

Blayney Shire Council



6 November 2012

Dear Councillor,

Your attendance is requested at an Ordinary Council Meeting of the Blayney Shire Council to be held in The Chambers, Blayney Shire Community Centre on Monday, 12 November 2012 at 6.00 pm for consideration of the following business -

- (1) Acknowledgement of Country
- (2) Recording of Meeting Statement
- (3) Apologies for non-attendance
- (4) Confirmation of Minutes - Ordinary Council Meeting held on 05.11.12
- (5) Matters arising from Minutes
- (6) Disclosures of Interest
- (7) Reports of Staff
 - (a) General Manager
 - (b) Corporate Services
 - (c) Engineering Services
 - (d) Environmental Services
- (8) Delegates Reports
- (9) Committee Reports
- (10) Information Report

Yours faithfully



GA Wilcox
GENERAL MANAGER

5.30pm

**PRESENTATION BY COUNCIL AUDITORS – Hill
Rogers Spencer Steer Assurance Partners**



Blayney Shire Council

Policy Register

Policy No 2D

Policy Title	<u>Public Interest Disclosures: Internal Reporting Policy</u>
Document/File No	C13-12
Officer Responsible	Director Corporate Services
Last Review Date	30/10/2012

Objectives

This policy establishes an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money by Blayney Shire Council, its staff and Councillors.

Policy Statement

Blayney Shire Council



Internal Reporting Policy

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INTERNAL REPORTING POLICY

PUBLIC INTEREST DISCLOSURES ACT 1994

DEFINITIONS

Three key concepts in the internal reporting system are “corrupt conduct”, “maladministration” and “serious and substantial waste of public money”. Definitions of these concepts are outlined below.

(1) Corrupt conduct

“Corrupt conduct” is defined in the Independent Commission Against Corruption Act 1988 (sections 8 and 9). The definition used in the Act is intentionally quite broad - corrupt conduct is defined to include the dishonest or partial exercise of official functions by a public official. Conduct of a person who is not a public official, when it adversely affects the impartial or honest exercise of official functions by a public official, also comes within the definition.

Corrupt conduct can take many forms, i.e. taking or offering bribes, public officials dishonestly using influence, blackmail, fraud, election bribery and illegal gambling are some examples.

(2) Maladministration

“Maladministration” is defined in the Public Interest Protected Disclosures Act as conduct that involves action or inaction of a **SERIOUS NATURE** that is:

◆ **contrary to law** (s.11(2)(a) - for example:

- ◆ decisions or actions contrary to the law or ultra vires
- ◆ decisions or actions contrary to lawful and reasonable orders from persons or body's with authority to make or give such orders
- ◆ a breach of natural justice/procedural fairness
- ◆ unauthorised disclosure of confidential information

◆ **unreasonable** (s.11(2)(b)) - for example:

- ◆ decisions or actions:
 - ◆ inconsistent with adopted guidelines or policy
 - ◆ made or taken without obvious relationship to the facts or circumstances
 - ◆ so unreasonable that no reasonable person could so decide or act (i.e. irrational)
- ◆ relevant considerations not taken into account or irrelevant considerations taken into account
- ◆ serious delay
- ◆ wrong, inaccurate or misleading advice leading to detriment

- ◆ means used not reasonably proportional to ends to be achieved (i.e. excessive use of authority)
- ◆ failure to rectify identified mistakes, errors, oversights or improprieties

- ◆ **unjust** (s.11(2)(b)) - for example:
 - ◆ decisions or actions not justified by any evidence, so unreasonable that no reasonable person could so decide to act (i.e. irrational), or unconscionable
 - ◆ partial, unfair or inequitable decisions or actions
 - ◆ abuse of power

- ◆ **oppressive** (s.11(2)(b)) - for example:
 - ◆ unconscionable decisions or actions
 - ◆ abuse of power, intimidation or harassment
 - ◆ punitive, harsh, cruel or offensive decisions or actions

- ◆ **improperly discriminatory** (s.11(2)(b)) - for example:
 - ◆ inconsistent application of laws, policies or practices when there is no reasonable, justifiable or appropriate reason to do so
 - ◆ distinctions applied not authorised by law, or failure to make a distinction which is authorised or required by law
 - ◆ failure to perform duties impartially and equitably

- ◆ **based wholly or partially on improper motives** (s.11(2)(c)) - for example:
 - ◆ decisions or actions for a purpose other than that for which power was conferred
 - ◆ decisions or actions for personal advantage
 - ◆ bad faith

1. PURPOSE AND CONTEXT OF THE POLICY

The purpose of the Public Interest Disclosures Act (PID) 1994 is:

1. To encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration and serious and substantial waste in the public sector; and
2. To ensure that any public official who wishes to make a disclosure receives legal protection from reprisals, and that the matters raised in any disclosure are properly investigated.

The Act aims to encourage and facilitate the disclosure - in the public interest - of corrupt conduct, maladministration and serious and substantial waste in the public sector. This is achieved by:

- enhancing and augmenting established procedures for making disclosures concerning such matters;
- protecting persons from reprisals that might otherwise be inflicted on them because of these disclosures; and
- providing for those disclosures to be properly investigated and dealt with.

This policy seeks to:

1. To establish an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money by Blayney Shire Council, members of Council staff and Councillors. This enables protected disclosures to be made to the Disclosure Coordinator, a nominated Disclosures Officer, the Mayor, or the General Manager.
2. To complement the normal means of communication between managers and members of Council staff. (Members of Council staff are encouraged to continue to raise appropriate matters at any time with their managers but they also have the right to make protected disclosures in accordance with this policy.)
3. To ensure that Council will take all reasonable steps to protect any Councillor or member of Council staff or Council contractor who makes a disclosure from any detrimental action in reprisal for making that disclosure.

2. ROLES AND RESPONSIBILITIES IN COUNCIL

This policy will apply to:

- Members of Council staff and Councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors working for Council.

The policy may also apply to other people who perform public official functions and their conduct and activities could be investigated by an investigating authority. This can include volunteers and those contracted to work for Council.

Members of Council staff are encouraged to support those who have made disclosures, as well as protect and maintain their confidentiality. Staff must not victimize or harass anyone who has made a disclosure.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to continue to raise appropriate matters at any time with their supervisors, but as an alternative have the option of making a protected disclosure in accordance with this policy.

3. COUNCIL COMMITMENT

Blayney Shire Council, as an ethical Council, is committed to acting in accordance with the spirit and letter of the PID Act by:

- creating a climate of trust, where Council staff are comfortable and confident about reporting wrongdoing
- encouraging staff to come forward if they have witnessed what they consider to be wrongdoing within the council
- keeping the identity of the staff member disclosing wrongdoing confidential, wherever possible and appropriate
- protecting staff who make disclosures from any adverse action motivated by their report

- dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it
- keeping staff who make reports informed of their progress and the outcome
- encouraging staff to report wrongdoing within Council, but respecting any decision to disclose wrongdoing outside Council, provided that disclosure outside Council is made in accordance with the PID Act
- ensuring managers and supervisors at all levels in Council understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing
- providing adequate resources, both financial and human, to:
 - encourage reports of wrongdoing
 - protect and support those who make them
 - provide training for key personnel
 - investigate allegations
 - properly manage any workplace issues that the allegations identify or create
 - correct any problem that is identified
 - reassess or review the policy each year to ensure it is still relevant and effective.

4. WHAT SHOULD BE REPORTED?

You should report any wrongdoing you see within the Blayney Shire Council. Reports about the four categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, and government information contravention – will be dealt with under the PID Act as protected disclosures and according to this policy.

a. Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a member of the public influencing or trying to influence a public official to use their position in a way that is dishonest, biased or breaches public trust.

For more information about corrupt conduct, see the NSW Ombudsman's guideline on [what can be reported](#).

b. Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant someone a licence for reasons that are not related to the merits of their application.

For more information about maladministration, see the NSW Ombudsman's guideline on [what can be reported](#).

c. Serious and substantial waste in local government

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of the council.

For example, this could include:

- poor project management practices leading to projects running over time
- having poor or no processes in place for a system involving large amounts of public funds.

For more information about serious and substantial waste, see the NSW Ombudsman's guideline on [what can be reported](#).

d. Government information contravention

A government information contravention is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* (GIPA Act).

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

For more information about government information contravention, see the NSW Ombudsman's guideline on [what can be reported](#).

e. Other wrongdoing

Although reports about the previous four categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong.

For example, these could include:

- harassment or unlawful discrimination
- reprisal action against a person who has reported wrongdoing
- practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a supervisor, in line with the Blayney Shire Council's policies.

Even if these reports are not dealt with as protected disclosures, the Blayney Shire Council will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

5. WHEN WILL A REPORT BE PROTECTED?

The Blayney Shire Council will support any staff who report wrongdoing. For a report to be considered a protected disclosure, it has to meet all of the requirements under the PID Act. These requirements are:

- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing. (the Ombudsman Guidelines provides further detail on when a report will be protected).

- The report has to be made to one or more of the following:
 - a position nominated in this policy – see section 9 (b), (c) & (d) below
 - the General Manager
 - one of the investigating authorities nominated in the PID Act – see section 10 below

Reports by staff and councillors will not be considered to be protected disclosures if they:

- mostly question the merits of government policy, including the policy of the governing body of the council.
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

6. HOW TO MAKE A REPORT

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The staff member should keep a copy of this record.

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

7. CAN A REPORT BE ANONYMOUS?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by the Blayney Shire Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified. If we do not know who made the report, it is very difficult for us to prevent any reprisal action.

8. MAINTAINING CONFIDENTIALITY

The Blayney Shire Council realises many staff will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

We are committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under the council's code of conduct, as this may mean certain information will have to be tabled at a council meeting.

If you report wrongdoing, you should only discuss your report with those dealing with it. This will include the disclosures coordinator and the General Manager. If you discuss your report more broadly, you may affect the outcome of any investigation.

9. WHO CAN RECEIVE A REPORT WITHIN THE BLAYNEY SHIRE COUNCIL?

You are encouraged to report general wrongdoing to your supervisor. However the PID Act requires that – for a report to be a protected disclosure – it must be made to a public official in accordance with the council's disclosure procedures. For the Blayney Shire Council, this means this policy and any supporting procedures.

Any supervisor who receives a report that they believe may be a protected disclosure must refer the staff member making the report to one of the positions listed below. The broader responsibilities of these positions will be outlined in the guidelines supporting this policy.

If you are council staff and your report involves a councillor, you should make it to the General Manager or the Mayor. If you are a councillor and your report is about another councillor, you should make it to the General Manager or the Mayor.

The following positions are the only staff within the Blayney Shire Council who can receive a protected disclosure.

a. General Manager

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- deciding if a report is a protected disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The General Manager must make sure there are systems in place in the Blayney Shire Council to support and protect staff who report wrongdoing.

They are also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The General Manager may be contacted on 02 6368 2104.

b. Mayor

If you are making a report about the General Manager, you should make your report to the Mayor. They are responsible for:

- deciding if a report is a protected disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The Mayor must make sure there are systems in place in the *Blayney Shire Council* to support and protect staff who report wrongdoing.

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The Mayor may be contacted on 02 6368 2104

c. Disclosures coordinator

The disclosures coordinator has a central role in dealing with reports made by staff. They receive them, assess them, and refer them to the people within the *Blayney Shire Council* who can deal with them appropriately.

The Disclosures Coordinator (Director Corporate Services) may be contacted on telephone 02 6368 2104.

d. Disclosures officers

Disclosures officers work with the disclosures coordinator, and are responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy.

