMENDED:

That the information on the Draft Management Plan be NOTED and further that an additional objective under Community Education be considered that "Partnerships with community organisations be established to facilitate a low carbon future".

Moved: Name

Seconded: Name

(vii) **Terms of Reference and standard Agenda Items**

RECOMMENDED:

That the following Terms of Reference be adopted:

Functions:

To recommend and assist Council to

- protect and improve the environment;
- develop an environmentally sustainable community;
- achieve best practice environmental management;
- encourage community awareness of environmental issues affecting the community of Muswellbrook Shire;
- To achieve best practice in the operation of extractive industries in the Shire (excluding coal mines);

Associated Principles:

Environment and Heritage

Waste Management (monitoring and regulation)

Assets Physical:

- Nil

Assets Intellectual:

- Relevant sections of the Local Environmental Plan
- State of the Environment Report
- Stormwater Management Plan
- Floodplain Management Plan
- Rivercare Plans

Specific Tasks:

- Relevant sections of the Local Environmental Plan 2009
- State of the Environment Report
- Rivercare Plans
- Review applications and recommend development conditions of consent for major developments or those referred by Council;
- Yearly progress report of Muswellbrook Shire Council's Management Plan;
- Provide advice to Council on state and federal environmental initiatives and encourage Council to participate, for example Rivercare, Landcare;
- Consider cumulative impacts of major/significant land use activities;
- Encourage Council to facilitate the provision of riparian zones, as well as wildlife corridors linked to areas of remnant vegetation.
- Review extractive industry development applications (excluding coal mine developments) and recommend development consent conditions for these developments for determination by Council;
- Undertake inspections as required of existing extractive industry operations (excluding coal mines) to ensure compliance with development consent conditions;
- Monitor s94 payments from extractive industry operations (excluding coal mines) and recommend appropriate actions to Council.

Liaison Officer: Section Leader - Environment & Natural Resources

And Further that the standing items on the agenda shall include the following:

- Extractive Industry Update
- Air or Water Sampling Update report (alternating each six monthly period)
- Major Projects Activity Report
- Management Plan Update

Moved: Cr C. Phelps

Seconded: Mr P. Kennedy

**(viii) Upper Hunter Air Quality Report to Council**

The Committee was advised of a report being presented to Council's Community and Resources Committee on the Upper Hunter Air Quality Network.

Recommended that the information on the report be NOTED.

Moved: Cr C. Phelps

Seconded: Mr P. Kennedy

**DATE OF NEXT MEETING:**

The next meeting of the Committee be held on 17 April 2010 at 5:30pm.

**THERE BEING NO FURTHER BUSINESS THE CHAIRPERSON  
DECLARED THE MEETING CLOSED AT 7:50**

\_\_\_\_\_  
J Lecky (**Chair**)

**PRESENTATIONS:**

**1. Bengalla Mining Company**

Representatives from Bengalla Mining Company will make a presentation to the Committee regarding the proposed Bengalla modification. The presentation will be 10 to 15 minutes with time for questions.

**2. Xstrata Mangoola**

Representatives from Xstrata Mangoola will make a presentation to the Committee regarding the Electricity Transmission Lines and Mine Plan modification. The presentation will be 10 to 15 minutes with time for questions.

**OTHER BUSINESS WITH THE PERMISSION OF THE CHAIR:**

**BUSINESS ARISING:**

**BUSINESS:****1. Extractive Industries Update Report**

The Section Leader Environment and Natural Resources reports:

**i) SYNOPSIS:**

Information is provided on the status of Extractive Industry operations in the Local Government Area.

**ii) DATE OF REPORT:** 9 June 2010

**iii) REPORT:**

Seven Extractive Industry operations are currently operating in the Muswellbrook Shire Council area. The following information is provided on each operation:

Operation Name	Wild Quarry
Operator	Wild Group
DA Consents	DA342/2002
Tonnages	100 000 t pa approved 67 573 t produced to Q3 FY2010
Section 94 contribution	Q3 FY2010 received
Annual Report	Annual Report Received 15 Feb 2010
Audit	No Audit has been conducted in the last 12 months
EPL	EPL Number 12301 No Non Compliances on 2009 Annual Return
	CCC to be convened for July 2010.

Operation Name	Dalswinton Sand and Gravel
Operator	Rosebrook Sand and Gravel
DA Consents	DA 410/1994 Expires 13 November 2014
Tonnages	150 000 t pa approved 141 892 t produced year end 2009 80 817.42 t produced to Q2 FY2010
Section 94 contribution	Q2 FY2010 received
Annual Report	Annual Report received 28 January 2010
Audit	Audit scheduled for 10 June 2010
EPL	EPL Number 12709 No Non Compliances on 2009 Annual Return

Operation Name	Yarrowa Ridge Gravel
Operator	Mr D Collins
DA Consents	DA 79/1989
Tonnages	4 018 t produced to Q3 FY2010
Section 94 contribution	Q3 FY2010 received
Annual Report	Annual Report not Required