Council's Disclosures Officers may be contacted as follows:

- Director of Engineering on telephone: 02 6368 2104
- Director Environmental Services on telephone: 02 6368 2104
- Human Resources Officer on telephone: 02 6368 2104

10. WHO CAN RECEIVE A REPORT OUTSIDE OF THE BLAYNEY SHIRE COUNCIL

Staff are encouraged to report wrongdoing within the Blayney Shire Council, but internal reporting is not your only option. If you follow the guidance below, your report can still be a protected disclosure.

You can choose to make your report to an investigating authority. You can do this first, or at any stage after your initial report to the Blayney Shire Council. If your report is about the General Manager or the Mayor, you should consider making it to an investigating authority.

You can also choose to make a report to a Member of Parliament or a journalist, but only in limited circumstances.

a. Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to council, these authorities are:

- the Independent Commission Against Corruption (ICAC) — for corrupt conduct
- the Ombudsman — for maladministration
- the Police Integrity Commission (PIC) — for police misconduct

- the PIC Inspector — for disclosures about the PIC or its staff
- the Division of Local Government, Department of Premier and Cabinet — for serious and substantial waste in local government (reports about serious and substantial waste in State government agencies should be made to the Auditor General)
- the ICAC Inspector — for disclosures about the ICAC or its staff
- the Information Commissioner — for disclosures about a government information contravention.

You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that it is very likely the investigating authority will discuss the case with the Blayney Shire Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

b. Members of Parliament or journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager
- a person nominated in this policy
- an investigating authority in accordance with the PID Act.

Also, the Blayney Shire Council or investigating authority that received the report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or Blayney Shire Council code of conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside the Blayney Shire Council, contact the disclosures coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

11. THE INVESTIGATION PROCESS

All disclosures will be promptly and thoroughly assessed. Decisions as to the most appropriate action to be taken on the disclosure will also be made promptly. The basis for these decisions will be properly documented.

If an internal investigation is to be conducted, terms of reference will be drawn up in order to clarify the key issues to be investigated. An investigation plan will be developed to ensure all relevant questions are addressed, the scale of the investigation plan is in proportion to the seriousness of the allegation(s) and sufficient resources are allocated.

An internal investigation will be authorised by the General Manager and the disclosure coordinator with an appropriate investigator appointed.

Strict security will be maintained during the investigative process. All information obtained will be secured to prevent unauthorised access.

All relevant witnesses will be interviewed and documents examined. Contemporaneous notes of all discussions, phone calls and interviews will be made. Where possible, interviews will be taped.

A report will be prepared when an investigation is complete. This report will include:

- the allegations;
- a statement of relevant facts and the evidence relied upon in reaching any conclusions;
- the conclusions reached and their basis; and
- recommendations to address any wrongdoing identified and any other matters arising during the investigation.

The principles of procedural fairness (natural justice) will be observed. In particular, where adverse comment about a person is to be included in the report, the person affected will be given an opportunity to comment beforehand and any comments will be considered before the report is finalised.

A flowchart of Blayney Shire Council's Internal Reporting System is annexed to this policy.

12. FEEDBACK TO STAFF WHO REPORT WRONGDOING

Staff who report wrongdoing will be told what is happening in response to their report.

When you make a report, you will be given:

- an acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening.

This information will be given to you within two working days from the date you make your report.

After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation
- information about the resources available within Blayney Shire Council to handle any concerns you may have
- information about external agencies and services you can access for support.

This information will be given to you within 10 working days from the date you make your report.

During any investigation, you will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

13. PROTECTION AGAINST REPRISALS

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the protected disclosure.

The Blayney Shire Council will not tolerate any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

a. Responding to reprisals

The Blayney Shire Council will act to protect staff who report wrongdoing from reprisals.

When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff who reported the wrongdoing, as well as strategies to deal with those risks.

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the disclosures coordinator or the General Manager immediately.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the disclosures coordinator or the General Manager.

If the disclosures coordinator becomes aware of reprisal action against a person who has made a disclosure, they will:

- ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal
- give the results of that investigation to the General Manager for a decision
- give the results of that investigation to the Mayor for a decision if the allegation of reprisal action is about the General Manager
- if it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure
- take appropriate disciplinary or criminal action against anyone proven to have taken or threatened any action in reprisal for making a disclosure.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.

The General Manager may issue specific directions to help protect against reprisals. If the allegation of reprisal action is about the General Manager, the Mayor may issue similar directions. These may include:

- issuing warnings to those alleged to have taken reprisal action against the member of staff who made the disclosure
- relocating the member of staff who made the disclosure or the subject officer within the current workplace
- transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified
- granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

These directions will only be taken if the member of staff who made the disclosure agrees to it. The disclosures coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman or the ICAC – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

b. Protection against legal action

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

14. SUPPORT FOR THOSE REPORTING WRONGDOING

The Blayney Shire Council will make sure that staff who have reported wrongdoing, regardless of whether they have made a protected disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management, counselling services, legal or career advice.

All staff who report wrongdoing will be supported, protected and their disclosures appropriately acted upon. No staff member who reports wrongdoing through the appropriate channels will suffer disciplinary action for having done so.

Staff within Blayney Shire Council who can receive an internal protected disclosure will also support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those suffering any form of reprisal. Details of support officers appear in section 9 of this policy.

All supervisors must notify the disclosures coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

15. SANCTIONS FOR MAKING FALSE OR MISLEADING DISCLOSURES

It is important that all staff are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing.

16. SUPPORT FOR THE SUBJECT OF A REPORT

The Blayney Shire Council is committed to ensuring staff who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:

- treated fairly and impartially
- told your rights and obligations under our policies and procedures
- kept informed during any investigation
- given the opportunity to respond to any allegation made against you
- told the result of any investigation.

17. REVIEW

This policy will be reviewed by council every twelve/eighteen months. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

18. MORE INFORMATION

Staff can access advice and guidance about the PID Act from Blayney Shire Council Disclosures Coordinator (Director Corporate Services / Public Officer on telephone 6368 2104) and the NSW Ombudsman (for general advice on telephone 9286 1000) or its website at www.ombo.nsw.gov.au.

19. RESOURCES

The contact details for external investigating authorities that staff can make a protected disclosure to or seek advice from are listed below.

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)
Phone: 02 8281 5999
Toll free: 1800 463 909
Tel. typewriter (TTY): 02 8281 5773
Facsimile: 02 9264 5364
Email: icac@icac.nsw.gov.au
Web: www.icac.nsw.gov.au
Address: Level 21, 133 Castlereagh Street,
Sydney NSW 2000

For disclosures about serious and substantial waste:

Auditor-General of the NSW Audit Office
Phone: 02 9275 7100
Facsimile: 02 9275 7200
Email: mail@audit.nsw.gov.au
Web: www.audit.nsw.gov.au
Address: Level 15, 1 Margaret Street,
Sydney NSW 2000

For disclosures about police misconduct:

Police Integrity Commission (PIC)
Phone: 02 9321 6700
Toll free: 1800 657 079
Facsimile: 02 9321 6799
Email: contactus@pic.nsw.gov.au
Web: www.pic.nsw.gov.au
Address: Level 3, 111 Elizabeth Street,
Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman
Phone: 02 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Tel. typewriter (TTY): 02 9264 8050
Facsimile: 02 9283 2911
Email: nswombo@ombo.nsw.gov.au
Web: www.ombo.nsw.gov.au
Address: Level 24, 580 George Street,
Sydney NSW 2000

For disclosures about serious and substantial waste in local government agencies:

Division of Local Government in the Department of Premier and Cabinet
Phone: 02 4428 4100
Tel. typewriter (TTY): 02 4428 4209
Facsimile: 02 4428 4199
Email: dlg@dlg.nsw.gov.au
Web: www.dlg.nsw.gov.au
Address: 5 O'Keefe Avenue, Nowra,
NSW 2541

For disclosures about breaches of the GIPA Act:

Information Commissioner
Toll free: 1800 463 626
Facsimile: 02 8114 3756
Email: oiinfo@oic.nsw.gov.au
Web: www.oic.nsw.gov.au
Address: Level 11, 1 Castlereagh Street,
Sydney NSW 2000

20. LEGISLATION AND REFERENCES

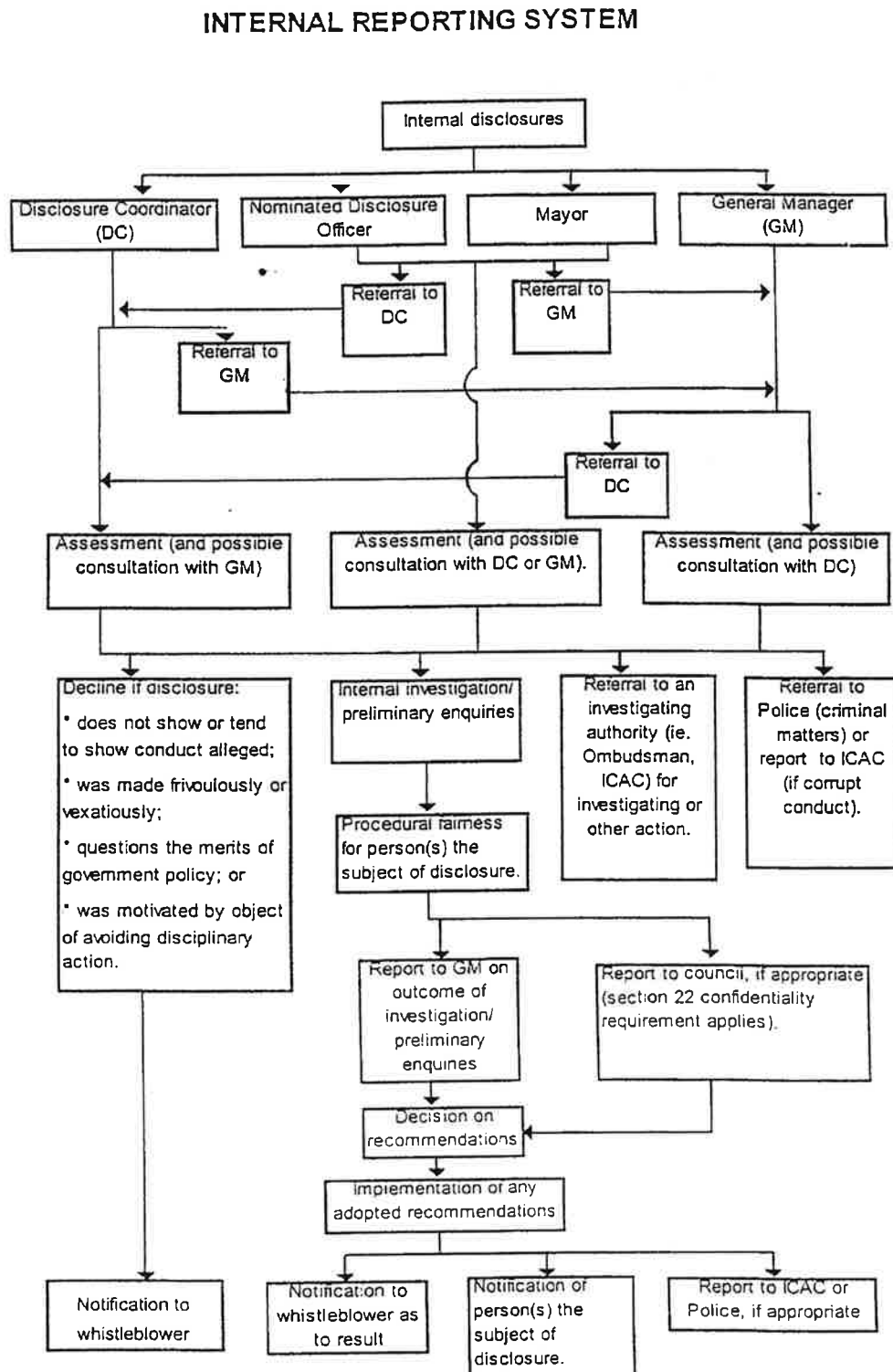
Blayney Shire Council references and relevant Codes & Policies

- 1B Code of Conduct
- 2C Complaints Management Policy
- 2F Fraud Control Policy
- 9A Occupational Health and Safety Policy
- 7P Grievance Handling Policy and Procedure

External References

- Independent Commission Against Corruption and the Local Government Managers Association of NSW: Governance Health Check 2004
- NSW Ombudsman: Changes to the public interest guidelines system – information for public authorities 2011
- NSW Ombudsman: Model internal reporting policy (local government) 2011
- NSW Ombudsman: Public Interest Disclosures Guidelines 2011
- NSW Ombudsman: What should be reported –
http://www.ombo.nsw.gov.au/publication/PDF/guidelines/PID_guideline_B2-What_should_be_reported_6June2011.pdf

21. DIAGRAM: INTERNAL (PROTECTED DISCLOSURES) REPORTING SYSTEM



End of Policy

Adopted:	Date:09/11/1998	Minute: 725
Lasted Reviewed:	Date: 14/05/2007	Minute: 07/094
	14/11/2011	1111/012
	xx/11/2012	
Next Reviewed:	Date:xx/11/2013	



Blayney Shire Council

Policy Register

Policy No 3E

Policy Title	Interest – Private Works
Document/File No	A2-8
Officer Responsible	Manager Financial Services
Last Review Date	30/10/2012

Objectives

To set the interest rate and terms for non-payment of private works accounts

Policy Statement

Blayney Shire Council



Interest – Private Works

Policy

That Council charge interest on private work debtor accounts outstanding for ~~60~~ 31 days or more at the interest rate applicable to overdue rates and charges which is set by the ~~Department~~ Division of Local Government each financial year.

End of Policy

Adopted:	Date: 12/5/1997	Minute:303
Lasted Reviewed:	Date: 30/10/2012	Minute:
	14/03/2011	1103/010
	14/05/2007	07/094
	10/12/2006	06/306
Next Reviewed:	xx/11/2015	



Blayney Shire Council

Policy Register

Policy No 4C

Policy Title	Corporate <u>Credit</u> Card Policy
Document/File No	
Officer Responsible	Manager Financial Services
Last Review Date	30/10/2012

Objectives

The purpose of the Corporate Credit Card Policy & Procedures is to identify employees who are entitled to a corporate card, outline the responsibilities of Corporate Card users and identify the permitted users of the cards.

Policy Statement

Blayney Shire Council



Corporate Credit Card Policy

Overview

Council has introduced Corporate [Credit](#) Cards with the aim to minimise administration expenses and time inefficiencies with purchases and to ensure effective control and accountability of certain Council purchases and payments.

The purpose of the Corporate [Credit](#) Card Policy [& Procedures](#) is to identify employees who are entitled to a corporate card, outline the responsibilities of Corporate Card users and identify the permitted users of the cards.

Policy

The use of a Council Corporate [Credit](#) Card must be in accordance with the Corporate [Credit](#) Card Policy [& Procedures](#).

Scope

These Corporate [Credit](#) Card Policy [& Procedures](#) apply to all users of Council's Corporate [Credit](#) Cards.

Responsibilities & Procedures

Corporate [Credit](#) Cardholders are responsible for:

- Signing the Corporate Card Acknowledgement and Conditions of Use form [\(Attachment 1\)](#) on receiving the Corporate Card.
- Ensuring the safe keeping of the Corporate Card and immediately reporting to the Commonwealth Bank and Manager Financial Services if the Corporate [Credit](#) Card is lost, stolen, damaged or has suspected fraudulent transactions.
- Taking the appropriate measures to ensure the Corporate Card is not used by another person other than the approved cardholder.
- Exercising professional judgement with regards to Internet purchases in regards to the security of the site.
- Not using the Corporate [Credit](#) Card without having read and understood the Corporate Card Policy [& Procedures](#).
- Ensuring that the Corporate [Credit](#) Card is used in accordance with Council's other policies, as appropriate.
- Ensuring that expenditure is contained within available budget limits.

- Reimbursing Council for the cost of purchases deemed not to be for the use of Council, or Council related business within a reasonable period of time.
- Ensuring that a tax invoice, receipt, docket or similar source document is obtained for each transaction and given to the [Manager Financial Services](#) Finance Officer with the completed Commonwealth Bank Cardholder Statement form.
- Completing and submitting the Corporate [Credit](#) Card Transaction Declaration form when the original source document for a transaction is lost, stolen, mislaid, damaged or not received.
- Completing the Corporate Card Termination of Use Advice form when forfeiting the Corporate [Credit](#) Card due to transferring to another position that does not require a Corporate [Credit](#) Card, terminating employment with Council, or any other reason that may warrant the forfeiture of the Corporate [Credit](#) Card.

Restrictions on Use

The [Credit](#) Corporate Card cannot be used to obtain cash.

Purchases must only be for the use of Council, or Council related business, and not for private or personal use.

The Corporate [Credit](#) Card is not to be used for obtaining items which are available from Council's stores inventory. A lack of planning or organisation by the cardholder is not considered a reasonable explanation for not obtaining goods from stores inventory.

Card Application and Use

Entitlement to a Corporate [Credit](#) Card shall be determined by the General Manager.

The provision of a Council Corporate [Credit](#) Card is subject to the approval of the General Manager.

Controls on purchases

The use of the Corporate [Credit](#) Cards is subject to Council and the Commonwealth Bank controls, policies and procedures.

The Manager Financial Services will perform random audits on individual Corporate Cardholder's Statements to ensure that the Corporate [Credit](#) Card Policy and Procedures is being adhered to.

Failure to comply with the conditions as detailed within this Policy may result in the cardholder's entitlement to a Corporate Credit Card being revoked and disciplinary action being taken.

Termination of Use

In the event that a cardholder's entitlement to a Corporate Credit Card has been terminated for reasons such as:

- (i) termination of employment;
- (ii) re-assignment to another position within Council;
- (iii) failure to comply with the conditions of this Policy; or
- (iv) any other reasons as determined by the General Manager,

the Corporate Credit Card, together with all supporting documentation and other relevant documentation, with a completed Termination of Use Advice form, must be forwarded to the Manager Financial Services.

Review

The Corporate Credit Card Policy and ~~Procedures~~ will be reviewed on an annual basis.

The General Manager reserves the right to vary this Policy at twenty four (24) hours notice.

ATTACHMENT 1

Corporate Card Acknowledgment & Conditions of Use

(Available in the public drive under Forms-Admin)

To the General Manager

I..... acknowledge receipt of a Blayney Shire Council Corporate Card and acknowledge that I:

- (i) am aware of my responsibilities and duties as a Corporate Cardholder under the Purchase of Goods & Services Policy and Corporate Card Policy and Procedures.
- (ii) will only use the Corporate Card within the approved financial limits and for approved purposes.
- (iii) am aware that transactions made with the card are subject to authorisation and audit procedures.
- (iv) will reimburse Council for the cost of purchases that are deemed not for the use of Council, or Council related business;
- (v) will keep the card safe from unauthorised use at all times.
- (vi) will return the card to the Manager Financial Services:
 - (a) on request of the General Manager;
 - (b) prior to my assuming duties in another position within Council; or
 - (c) on termination of employment with Council;
 - (d) within a reasonable period of time once it has been deemed by the General Manager that I no longer require a Corporate Card.
- (vii) will advise the Manager Financial Services and the Commonwealth Bank customer service department immediately I am aware that the Credit Card has been lost, mislaid, stolen or misused.
- (viii) will not use the Corporate Card for any personal or private use.
- (ix) will not use the Corporate Card to obtain cash.
- (x) will use other means available for purchases when efficient and appropriate to do so rather than use the Corporate Card.
- (xi) am aware that if the goods are held as an inventory item that I must order through the Council store rather than use the Credit Card.

Corporate Cardholder's signature: Date.....

General Manager's signature:
Date.....

ATTACHMENT 2

Corporate Card Transaction Declaration

(Available in the public drive under Forms-Admin)

Purchase Date	Name of Supplier	Description of Item	Price (excl GST) \$	GST \$	Price (incl GST) \$	Nature & Purpose of Transaction	Reason for no Supporting Documentation
Example 12/01/07	Regional Express	Return airfare to Sydney from Bathurst	80.78	8.09	88.87	LGMA Annual Conference	Receipt was misplaced at conference.

Credit Card number: _____ Date: _____

Cardholder name: _____ Cardholder signature: _____

_____ Manager Financial Service's signature: _____

ATTACHMENT 3

Corporate Card Termination of Use Advice

(Available in the public drive under Forms-Admin)

This form is to be completed and forwarded to the Manager Financial Services.

The Corporate Card with all supporting documentation for any outstanding transactions must be returned with this form when the use of the Corporate Card is terminated by the General Manager.

Cardholder Details

Cardholder's name:

Position:

Account number:

Cardholder's signature:

Acknowledgement of Receipt by Manager Financial Services

I declare that the Corporate Card and relevant items have been forfeited.

Signature Date

Adopted:	Date:14/05/2007	Minute:07/091
Lasted Reviewed:	Date:14/05/2007	Minute: 07/091
	Date:14/03/2011	Minute: 1103/011
	Date:xx/11/2012	
Next Reviewed:	Date:xx/11/2015	



Blayney Shire Council

Policy Register

Policy No 11B

Policy Title	Records Management Policy
Document/File No	A9-5 & A9-9
Officer Responsible	Director Corporate Services
Last Review Date	30/10/2012

Objectives

The objective of this policy is to ensure that full and accurate records of all activities, decisions and transactions of Blayney Shire Council are created and managed to meet the Council's organisational needs and accountability requirements.

Policy Statement

Blayney Shire Council



Records Management Policy

Authority of this Policy

This policy is issued under the authority of the General Manager and will be reviewed and amended as required in consultation with Directors, Managers and staff of Council.

Purpose of this Policy

The Purpose of this policy is to ensure that full and accurate records of all activities, decisions and transactions of Blayney Shire council are created and managed to meet the Council's organisational needs and accountability requirements.

Policy Statement

Council staff must ensure that records are created, captured, maintained, preserved stored & disposed of in a way that complies with legal, administrative, cultural and business needs.

Records are a valuable resource and asset to Council in effective daily operations and decision making. The records provide evidence of transactions legal administrative and audit requirements while fulfilling the everyday business needs of Council. The long term retention of records constitutes the corporate memory of Council.

Legislative Framework for Recordkeeping

In managing its records, Council will endeavour to comply with relevant Acts and Regulations and take account of standards relating to records management.