Audit	No Audit has been conducted in the last 12 months
EPL	No EPL

Operation Name	Willowdell Sand and Gravel
Operator	Rosebrook Sand and Gravel
DA Consents	DA 48/1990 Expires 10 September 2015
Tonnages	200 000 t pa approved 0 t produced year end 2009 0 t produced to Q2 FY 2010
Section 94 contribution	NIL received
Annual Report	2008 and 2009 Annual Report received 28 Jan 2010
Audit	Audit scheduled for 10 June 2010
EPL	EPL Number 12308 (Surrendered)

Operation Name	Cawsey Park
Operator	Rosebrook Sand and Gravel
DA Consents	DA 212/2000,DA109/1992 Expires 21 December 2020
Tonnages	200 000t pa approved 88163.31 t produced to Q2 FY 2010
Section 94 contribution	Q2 FY2010 received
Annual Report	Annual Report received 28 January 2010
Audit	Audit scheduled for 10 June 2010
EPL	EPL Number 12116 No Non Compliances on 2009 Annual Return

Operation Name	Sandy Hollow River Gravel
Operator	Rosebrook Sand and Gravel
DA Consents	DA 86/2001 Exp8 October 2013 DA 164/1990
Tonnages	70 000 t pa approved 0 t produced to 31 January 2009
Section 94 contribution	Nil received to date FY2010
Annual Report	1 January 2008 to 31 January 2009 Annual report received from Denman Quarries on 28 January 2010. No report received from Rosebrook Sand and Gravel.
Audit	Audit scheduled for 10 June 2010
EPL	No EPL

Operation Name	Muswellbrook Quarry Sandy Creek Road
Operator	Buttai Gravel (Daracon)
DA Consents	DA 334/1999 Exp 12 November 2019 DA 88/1991
Tonnages	94 000m <sup>3</sup> (nominally 150 000 t) pa approved 28 648 t produced Q3 FY2010
Section 94 contribution	s94 payments received for year 2009 and Q3 FY10

Annual Report	Annual report received 10 February 2010
Audit	No Audit has been conducted in the last 12 months
EPL	EPL Number 12828 No Non Compliances on 2009 Annual Return
	Outstanding Landscape Management Plan is being finalised. A revised final landform is being developed and a s96 application is anticipated within the next quarter. Delays in submitting s96 due to staffing changes at Daracon and Muswellbrook Coal.

No further information has been received regarding the former Wesco Quarry on "River View" Bylong Valley Way.

- iv) **FINANCIAL IMPLICATIONS:** Not Applicable
- v) **POLICY IMPLICATIONS:** Not Applicable
- vi) **MANAGEMENT PLAN IMPLICATIONS:** Not Applicable

**ACTION RECOMMENDED:**

**That the information be noted and further that outstanding items are followed up with operators with a further report provided in September 2010.**

Moved:.....

Seconded: .....

**2. Water Quality Sampling Report**

Council has undertaken Water Quality sampling in the Hunter River since 1998. Sampling has been generally conducted on a monthly basis for the following parameters:

- pH
- Salinity (EC uS/cm)
- Total N (mg/L)
- Total P (mg/L)
- Turbidity (NTU)
- Faecal coliforms/100mL
- Thermotolerant coliforms/100mL

Data is reported monthly in the Muswellbrook Chronicle as soon as possible after sampling. In the newspaper advertisements the data is interpreted in terms of a star rating for each parameter and the relevant permissible usage i.e. swimming, fishing, boating, stock watering.

The locations of sampling are:

- Muswellbrook Bridge
- Ford Street Pump Station

- Hunter River between MbK & Denman
- Denman Pump Station
- Muscle Creek
- Broads Crossing
- Aberdeen

The Water Quality Guidelines has guideline values for water quality in natural systems. These range from values for certain parameters in streams in particular landscape settings by State and trigger values for parameters for protection of ecological values.

The sample results have been compared to the guideline trigger values for lowland streams in South East Australia. The proportion of occasions each parameter has met the criteria is shown in the table below on a year by year basis.

<b>Parameter</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
pH	93%	97%	100%
Electrical Cond uS/cm	99%	97%	100%
Nitrates mg/L	12%	14%	29%
Phosphorous mg/L	0%	5%	11%
Turbidity	82%	84%	66%

Data for all parameters are provided for sampling during 2010.

**ACTION RECOMMENDED:**

**That the Half Yearly Water Quality Sampling report for January to May 2010 be NOTED.**

Moved:..... Seconded: .....