Legislation includes:-

~~State Records Act 1998 NSW (Reviewed 2004)~~

~~Standard on Full and accurate Records~~

~~Standard on Records Management Programs~~

~~Standard on the Physical Storage of State Records~~

~~Standard on Recordkeeping in the Electronic Business Environment~~

~~Standard on Counter Disaster Strategies for Record Keeping Systems~~

~~Policy on Electronic Messages as Records and Recordkeeping~~

~~Local Government Records Disposal Authority (GDA10)~~

~~Australian Standard AS4390 -1996 (AS ISO 15489 2002) Records~~

~~Management~~

~~Banking Act~~

~~Companion Animals Legislation~~

~~Corporations Law~~

~~Environmental Protection Act~~

~~Environmental Planning & Assessment Act~~

~~Evidence Act 1995 (NSW)~~

~~Financial Institutions~~

~~Duty Act 1982~~

~~Freedom of Information Act 1989 (NSW)~~

~~Fringe Benefits & Income Tax Assessment Act~~

~~Insurance Act~~

~~Local Government Act 1993~~

~~Occupational Health & Safety Act 1983 and regulations~~
~~Payroll Tax Act~~
~~Pesticides Amendment (Records) Regulations 2002 (pt of Pesticides Act 1999)~~
~~Privacy Act 1988~~
~~Privacy & Personal Information Act 1998~~
~~Protected Disclosures Act 1994 (NSW)~~
~~Public Finance & Audit Act 1983 and Treasury Directions~~
~~Public Health Act & Regulations~~
~~Public Sector Management Act 1988~~
~~Roads Act & General Regulation~~
~~Roads & Traffic Act~~
~~Sales Tax Assessment Act~~
~~State Emergency & Rescue Management Act~~
~~Statute of Limitations Act 1969 (NSW)~~
~~Swimming Pools Act~~
~~Trade Practices Act 1974~~
~~Workers Compensation Act (Register Injuries & Employee Records)~~

Authority of the Corporate Records Manager

Responsibility for Council's Records Management Program is assigned to the Director of Corporate Services.

Responsibilities include:-

- authority to set and issue corporate standards and to monitor and audit compliance with these standards throughout Council.
- requests under the Freedom of Information Government Information (Public Access) Act, the Local Government Act and the Personal and Privacy and Personal Information Act.

Records Section

The Records Section is operationally responsible for:-

- the effective management and system administration of DataWorks, which is Council's electronic document system.
- the efficient management of Council records, both physical and electronic, incorporating sound record keeping principles and records management best practice guidelines.
- assisting staff in fulfilling their recordkeeping responsibilities and provide advice and training throughout the implementation of the policy and procedures
- monitor and review the implementation process of all records management policies and procedures

Council Staff

As public sector employees, all Council staff needs to be aware of record keeping requirements that affect the performance of their duties.

The State Records Act 1998 requires public officials to 'make and keep full and accurate records' of their business activities.

Responsibilities include:-

- capture records in any format, including electronic documents into Council's document management system
- follow authorised procedures when carrying out records management functions
- handle records with care to avoid damage and prolong their life span
- records are not to be destroyed without authorisation

Review Date

~~Blayney Council's Records Management Policy will be reviewed every 2 years from its introduction.~~

Glossary

Accountability

The principle that individuals, organisations and the community are required to account to others for their actions.

Organisations and their employees must be able to account to appropriate regulatory authorities, shareholders or members, and to the public to meet statutory obligations, audit requirements, relevant standards and codes of practice, and community expectations.

Administrative Records

These records include all aspects of the organisation's internal administration, including budget and finance matters, general correspondence, staff matters, Ministerial and Parliamentary papers, accommodation and management information systems and the Organisation's own agendas, minutes and business papers. It also encompasses records generated by Councillors including correspondence, file notes, diaries and transcripts of conversations / advice.

Disposal

A range of processes associated with implementing appraisal decisions. Those include the retention, deletion or destruction of records in or from recordkeeping systems.

Evidence

Information that tends to prove a fact. Not limited to the legal sense of the term.

Record

Means any document or other source of information compiled recorded or stored in any written form, or by means of electronic process, or in any other manner or by any other means.

Records

Recorded information in any form including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence of such activity.

Recordkeeping

Making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information.

Recordkeeping System/Document Management System

Information systems which capture maintain and provide access to records over time.

Records Management

The discipline and organisational functions of managing records to meet operational business needs, accountability requirements and community expectations.

Storage

The function of storing records for future retrieval and use.

Transactions

The smallest unit of business activity, uses of records are themselves transactions.

Adopted:	Date:17/01/2000 & 13/11/2000	Minute:12 & 647
Last Reviewed:	Date: 14/05/2007	Minute:07/094
	XX/11/2012	
Next Reviewed:	Date:2014	



Blayney Shire Council

Policy Register

Policy No 18C

Policy Title	Waste Collection Services
Document/File No	
Officer Responsible	Director Planning & Environmental Services
Last Review Date	30/10/2012

Objectives

Is to provide a set of guidelines for Council's provision of domestic and non-domestic waste collection services within the Blayney Shire Council.

Policy Statement

Blayney Shire Council



Waste Collection Services

1. INTRODUCTION

1.1 Legislation

Section 496(1) of the Local Government Act 1993 states "A council must make and levy an annual charge for the provision of domestic waste management services for each parcel of rateable land for which the service is available". Part two of Section 496 also states the circumstances where parcels exempt from rating may also be charged.

1.2 Purpose of the Plan

The purpose of this Policy is to clarify this section of the Local Government Act 1993 with reference to the Blayney Shire Council. The aim is to provide a clear Policy and guidelines for the Procedures for the provision of these waste collection services.

The issues which are to be addressed by this Policy include:

- Compulsory provision of services within a town or village, as is the current status;
- Extension of the service between the existing routes to enable populated rural areas to receive the service;
- Enforcement of properties along the route to utilise the service;
- Availability of the service to properties willing to take bins to a designated location along the route; and
- That domestically produced waste is collected, where possible, through Council's contracted service provider, to ensure an environmental improvement in the disposal of domestic waste.

1.3 Land to which the Policy Applies

All land within the Blayney Shire Council is deemed to be affected by this Policy however this policy will clarify where the services are available.

2.0

Policy

2.1 Availability of Council's Waste Collection Service

- a) Council will charge for and make available the Waste Collection Service to all properties within a town or village, as defined by Council's Local Environmental Plan (as amended) and Council's contract for the provision of these services;
- b) Where the service is provided to a residential property, the full rate is payable;
- c) Where the service is provided to a vacant parcel of land, the vacant land rate is charged;
- d) Where the service is available to a vacant parcel of land which has, for rating purposes, been amalgamated with an adjoining parcel for which a full service is being charged, the vacant land charge is not payable for each parcel of land for which the service is available;
- e) Where the service is available outside of a town or village, and is along a route as agreed with Council's contractor, all properties which have a occupiable residential residence within 250m of the main property gate providing access to the serviced road and are serviced by the route, will be required to utilise the service for the disposal of their domestic waste;
- f) Where a property meets the criteria of point (e) above, but there is no occupiable residence, the vacant land charge will apply. The charge will be applied per rating assessment which is serviced by the route;
- g) Properties which are along existing routes prior to the implementation of this policy will be advised in writing of Council's intention to enforce the use of the service effective from 1st June 2007, and properties which require bins will be requested to contact Council to arrange the delivery of bins.

2.2 Provision of Bins

- Council, or Council's contractor, will provide one free bin/bins (depending on the service type) per service as provided;
- If additional services are requested, the bins for those services will be initially provided free of charge;
- Where a bin has been split, damaged, or has had damage and can be collected by Council, or Council's contractor, for replacement, the request may be completed with Council or Council's contractor for the replacement of such bins, and those bins will be repaired or replaced (where applicable) free of charge;

- Where a bin has been burnt, stolen or is missing, and cannot be collected by Council, or Council's contractor, the request may be completed with Council or Council's contractor for the replacement of the bin/s, and the fee is payable for the replacement of the bin/s;

End of Policy

Adopted:	Date: 14/07/2008	Minute: 08/191
Lasted Reviewed:	Date: xx/11/2012	Minute:
Next Reviewed:	Date: xx/11/2015	

ENGINEERING SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 12 NOVEMBER 2012



11) **MILLTHORPE SKATEPARK**
(Director Infrastructure Services)

RECOMMENDED:

1. That Council approve the allocation of \$5,000 for the installation of a suitably sized supply line and domestic garden tap at the Millthorpe Skatepark, from the Redmond Oval Maintenance fund.

REPORT

Council in conjunction with the Millthorpe Skatepark Committee constructed the Millthorpe Skate Park on the Boomerang Street frontage of Redmond Oval. Boomerang Street is a residential cul-de-sac that backs onto Redmond Oval, with the skate park located at the end of the street.

Residents fronting the skatepark have raised concerns about skatepark users sourcing refills to drinking bottles from their garden taps.

As part of the Savewater Alliance, Central Tablelands Water and Council have recently installed a drinking water fountain at Heritage Park.

CTW have purchased further units for installation in high visibility locations, with the next location proposed to be outside the Millthorpe Newsagency in Victoria Street.

Unfortunately progress has been delayed due to a patent issue relating to the design of the most recently purchased units. CTW have therefore opted to withhold further projects, until such time as it has received advice that the issue has been resolved.

Skatepark water supply

To provide a fountain at the skatepark will cost in the order of \$10,000 once a fountain and plumbing work to bring a water supply up from the Park St frontage of the park is completed.

Alternatively, in the short term, Council could undertake to have a supply line and domestic tap installed at the Skatepark, and retrofit a drinking fountain at such time as the patent matter is resolved. It is estimated that this option will cost approximately \$5,000 to install, with the majority of cost attributed to bringing the supply line up from Park St frontage.

It is recommended that Council install a suitably sized supply line and domestic garden tap at the Millthorpe Skatepark, allocated from the Redmond Oval Maintenance Budget.

BUDGET IMPLICATIONS

The project shall be capitalised as a new asset, and funds allocated from the Redmond Oval Maintenance allocation. The allocation has adequate capacity to fund this project.

POLICY IMPLICATIONS

Nil Effect

IP&R REFERENCES

DP 4.2.1 – Maintain the availability and quality of water for use in rural areas.

Attachments

Nil

12) **NATURAL DISASTER WORKS UPDATE**
(Operations Manager)

RECOMMENDED:

1. That the report on the progress of the works under the Natural Disaster Relief and Recovery Arrangements be received and noted.

REPORT

Executive Summary

Following a submission made to Roads and Maritime Services for claim of damages resulting from the storm on 1 March, 2012, Council was successful in obtaining \$1,236,610 of funding for reparation of damages to Council roads.

Current Progress

The works undertaken since confirmation of the funding have been focused on the unsealed network in the Garland, Lyndhurst and Mandurama areas.

Council has completed the restoration works on the following roads:

Lucan Road	Sunnyside Road	Rockdell Road
Kinds Lane	Sherwood Road	Kennys Lane
Lyons Road	Wells Lane	Somers Lane
Lyndhurst Streets	Boondaroo Road	Hilltop Road
Meadows Lane	Millamolong Road	Hines Lane

Further, works have commenced on the following roads:

- Garland Road
- Mandurama Road
- Snake Creek Road
- Millpost Creek Road

Currently Council has expended approximately \$580,000 on the restoration works, and has been completing them within the budgeted allocations.

Works will continue throughout the financial year, with the unsealed works to be completed by June 2013, and a portion of the sealed restoration works to carry over into the 2013/14 financial year.

BUDGET IMPLICATIONS

Nil Effect

POLICY IMPLICATIONS

Nil Effect

IP&R References

DP 1.5.1 – Success in gaining state funding for infrastructure works

DP 4.1.1 – Obtained funding increases Councils ability to meet the required service level targets

Attachments

Nil

13) **BLAYNEY FLOOD STUDY AND MANGEMENT STUDY**
(Director Infrastructure Services)

RECOMMENDED:

1. That Council
 - a. Note the establishment of the Blayney Floodplain Risk Management Committee,
 - b. Nominate one Councillor, the Director Infrastructure Services, and Director Planning and Environmental Services as Council's delegates to the Floodplain Risk Management Committee, and
 - c. That Expressions of Interest be sought from the Town of Blayney community to fill the community delegate position.

REPORT

Council has previously approved the establishment of the Blayney Floodplain Management Committee. At the time of approval, Council had unsuccessfully submitted an application for funding to undertake a flood study and preparation of a flood management study.

A further application, submitted in February 2012 was successful, with Council being offered funding on a 4:1 basis to a maximum grant value of approximately \$100,000.

Funding Applications

In a report to the December 2009 Council meeting, it was identified that there was a need for further information related to flooding in Blayney and the villages to better inform the development of the LEP.

Council subsequently submitted an application for funding through the then, Department of Environment Climate Change and Water, for floodplain management, including flood studies and mitigation projects, with funding provided on a 2:1 (state : local) funding split. Blayney Shire Council submitted applications to undertake flood studies in Blayney and Neville, with a view to further studies in the future. This application was unsuccessful.

Considered an important and valuable body of work once completed, Council submitted a further application for funding to undertake the development of a flood study, floodplain risk management study and plan, in April 2012. In August, Council was notified that this application had been successful. Council was also considered suitable for an increased contribution, providing council with funding at a 4:1 (state : local) funding split.

Floodplain Risk Management

The floodplain risk management process in NSW is clearly defined and documented in the "Floodplain Development Manual" published in April 2005 by the NSW Government, and was prepared to assist councils in formulating

management plans. In order to successfully attract funding, Council is required to adopt the process as outlined in the manual.

The process is directly linked to Council's strategic planning process, as Council needs to examine the merit of different types and extents of development in various flood prone areas.

The involvement of the community in the floodplain risk management plan preparation, from the outset, should produce the best opportunity for community acceptance, and commitment to the resultant plan.

The process as defined by the manual identifies six (6) key steps in successfully delivering a floodplain risk management plan.

1. Floodplain Risk Management Committee – Establishment of, and the subject of this report.
2. Data Collection – Compilation and collection of existing and additional data
3. Flood Study – Defines the nature and extent of the flood problem.
4. Floodplain Risk Management Study – Determine options in consideration of social, ecological, and economic factors relating to flood risk.
5. Floodplain Risk Management Plan – Preferred options are publicly exhibited and revised, subject to responses provided.
6. Plan Implementation – Implementation of measures identified in the plan.

The formation of a Floodplain Risk Management Committee is the first step in the floodplain management process, and was an essential component in attracting floodplain management funding.

At the December 2009 ordinary meeting, Council, adopted the following recommendation:

That Council approve the establishment of the Blayney Floodplain Risk Management Committee, and:-

- 1. Nominate Councillor Radburn, the Director of Engineering, and the WBC's Strategic Planner as Council's delegates to the Floodplain Risk Management Committee, and*
- 2. That Expressions of Interest be sought from the community to fill the two (2) community delegate positions, one from each of the locations subject to the applicable flood study.*

As the initial application was for Blayney and Neville, a community delegate was to be identified from each location; however in 2012 the application was made only for the Town of Blayney, due to the level of work involved and the budget expectation. It is therefore intended to modify the Committee composition accordingly.

The Committee is a mix of elected, community, and professional members, whose collective skills and interests are suited to addressing the flooding

problem of a particular catchment. It is therefore proposed that the committee now comprise of:

- One Councillor,
- Council's Director Planning and Environmental Services (or delegate),
- Council's Director Infrastructure Services,
- One member of the Town of Blayney local community,
- An officer of the Lachlan Catchment Management Authority (CMA),
- An Office of Environment and Heritage (OEH) representative,
- SES Central West Region representative,
- SES Blayney Local representative,
- Other agency representatives (e.g. officers from the other State agencies and relevant industry bodies, as required).

It is the role of the Committee to assist Council in formulating and implementing a Floodplain Management Plan by contributing ideas, professional expertise, experience, and local knowledge. Community members contribute with their knowledge of historical information, local problems, and possible solutions, and may also provide input from the wider community.

CMA representatives help integrate flooding issues into the overall management of the catchment and provide a path for inter-committee communication.

State Government (OEH) representatives provide advice on technical matters and policy, and share their experience of similar situations elsewhere.

Together with Councils, State Government representatives need to ensure that any State Government funds committed to floodplain management provide the best return in reducing the liability from flooding and that Council's plan conforms with the objectives of the Government's Policy.

BUDGET IMPLICATIONS

As Council's contribution, it must fund 20% of the project, that being \$25,200 (subject to quotations and variations) over the funding period 2012/13 – 2014/15.

Funding shall be allocated as part of the Quarterly Budget Review process.

POLICY IMPLICATIONS

The establishment of the Floodplain Risk Management Committee will enable the development of a Floodplain Risk Management Policy, further inform the Blayney Local Environment Plan (LEP), and update and further inform Council's Emergency Management Plans and Policies.

IP&R REFERENCES

DP 1.1.2 –Promote sustainable development and protection of our natural resources through the planning system.

DP 3.4.1 –Pursue sustainable land use practices based on the protection and restoration of natural resources, innovative land use policies and government and community partnerships.

DP 6.4.1 –Provide support for emergency management in Blayney Shire in accordance with the SERM Act.

Attachments

Nil

14) **STATE INFRASTRUCTURE STRATEGY - LOCAL WATER UTILITIES**
(Director Infrastructure Services)

RECOMMENDED:

1. That the report on the State Infrastructure Strategy as it relates to Local Water Utilities be received and noted.

REPORT

The previous State Government initiated an independent inquiry into secure and sustainable water supply and sewer services for non-metropolitan NSW in 2007. The final report was released in 2009.

With the change in Government in March 2011, Infrastructure NSW was established in July 2011 as an independent body charged with assisting the NSW Government in identifying and prioritising the delivery of critical public infrastructure for NSW. It is an independent statutory agency, established under the Infrastructure NSW Act 2011.

In October 2012, Infrastructure NSW released the State Infrastructure Strategy, "First things first", its independent advice to the NSW Government on the priority infrastructure investments and reforms required to drive productivity and economic growth. The recommendations cover the next five, 10 and 20 years, and have been developed to be affordable and realistic, and include recommendations associated with water infrastructure across the state and how it is managed.

In addition to developing the 20 Year State Infrastructure Strategy and Five Year Infrastructure Plans, Infrastructure NSW's functions, as outlined in the Infrastructure NSW Act 2011, are to:

- prepare sectoral State infrastructure strategy statements;
- prepare project implementation plans for major infrastructure projects;
- review and evaluate proposed major infrastructure projects by government agencies or the private sector and other proposed infrastructure projects;
- oversee and monitor the delivery of major infrastructure projects and other infrastructure projects identified in plans adopted by the Premier;
- carry out or be responsible for the delivery of a specified major infrastructure project in accordance with an order of the Premier;
- assess the risks involved in planning, funding, delivering and maintaining infrastructure, and the management of those risks;
- provide advice to the Premier on economic or regulatory impediments to the efficient delivery of specific infrastructure projects or infrastructure projects in specific sectors;
- provide advice to the Premier on appropriate funding models for infrastructure;

- co-ordinate the infrastructure funding submissions of the State and its agencies to the Commonwealth Government and to other bodies;
- carry out reviews of completed infrastructure projects at the request of the Premier; and
- provide advice on any matter relating to infrastructure that the Premier requests.

Water Infrastructure

In summary the Strategy as it relates to water infrastructure, reports the following:

- *Every NSW community needs water infrastructure that meets national health and environmental guidelines or standards and guarantees a secure and affordable water supply.*
- *Being prepared for inevitable drought is more productive than restricting supply. Infrastructure NSW recommends the development of a comprehensive, prioritised program of new and augmented dams across NSW.*
- *Infrastructure NSW recommends aggregation of 105 local water and wastewater delivery authorities into around 30 regional delivery authorities to maximise efficiency and manage affordability (as previously recommended to the NSW Government).*
- *Infrastructure NSW recommends a prioritised program of work to bring all regional town water and sewerage systems up to required minimum drinking quality and environmental standards.*
- *Augmentation of supply for the Hunter region is needed within the next 10 years.*
- *Given the multi-source complexity of water supply systems and the long lead times, planning for Sydney's next supply should commence as part of the updated Metropolitan Water Plan.*
- *Infrastructure NSW recommends the NSW Government review all the major flood mitigation options available, including raising the Warragamba Dam wall to significantly reduce the potential economic and social impact of flooding in the Hawkesbury Nepean Valley. If major flood mitigation is not provided, roads in the Valley will need to be upgraded to ensure people can evacuate.*

The full report is available for download at www.infrastructure.nsw.gov.au

Most notable in respect of Blayney Shire Council is the recommendation that 105 local water utilities be aggregated into approximately 30 regional authorities, and a timeline of the next 5 years is indicated. This recommendation is similar to that made as part of the Independent Inquiry report in 2009.

At this point in time the current State Government has made limited progress on either the Independent Inquiry Report, or the State Infrastructure Strategy, on water infrastructure.

Information available on the NW Office of Water website (www.water.nsw.gov.au) currently notes the following:

Development of a NSW Government response to the Inquiry

The NSW Office of Water is working with stakeholders to analyse the recommendations in the independent inquiry report and develop a NSW Government response.

The report was placed on public exhibition from 14 January to 20 March 2009. Submissions have been provided by a wide range of stakeholders, including local water utilities, community groups, individuals and other interested organisations.

The NSW Office of Water, with other NSW Government agencies, is now considering the issues raised in submissions and undertaking further analysis of report recommendations in order to devise specific strategies to meet the goals of sustainable, secure long term water supply and sewerage services in non-metropolitan NSW.

The Centroc Water Utilities Alliance continues to maintain a watching brief on the subject and should further information become available, Council shall be briefed accordingly.

The previous Independent Inquiry Report had far reaching implications for Blayney ratepayers and once it becomes evident that the government is making further consideration on the matter Council will need to fully assess that advice and be involved in regional meetings at both Political and Professional staff levels.

BUDGET IMPLICATIONS

Yet to be determined

POLICY IMPLICATIONS

Nil effect

IP&R REFERENCES

DP 4.2.2 – Ensure Sewerage Treatment Plants are able to meet needs of the Blayney Shire.

DP 4.2.3 – Provide an effective and safe Sewerage Collection Network for Blayney Shire.

Attachments

Nil

15) **NSW LIVESTOCK LOADING SCHEME**
(Director Infrastructure Services)

RECOMMENDED:

1. That the report on the NSW Livestock Loading Scheme be noted; and
2. That Council will be required to undertake bridge load limit assessments to advise of load limit restrictions.

REPORT

The NSW Government has recently approved the new NSW Livestock Loading Scheme to enhance productivity and reportedly protect jobs within the NSW meat and livestock industry.

The scheme, developed in consultation with the NSW Local Government and Shires Associations (LGSA), includes measures to minimise road pavement wear, protect vulnerable bridges and reduce the incidence of livestock vehicle roll-overs.

The scheme is proposed to commence on approved Higher Mass Limit routes from December 2012, and will extend to other NSW roads in early 2013.

The interstate movement of stock within Australia across state borders that involved NSW has always presented livestock carriers with a problem. NSW livestock loading limits were restrictive upon carriers, requiring them to either “break a combination” vehicle down, or move stock into or out of NSW with less stock on board than may be allowed in surrounding states.

Prior to establishment of the scheme, a B-Double in NSW could carry between 55 – 60 head of cattle (subject to average animal weight), while in neighbouring states the same vehicle may carry between 65 – 72 cattle.

Eligible vehicles fitted with road friendly suspension will now be able to operate at higher mass limits when carrying cattle, sheep, pigs or goats in NSW.