Water Quality Sampling date for 2010 data sampling to date:

Local Name	Month	Electrical Cond uS/cm	F. Coliforms /100ml	Nitrates mg/L	pH	Phosphorous mg/L	T. Coliforms / 100ml	Temp °C	Total Hardness	Turbidity
<b>Muswellbrook Bridge</b>	January	660	1119	1.5	8.05	0.16	4838	30.8	244	12
	February	431	1203	0.44	8.15	0.3	4838	25.7	173	27.9
	March	434	1553	0.4	8.17	0.14	4838	23.5	174	16.6
	April	348	1553	0.6	8.21	0.2	4838	20.6	145	13
	May	387	1413	0.6	8.1	0.09	4838	16.3	169	5.86
<b>Ford Street Pump Station</b>	January	599	727	1.7	8.13	0.18	4838	32.3	233	10
	February	424	980	1.76	8.14	0.29	4838	25.8	164	30.4
	March	397	816	0.7	8.22	0.15	4838	26	167	13.8
	April	331	770	0.2	8.12	0.14	4838	20.9	135	14.1
	May	385	770	0.3	8.05	0.1	4838	18.3	151	5.74
<b>Hunter River between MbK &amp; Denman</b>	January	752	214	1.7	8.23	0.21	4838	31.1	262	17.4
	February	506	147	1.92	8.24	0.17	4838	27.9	189	28.5
	March	447	179	1.1	8.19	0.16	4838	25.9	177	19.2
	April	341	1986	0.3	8.18	0.22	4838	19.6	140	11
	May	420	649	0.5	8.02	0.06	2419	16.6	159	8.37
<b>Denman Pump Station</b>	January	620	648	2	8.23	0.26	4838	30.5	210	35.9
	February	470	325	1.58	8.23	0.19	4838	28.7	179	31.6
	March	506	133	0.7	8.12	0.18	4838	25.2	185	23.4
	April	355	291	1.1	8.19	0.4	4838	19.7	146	18
	May	413	517	0.5	7.97	0.07	1986	15.7	161	11.4

Local Name	Month	Electrical Cond uS/cm	F. Coliforms /100ml	Nitrates mg/L	pH	Phosphorous mg/L	T. Coliforms / 100ml	Temp °C	Total Hardness	Turbidity
<b>Muscle Creek</b>	January	932	419	1.7	7.85	0.13	4838	31.3	237	6.52
	February	1591	76	0.99	7.73	0.1	4838	25.7	392	4.16
	March	1746	46	0.2	7.73	0.08	4838	23.3	444	4.46
	April	913	35	0.7	7.81	0.44	4838	20.5	215	5.6
	May	1639	131	0.7	7.73	0.4	1986	14.8	425	3.84
<b>Broads Crossing</b>	January	346	410	1.4	8.31	0.18	1733	23.8	134	3.36
	February	353	387	1.2	8.3	0.06	4838	20.9	128	6.22
	March	320	4838	0.5	8.17	0.04	4838	20.5	145	3.21
	April	305	115	0.4	8.17	0.22	2419	20.2	132	3.7
	May	324	4838	0.8	8.08	0.04	4838	17.5	145	2.01
<b>Aberdeen</b>	January	418	387	2.4	8.26	0.08	4838	29.3	155	11.1
	February	381	410	1.71	8.29	0.09	4838	22.8	151	9.26
	March	350	4838	0.2	8.24	0.02	4838	22.1	145	6.78
	April	312	137	0.2	8.28	0.14	4838	19.8	135	4.6
	May	344	2419	0.2	8.1	0.02	4838	17.4	148	2.19

**DATE OF NEXT MEETING:**

16 September 2010

## MUSWELLBROOK SHIRE COUNCIL DECLARATION OF INTEREST

<b>NAME OF PERSON MAKING DECLARATION:</b>	
<b>NAME OF MEETING:</b>	Environment Committee
<b>DATE OF MEETING:</b>	17 June, 2010

**ITEMS RELATING TO DECLARATION:**

1) **Section in Agenda:** \_\_\_\_\_

**Item No.** \_\_\_\_\_ **Page No** \_\_\_\_\_

**Item Title** \_\_\_\_\_

**Item Description** \_\_\_\_\_

**Type of Interest:** \_\_\_\_\_ Pecuniary / Non-Pecuniary \_\_\_\_\_

**Reasons for Declaration:**  
\_\_\_\_\_  
\_\_\_\_\_

2) **Section in Agenda:** \_\_\_\_\_

**Item No.** \_\_\_\_\_ **Page No** \_\_\_\_\_

**Item Title** \_\_\_\_\_

**Item Description** \_\_\_\_\_

**Type of Interest:** \_\_\_\_\_ Pecuniary / Non-Pecuniary \_\_\_\_\_

**Reasons for Declaration:**  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

# MUSWELLBROOK SHIRE COUNCIL

## SERVICE REQUEST

### SERVICE REQUEST GENERATION:

Date: ..... Taken By: ..... SR Number .....

Received From: .....

Address: ..... Phone No. ....

Location: .....

Describe Request: .....  
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INSPECTION REFERRED TO: .....

Action Required: .....

Authorised by: ..... Date: .....

### DATA ENTRY

General Ledger No. .... Priority Code: .....

Caller Advised by: ..... Date: .....

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ACTION REPORT REFERRED TO: .....

Action Taken/Comments: .....

Completed Signed: ..... Date: .....

### MONITORING

Caller Survey Complaints

	1	2	3	4	5
Initial Response					
Response Time					
Quality					

Completion ..... Date: .....