In order to operate under the scheme, operators must enrol vehicles, and also complete a specialised driver training course, to reduce the risk and incidence of roll-over crashes for 4.6m high livestock vehicles.

All scheme vehicles must comply with applicable Restricted Access Vehicle (RAV) routes, including those approved routes within Blayney Shire for 4.6m high vehicles, 19m B-Doubles and 25/26m B-Doubles.

Scheme vehicles continue to be subject to maximum loading densities specified in animal welfare standards and due to the physical restrictions of livestock crates cannot be excessively overloaded.

With the commencement of the scheme in December 2012, eligible vehicles will be able to operate on applicable approved Higher Mass Limit (HML) routes. HML routes within Blayney Shire only operate over the NSW State road network (i.e: Mid-Western Highway and Orange Road). In early 2013 the Livestock Loading scheme will be extended to other NSW roads.

In relation to other roads, these include all local roads under the control of Council, excluding those roads that currently have vehicle load limits in place.

Bridge Mass Limits

The scheme has been approved on the basis that Council's (as the local road authority) may install load limit signs to protect vulnerable bridges.

Prior to the extension of the scheme to the local road network, Roads and Maritime Services and Council will work together to identify and assess bridges for load limit signs due to the implementation of the scheme.

B-Double Routes

Blayney has a number of approved B-Double routes throughout the Shire, however the only three routes currently approved and gazetted that would be affected (as livestock routes, rather than other freight) by the scheme are:

- Mandurama – 2401 Four Mile Creek Road (Narambon)
- Blayney – 744 Newbridge Road (Trellawarren)
- Blayney – 137 Three Brothers Road (Mindaribba)

These routes are not considered to be a concern in respect of bridges as the routes have had bridge structures replaced in the past ten (10) years with concrete bridges, designed to satisfy contemporary standards.

Council has previously identified the need to undertake bridge inspections and identify bridge loading capacities. The requirements of the scheme will necessitate the accelerated delivery of these inspections in order to provide access.

BUDGET IMPLICATIONS

Yet to be determined

POLICY IMPLICATIONS

Nil effect

IP&R REFERENCES

DP 4.1.1 – Manage Local Road network to agreed service levels.

DP 4.1.7 – Plan for future transport and road infrastructure to service future needs.

Attachments

Nil

16) **COUNCIL AS A WATER CARTER**
(Director Infrastructure Services)

RECOMMENDED:

1. That Council discontinue the undertaking of water deliveries to the community, directing customer requests for water to suitably qualified and accredited contractors.

REPORT

With dry conditions being experienced across the region over the past six (6) months Council has begun to receive requests for the supply of water to residences not supplied by the Central Tablelands Water (CTW) network, and experiencing low water storage levels.

Council has previously supplied water to residents, however with the increased levels of construction work and health requirements, and an assessment of Council's ongoing capacity to provide the service. The service is considered non-core and therefore recommended for discontinuation.

Some years ago, with an overall decline in construction works occurring, and a need to maximise utilisation of Council plant, the region began to experience the impacts of drought that occurred across the state over the past 10 - 12 years. As a result Council commenced the undertaking of water carting operations to supply residents with water.

As Council's construction program has begun to increase in the past 2 - 3 years, and with the return to wetter conditions, Council has endeavored to remove itself from water carting operations.

The Public Health Act 2012 and the Public Health Regulation 2012 require drinking water suppliers to develop and adhere to a "quality assurance program" (or drinking water management system) from 1 September 2014. The requirement applies to water suppliers as defined in the Act, including water utilities, private water suppliers and water carters (as Council would be considered).

NSW Health maintain guidelines for water carters (current edition dated 2005), with a draft new guideline currently on exhibition and expected to become effective in coming months.

These guidelines are designed to ensure water carters provide safe drinking water and comply with the requirements of the Public Health Act 2010, the Public Health Regulation 2012, the Food Act 2003 and the Local Government Act 1993.

As a water carter there are specific documentation and record keeping requirements that must be abided by, including:

- notify the NSW Food Authority, and

- obtain approval from the water utility (CTW)

Documentation, records and logs must be kept to provide evidence that the water carter is operating appropriately. These may be requested by Council or the Public Health Unit for inspection at any time. The information required to be kept includes:

- Details of when and where water is supplied
- Details of whom and where water is supplied to
- The volume of water supplied
- Details of what else is transported in the water tank
- Cleaning details
- and must be kept for at least six months.

Council would ordinarily use a water cart, otherwise utilised in construction activities, and filled from a balance tank, supplied from the CTW reticulation supply at the Blayney Shire Council depot.

Where the tank has been used for the transport of non-hazardous materials (i.e. ground or surface water) other than potable water, the tank must be cleaned and disinfected by physically cleaning internally and then flushing the tank, and then filling with water and chlorine prior to filling with potable water for delivery. As such work is not core business for Council this process wastes water, and costs Council as the rinse water is simply discharged to the stormwater system.

Fittings and hoses used in the supply must also be of food grade material, stored in dust proof containers, and cleaned and flushed in the same manner as the tank.

An estimate of the costs associated with compliance in accordance with the Act and Regulations are estimated to be in excess of \$10,000 for capital items. An estimate of other costs is unable to be determined due to the inconsistent nature of demand, the time required to wash/clean the truck and fittings and its effects on Council's operational program.

As a result of the cleaning requirements, the potential liability Council may be exposed to, the disruption to Council's operational activities, and that the activity is a non-core activity for Council, it is recommended that Council discontinue operations as a water carter, directing customer requests for water to suitably qualified and accredited contractors.

An inspection of the Yellow Pages identifies, one (1) contractor in Blayney, two (2) operators in Bathurst, and a further two (2) in Orange.

BUDGET IMPLICATIONS

Costs associated with water supply do not achieve full cost recovery, and suspension of water deliveries will therefore provide an indirect financial benefit.

POLICY IMPLICATIONS

Nil effect

IP&R REFERENCES

DP 4.2.1 – Maintain the availability and quality of water for use in rural areas.

Attachments

Nil

17) **BLAYNEY TO BATHURST CYCLO SPORTIF COMMITTEE**
(Director Infrastructure Services)

RECOMMENDED:

1. That Council confirm the nomination of Clr xxxxxxx, and the Economic Development Officer as alternate, on the Blayney to Bathurst Cyclo Sportif Committee.

REPORT

Executive Summary

Council has received an invitation (**attached**) from the Blayney to Bathurst (B2B) Cyclo Sportif Organising Committee and the Rotary Club of Bathurst Daybreak to provide a representative to participate in the B2B Committee.

Background Information

The B2B is an annual cycling event to be held over the 20 - 21 April weekend in 2013.

The B2B weekend involves a variety of events including the gala event that in 2012 comprised of three (3) individual rides. In previous years this has encompassed only two rides, being:

- a. Long Course Class 1. An open road timed event conducted as a staggered mass start of approximately 800 riders seeded according to ability. This event starts at 8.30am, and travels to Hobbys Yards before heading South toward Trunkey Creek and into the Bathurst Regional Council area.
- b. Short Course Class 1. An open road timed event conducted as a staggered mass start of approximately 800 riders seeded according to ability. This event starts at 10.00am, and travels to Hobbys Yards before turning North to Newbridge, and then to Wimbleton and into the Bathurst Regional Council area.

In 2012 the Extreme Course Class 1, was included, and is an open road, timed event conducted as a staggered mass start of approximately 400 riders seeded according to ability. This event starts at 8.30am, and incorporates the Village of Millthorpe and "Tallwood Loop" route before returning to Blayney and then proceeding along the long course route.

All the rides commence in Carrington Park, Blayney and finish at the pit complex at Mount Panorama, Bathurst.

For some years the B2B Committee has reported that the event continues to grow in participation levels, and national recognition. To the extent that in 2014 it is anticipated that Cycling Australia will introduce a National Road series race as part of the weekend. Council expects that this will incorporate the Extreme Course and require extensive road closures to enable cyclists to utilise the entire road as the peloton (bunch) moves through.

The B2B continues to grow, and represents an ideal opportunity for Blayney Shire to market itself as an ideal location for participatory cycling events (both formal and informal).

The B2B Committee currently meet on a bi-monthly basis on Tuesday evenings between the hours of 5:30pm and 7pm at the offices of NSW Central West Headspace in Bathurst. It is expected that these meetings will become more frequent in the two (2) months prior to the event.

In order to ensure Council maximises any opportunity available to promote the Shire as part of the event, and remain informed of progress with event planning, it is recommended that Council nominate a Councillor and the position of Economic Development Officer as alternate to represent Council on the B2B Committee.

BUDGET IMPLICATIONS

Council has provision within its budget to provide services and facilities to the B2B event.

Council has provision within its budget for Councillors to undertake their civic duties.

POLICY IMPLICATIONS

Nil effect

IP&R REFERENCES

DP 2.1.2 – Work proactively with community groups to assist with event management.

DP 2.2.1 – Encourage active participation in sport.

Attachments

1 B2B Cyclo Sportif Organisation

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**BLAYNEY SHIRE
COUNCIL**

11 OCT 2012

Doc. No.

Verified:

**Disp.
GA39:**

Sent.

Rotary Club of Bathurst Daybreak Inc
PO Box 170C
Bathurst NSW 2795

Mr Glen Wilcox
General Manager
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799

11 of September 2012

Dear Glen



**RE: 2013 NAB Blayney to Bathurst Cyclo Sportif Challenge
and weekend of cycling at Mount Panorama**

The B2B Cyclo Sportif Organising Committee and the Rotary Club of Bathurst Daybreak would like to extend an invitation to Blayney Shire Council to provide a representative to participate on the B2B Committee. With over 2,200 riders for the B2B this year's B2B was the most successful to date.

The success of the 2012 B2B enabled the Rotary Club of Bathurst Daybreak to donate \$50,000 to NSW Central West HeadSpace, and with the cycle event's rapid growth that support could increase in years to come.

The B2B provides direct benefit to local business income and promotes Blayney and Bathurst as progressive cycle friendly towns. This has additional longer term benefits for tourism, community health and an attractive lifestyle for locals and other people; considering Blayney and Bathurst as a place to live.

In 2014 it is expected that Cycling Australia will introduce a National Road Series race event as part of the B2B cycling weekend. This will bring national TV coverage and further promote Blayney and Bathurst as cycling areas.

The Committee believes that Blayney Shire Council's support in the planning and implementation of the B2B is fundamental in the continuing success of any future event. The Committee currently meets bi monthly on Tuesday evenings 5.30pm to 7pm in the HeadSpace meeting rooms Havannah St Bathurst.

1

DataWorks Document Number 358578

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Meetings are expected to be more frequent in the 8 weeks leading up to the B2E on 20-21 April 2013. Please let us know if you or a representative would like to participate in the B2B committee meetings. Please contact me via my email address if you have any further questions. Thank you.

Yours sincerely

Ben 

Ben Campbell.
For President Rotary Club of Bathurst Daybreak "B2B" Cyclo Sportif Organising Committee.

Please contact Ben Campbell [benicam@hotmail.com].

ENVIRONMENTAL SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 12 NOVEMBER 2012



18) **JOINT REGIONAL PLANNING PANEL AND RECENT NSW GOVERNMENT CHANGES**
(Director Planning and Environmental Services)

RECOMMENDED:

1. That Council receive the report for information.
2. That Council endorse Heather Nicholls, Director of Environmental Services at Cabonne Shire Council, as one Blayney Shire Council member of the Western Joint Regional Planning Panel.
3. That Council determine if Council should nominate another member and, if so, who that person should be.

REPORT

Joint Regional Planning Panels are established by the NSW Government to determine regionally significant development applications (DAs).

Functions of the regional panels are:

- acting as the relevant planning authority for the purpose of preparing a local environmental plan when appointed to do so by the Minister,
- determining Crown DAs that have been referred to the regional panel by the council or the applicant which have not been determined by the council within the time prescribed in the Environmental Planning and Assessment Regulation 2000 (the EP&A Regulation),
- determining applications to modify a consent for regionally significant development under section 96(2) of the EP&A Act, and
- providing advice on planning or development matters when requested to do so by the Minister.

Membership of Regional Panels

Regional panels consist of five members, comprising one chair appointed by the Minister with the concurrence of the Local Government and Shires Associations of NSW (LGSA), two other members appointed by the Minister and two council-appointed members. The Regional Panels Secretariat is responsible for the maintenance of a register of all panel members.

At a meeting of a regional panel, matters in a number of different council areas may be considered. The members of individual councils will join the members appointed by the Minister to comprise the regional panel whenever it is considering a matter that is located in that council's area.

Council Members of Regional Panels

Two council members are appointed by each council. At least one council member is required to have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

Selection of Council Members

Each council identifies how their members are selected. In selecting members, councils should have regard to the conflict of duties that would be created for a person nominated to the regional panel if they were in any way responsible or involved in the assessment and recommendation of a DA to be determined by the panel.

Councils are not restricted to nominating people from the council's local area. They can appoint, terminate, and reappoint members at any time, and can determine the duration of each appointment. Generally, so as to ensure the greatest degree of continuity for the regional panels, councils should consider appointing members for the maximum term of three years provided for under the EP&A Act. However, councils should reconsider if the nominations to the regional panels are appropriate within 12 months following a council election.

Following a change to its nominees, council is to forward the new member's personal details to the secretariat as soon as possible and this must be a minimum of 14 days before any meeting at which they will act as a panel member.

If a council fails to nominate one or more council members, a regional panel may still exercise its functions in relation to the area of the council concerned.

Payment of Council Members

Councils determine the fees they pay their panel members. The Minister has provided guidance to all councils on appropriate rates of remuneration for travel and subsistence allowances for their members. Each council is responsible for making payments to their panel members when they attend regional panel meetings.

Support Provided to Regional Panels by Councils

The EP&A Act provides that regional panels are entitled to use the staff and facilities of the relevant council for the purpose of carrying out their functions, and that a General Manager of a council must carry out any reasonable direction of a regional panel when it is carrying out any of the functions of that council.

It is expected that use of council facilities such as meeting rooms would be arranged prior to meetings of regional panels.

Support such as the taking of minutes for panel meetings, copying of documents and the providing of professional advice may also be required.

Generally, the relevant council bears the administrative and council staff costs associated with the regional panel meetings. Administrative costs may include those associated with the meeting venue and set up, the attendance of council staff, as well as the minute taker.

The NSW Government recently made some key changes to the Operational Procedures, Code of Conduct and Complaints Handling Policy for the regional panels.

The key changes impacting a Council are:

- **Council nominations** – Councils are to notify the secretariat of any changes to council members as soon as possible. Council nominees need to be appointed for a minimum of 14 days before attending a panel meeting at which they will act as a panel member. This is particularly important given recent local government elections, and councils need to review and confirm members to the regional panel before their current terms expire.
- **Registration of DAs with a CIV between \$10 million and \$20 million** – Councils were previously asked to register all development applications (DAs) with the regional panels secretariat which has a capital investment value (CIV) between \$10 million to \$20 million. The procedures now provide that council should only register these DAs after 120 days and when a request has been received from an applicant to refer the DA to the regional panel for determination.
- **Expected assessment timeframes** – The procedures now specify that councils are expected to complete their assessment reports 60 days after the close of the public exhibition period.
- **Briefings with applicants** – In exceptional circumstances and after consulting with council's planning director, applicants may be given the opportunity to brief the regional panel.
- **Submissions and amended plans** – All submissions from members of the public and amended plans or additional information from the applicant are to be sent to council. Council is required to make sure their assessment report includes a summary of submissions and an assessment of key issues raised. Any material submitted to the regional panel for them to consider in making a determination will be provided to council.
- **Draft conditions of consent** – Where council's assessment report recommends a DA be refused, the regional panel chair, in consultation with other panel members, may request without prejudice draft conditions of consent before or during the panel meeting.
- **Code of conduct for panel members** – Regional panel members must not represent an applicant or a submitter at a regional panel meeting for a regional panel of which they are a permanent member or have been used regularly as an alternate member.
- **6 monthly reporting on complaints** – The regional panels secretariat will prepare a 6 monthly report on complaints and make this publicly available.

Regional Panels will now determine the following classes of regional development:

- development with a CIV over \$20 million.
- development with a CIV over \$5 million which is:
 - council related,
 - lodged by or on behalf of the Crown (State of NSW),

- private infrastructure and community facilities, or
- eco-tourist facilities.
- extractive industries, waste facilities and marinas that are designated development.
- certain coastal subdivisions.
- development with a CIV between \$10 million and \$20 million which are referred to the regional panel by the applicant after 120 days.
- crown development applications (with a CIV under \$5 million) referred to the regional panel by the applicant or local council after 70 days from lodgement as undetermined, including where recommended conditions are in dispute.

BUDGET IMPLICATIONS

Any cost impact from the function of the Western Joint Regional Planning Panel involving Blayney Shire Council will require consideration and the source of funding at the time it occurs.

POLICY IMPLICATIONS

These are not policy implications at this time.

Attachments

Nil

19) **DEPARTMENT OF PLANNING AND INFRASTRUCTURE**
DELEGATION OF PLAN MAKING DECISIONS
(Director Planning and Environmental Services)

RECOMMENDED:

1. That Council note the report and the contents of the attached Planning Circular PS 12-006, issued 29.10.2012, that Council and accept the delegation of the following plan making powers:
 - (a) to make – and determine not to make – an LEP under section 59(2), and (3) of the EP&A Act
 - (b) to defer inclusion of certain matters in an LEP under section 59(3) and
 - (c) to identify which matters must be considered and which stages of the plan-making process must be carried out again prior to resubmission (section 59(4) if the council defers the proposal or if a matter is deferred from the LEP;
2. Council delegate the following plan making powers to the General Manager:
 - (a) to make – and determine not to make – an LEP under section 59(2), and (3) of the EP&A Act
 - (b) to defer inclusion of certain matters in an LEP under section 59(3) and
 - (c) to identify which matters must be considered and which stages of the plan-making process must be carried out again prior to resubmission (section 59(4) if the council defers the proposal or if a matter is deferred from the LEP.

REPORT

As part of a review carried out by the Department of Planning & Infrastructure concerning Part 3 of the *Environmental Planning and Assessment Act 1979*; the Hon Brad Hazzard MP, Minister for Planning & Infrastructure and Minister Assisting the Premier on Infrastructure NSW, has advised Council that as of 1/11/2012 some local environmental plans (LEPs) will be delegated to Council.

The Minister has delegated the following plan-making powers to councils:

- a) To make – and determine not to make – an LEP under section 59(2) and (3) of the EP&A Act
- b) To deter inclusion of certain matters in an LEP under section 59(3); and
- c) To identify which matters must be considered and which stages of the plan-making process must be carried out again prior to resubmission (section 59(4)) if the council defers the proposal or if a matter is deferred from the LEP.

The following types of draft LEPs will routinely be delegated to councils to prepare and make following a Gateway determination that the planning proposal can proceed:

- Mapping alterations;
- Section 73A matters (e.g. amending references to documents/agencies, minor errors and anomalies);
- Reclassifications of land;
- Heritage LEPs related to specific local heritage items supported by an Office of Environment and Heritage endorsed study;
- Spot rezoning consistent with an endorsed strategy and/or surrounding zones, and
- Other matters of local significance as determined by the Gateway.

A copy of the Department of Planning Circular PS 12-006 is attached for information. The circular outlines the delegations and proposed changes for independent review of the Gateway process and amendments to the existing Local Environmental Plans (LEP's).

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

Attachments

- | | | |
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| 1 | Delegations and independent reviews of plan-making decisions | 4
Pages |
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PLANNING circular

PLANNING SYSTEM

Plan-making reviews

Circular PS 12-006

Issued 29 October 2012

Related

Delegations and independent reviews of plan-making decisions

The purpose of this circular is to advise councils and the public about new delegations and independent reviews related to plan-making under Part 3 of the *Environmental Planning and Assessment Act 1979*.

Introduction

Two changes have been put in place to improve plan-making processes under Part 3 of the *Environmental Planning and Assessment Act 1979* (the Act). These changes come into effect on 2 November 2012 and will increase transparency, provide greater certainty, and increase councils' roles and responsibilities in plan making, by:

- delegating the making of some local environmental plans (LEPs) to councils, and
- allowing for independent reviews of some council and departmental decisions in the plan making process.

LEP delegations

The making of some LEPs will now be delegated back to councils, in keeping with the government's commitment to return local planning powers to local councils and their communities.

The Minister has delegated the following plan-making powers to councils:

- a) to make – and determine not to make – an LEP under section 59(2), and (3) of the EP&A Act
- b) to defer inclusion of certain matters in an LEP under section 59(3) and
- c) to identify which matters must be considered and which stages of the plan-making process must be carried out again prior to resubmission (section 59(4)) if the council defers the proposal or if a matter is deferred from the LEP.

The changes will give local councils responsibility for LEPs of local significance and streamline the processing of their LEPs by removing duplicative steps in the making of these LEPs

The delegations will operate in respect of a draft LEP on receipt by council of a Written Authorisation to Exercise Delegation (the Authorisation). The Authorisation will be issued to councils as part of the Gateway determination.

When submitting a planning proposal, councils will be required to identify whether they wish to exercise the Authorisation for each planning proposal.

Delegation will be routinely issued for particular types of LEPs (see below). However, any other draft LEP that the Gateway determines is of local significance will also be delegated to councils.

LEPs to be routinely delegated

The following types of draft LEPs will routinely be delegated to councils to prepare and make following a Gateway determination that the planning proposal can proceed:

- mapping alterations
- section 73A matters (e.g. amending references to documents/agencies, minor errors and anomalies)
- reclassifications of land
- heritage LEPs related to specific local heritage items supported by an Office of Environment and Heritage endorsed study
- spot rezoning consistent with an endorsed strategy and/or surrounding zones, and
- other matters of local significance as determined by the Gateway.

Issue of delegations

Section 23 of the Act allows the Minister and the Director-General to delegate functions to a council and/or an officer or employee of a council. The department has written to all councils advising that

plan making powers are to be delegated under section 23 of the Act. A council is to formally accept the delegation before the department will issue an Authorisation in respect of any individual draft LEP.

If a council chooses to accept the delegation, it may sub-delegate the function to an officer within council (usually the general manager or planning director) who will exercise the delegation. If a council chooses to sub-delegate the function, the council should advise the department at the same time it accepts the delegation. When submitting a planning proposal to the gateway a council should advise the department whether the council or an officer will be exercising the delegated function.

Section 381 of the *Local Government Act 1993* requires that such functions cannot be delegated to:

- a) the general manager, except with the approval of the council, or
- b) an employee of the council, except with the approval of the council and the general manager.

Councils must comply with the conditions of the Authorisation in exercising their delegation. If a condition of the Authorisation cannot be complied with council must not exercise the delegation and must advise the department immediately.

Drafting and notifying delegated LEPs

Under section 59(1) of the Act the department currently requests the Office of the Parliamentary Counsel (PCO) to draft the legal instrument that gives effect to a planning proposal. However, when a planning proposal is delegated, the council will now deliver its instructions directly to PCO electronically. The council will concurrently copy the instructions to the department for monitoring and reporting only. The council will then deal directly with PCO to negotiate and agree the final wording of the instrument, prior to making the LEP.

When a plan is made, the department currently requests PCO to 'notify' the plan on the NSW Legislation webpage. The day the plan is notified on that webpage is the day the LEP becomes effective. This process will continue. When a council has made an LEP it will be forwarded to the department. The department will request notification through PCO and will record the dates of making by the council and notification on the NSW Legislation web page.

Reporting requirements

Councils will be required to report to the department on processing times for delegated LEPs (e.g. exhibition dates, dates of council resolution and/or delegated decisions to proceed with the planning proposal after exhibition, request for drafting, making of plan, and forwarding to department to arrange notification).

A template for the reporting of this information has been prepared and is provided on the department's

website at <http://www.planning.nsw.gov.au/gateway-process>. Councils will be required to submit this completed template with each LEP at the time a request is made to the department to notify the plan. Councils are also required to provide written advice to the relevant regional office of the dates as they occur to ensure that the department's publicly accessible LEP Tracking System remains up to date.

Independent Reviews

To increase transparency and accountability in the Part 3 plan-making process, the government has formalised two existing administrative review processes:

- **Pre-gateway reviews** – which may be requested by a proponent before a planning proposal has been submitted to the department for a Gateway determination. These reviews are informed by advice from joint regional planning panels (regional panels) or the Planning Assessment Commission (PAC), and
- **Gateway reviews** – which may be requested by a council or proponent following a Gateway determination, but before community consultation on the planning proposal has commenced. These reviews are informed by advice from the PAC.

These reviews will allow councils and proponents to have decisions in relation to proposed amendments to LEPs reconsidered, by providing an opportunity for an independent body to give advice on such proposals.

An amendment to the Environmental Planning and Assessment Regulation 2000 (the Regulation) has been made to require councils to notify proponents of certain matters and to charge proponents fees for reviews.

This circular provides a summary of the review mechanisms. Detailed guidance for councils and proponents is provided within *A guide to preparing local environmental plans*.

Pre-Gateway reviews

When a review may be requested

If a proponent (e.g. developer, landowner) has requested that a council prepare a planning proposal for a proposed instrument, the proponent may ask for a pre-Gateway review if:

- a) the council has notified the proponent that the request to prepare a planning proposal is not supported, or
- b) the council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information.

The Regulation requires councils to notify a proponent when the council determines that it will not prepare a planning proposal. The proponent of the proposed instrument then has 40 days to request that the

relevant regional panel review the proposal. Where a council has not made a determination after 90 days, the proponent may request a review any time after the 90 days has lapsed.

A guide to preparing local environmental plans sets out lodgement requirements, including fees and information a proponent must provide to the department in order for a review to be undertaken. It also sets out strategic and site-specific eligibility criteria that must be met in order for a proposal to be eligible for review by the regional panel.

Review and determination

The relevant regional panel will review all eligible proposals forwarded to it by the department. In the City of Sydney local government area, the PAC will undertake the review.

A guide to preparing local environmental plans sets out what matters the regional panel/PAC will take into consideration when reviewing the proposal.

The regional panel/PAC will provide advice on whether it would recommend to the Minister that the proposed instrument should be submitted for a determination under section 56 of the Act (Gateway determination).

The Minister's final decision will be informed by the regional panel's or PAC's advice, and the views of the department, council and proponent.

For proposals that are to proceed, further work may still be required by the proponent before the proposal complies with section 55 of the Act in relation to submitting a planning proposal for Gateway determination.

Further details on these procedures are outlined in *A guide to preparing local environmental plans*.

Exclusions – Pre-Gateway Reviews

A proponent who has requested council to prepare a planning proposal prior to the date this circular was issued may seek a review if the supporting information accompanying the request is still current (i.e. less than two years old).

A review request accompanied by information that is more than two years old will not normally be considered.

Gateway reviews

When a review may be requested

A council or proponent may request the Minister (or delegate) to alter a Gateway determination, when a Gateway determination is made that:

- a) the planning proposal should not proceed
- b) the planning proposal should be resubmitted to the Gateway, or
- c) imposes requirements (other than consultation requirements) or makes variations to the proposal that the council or proponent thinks should be reconsidered.

If the Gateway determination is either to not proceed or to resubmit the planning proposal, the council or proponent has 40 days from being notified by the department to request a review.

If the Gateway determination is to proceed with the planning proposal but imposes conditions that the council or proponent considers inappropriate, the council or proponent has 14 days from being notified by the department to indicate their intent to request a review. The council or proponent would then have 40 days to formally apply for a Gateway review.

A guide to preparing local environmental plans sets out lodgement requirements, including information the council or proponent must provide for a Gateway review to be undertaken.

Review and determination

The PAC will provide advice on whether the original Gateway determination should be altered, giving consideration to the council or proponent's submission and the reasons given for the original Gateway determination.

The Minister's final decision on whether to alter the Gateway determination will be informed by the PAC's advice, and the views of the council and proponent.

Further details on these procedures are outlined in *A guide to preparing local environmental plans*.

Further information

The Environmental Planning and Assessment Regulation 2000 has been amended to require councils to notify proponents of certain plan-making matters and to charge proponents fees for reviews. The regulation is called the Environmental Planning and Assessment Amendment (Reviews) Regulation 2012.

A guide to preparing local environmental plans provides advice on the various stages in the plan-making process including details of the stages for pre-Gateway reviews, the review of Gateway determinations and the delegation of plan-making functions to councils. The guide has been updated throughout with the main changes relating to:

- delegation procedures
- guidance on the plan making process
- guidance on the procedures for independent review.

A guide to preparing planning proposals, issued under section 55(3) of the Act, provides advice on the preparation and content of planning proposals. The guide has been updated throughout with the main changes relating to:

- guidance on the level of information to be required for planning proposals together with the inclusion of an information checklist for planning proposals
- advice regarding pre-lodgement meetings

Department of Planning & Infrastructure -- Planning Circular PS 12-006

- the introduction of 'part 6 – project timeline' and discussion of requirements and procedures
- guidance on mapping requirements and procedures.

Copies of the Environmental Planning and Assessment Regulation 2000 are available online at <http://www.legislation.nsw.gov.au>.

Copies of *A guide to preparing local environmental plans* and *A guide to preparing planning proposals* are available on the department's website <http://www.planning.nsw.gov.au>.

The department has developed a number of template documents to assist councils preparing delegated LEPs. Councils will be able to access these templates and use them to ensure that the key statutory requirements of the plan-making process have been complied with. These templates are available for download from the department's website at: <http://www.planning.nsw.gov.au/gateway-process>

For further information please contact the Department of Planning & Infrastructure's information centre on 1300 305 695.

Department of Planning & Infrastructure circulars are available from <http://www.planning.nsw.gov.au/circulars>

Authorised by:

**Sam Haddad
Director-General**

Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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COMMITTEE REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 12 NOVEMBER 2012



20) **MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE
MEETING HELD ON FRIDAY 24 AUGUST 2012**
(Director Infrastructure Services)

RECOMMENDED:

1. That the recommendations of the Blayney Traffic Committee meeting held on 24 August 2012 be adopted.

Report

The minutes of the Blayney Traffic Committee meeting held on Friday 24 August 2012 are attached and Councillors attention is drawn to the following items:

- Request to Convert Adelaide Lane, Blayney to One Way;
- Orange Cycle and Triathlon Club – Request for more Cycle Safety Signs;
- Carcoar Cup Running Festival 2012;
- Pedestrian Crossing to Accommodate Retirement Village;
- B Double Route (19m over 50t) Hobbys Yards Road;
- Cadia Request for Use of Hill Street, Blayney;
- Kempfield Silver Project and Colo Road Trunkey Creek; and
- B Double Route – Browns Creeks Road.

Attachments

- 1 Traffic Committee Minutes 24/08/2012 3 Pages

- 21) **MINUTES OF THE LACHLAN REGIONAL TRANSPORT
COMMITTEE MEETING HELD ON SATURDAY 11 AUGUST
2012**
(Director Infrastructure Services)

RECOMMENDED:

1. That the Minutes of the Lachlan Regional Transport Committee meeting held on 11 August 2012 be received and noted.

Attachments

- 1 Lachlan Regional Transport Committee 11/08/2012 4 Pages

MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE MEETING
HELD ON FRIDAY 24 AUGUST 2012
AT THE BLAYNEY SHIRE COMMUNITY CENTRE

Meeting commenced at 10.10am

PRESENT

Cr Don Bell (Chair), Jackie Barry (Roads and Maritime Services), Luke Cole (NSW Police), Reg Rendall (Paul Toole Representative), Geoff Paton (Blayney Shire Council) and Lauren Fuller (Blayney Shire Council).

APOLOGY

That the apology received from Iris Dorsett (Road Safety Supervisor) be accepted.

PRESENTATION FROM DEVELOPER

Presentation from developer concerning proposed medium density housing (duplex) development at 33 Adelaide Lane, Blayney.

Request to Convert Adelaide Lane, Blayney to One Way

RESOLVED: That the Traffic Committee advises Council that:

1. It should consider the conversion of whole or part of Adelaide Lane, between Ogilvy and Church Streets to a one-way thoroughfare.
2. That the Planning Department be advised that the traffic issue is being addressed and the development application can progress.
3. That any assessment considers:
 - a. the rehabilitation/completion of the car parking and landscaping associated with the new Blayney Shire Community Centre, and
 - b. the RMS recommendations for Traffic movement around the Blayney Shire Community Centre.

CONFIRMATION OF MINUTES

RESOLVED: That the minutes of the previous Traffic Committee Meeting held on Friday 15 June 2012 were confirmed to be a true and accurate record of that meeting. (Jackie Barry/Luke Cole)

TRAFFIC REGISTER

RESOLVED: That the information be noted.

CORRESPONDENCE

Report on Motor Vehicle Accidents in the Chifley Area Command for June and July 2012

RESOLVED: That these reports be noted and that these reports no longer form part of the Traffic Committee correspondence or agenda.

Orange Cycle and Triathlon Club - Request for more Cycle Safety Signs

RESOLVED: That a reply be sent advising that guidelines for signage are currently being developed and that this request will be considered as part of these guidelines.

Request to Convert Adelaide Lane, Blayney to One Way

Refer to earlier resolution following presentation by developer.

Cadia Valley Operations Newsletter (cutout)

RESOLVED: That the information be noted.

Carcoar Cup Running Festival 2012

Additional information tabled.

RESOLVED: That approval be granted similar to last year's event. Need to address implementation of traffic control plan.

Pedestrian Crossing to Accommodate Retirement Village

RESOLVED:

1. That Council investigates options for works in the short term and provide access to a more suitable location to cross Henry Street;
2. That Council seek funding from Roads and Maritime Services (RMS) for the review and updating of the Blayney Bike Plan and Pedestrian Access and Mobility Plan;
3. That Council and RMS staff meet in Blayney on the 18 September 2012 to identify and prioritise pedestrian projects within Blayney and seek funding from RMS for these projects; and
4. That Council undertakes investigation and design work to fully resolve the issue of safe access for residents of the Henry Street retirement village to the shopping centre on Farm Lane.

B Double Route (19m over 50t) Hobbys Yards Road

RESOLVED: Approval is issued subject to Bathurst Regional Council providing access along Hobbys Yards Road.

Cadia Request for Use of Hill Street, Blayney

RESOLVED: That Council write to Cadia advising that Council approves Cadia Valley Operations' use of Hill Street in accordance with the posted weight restrictions on the road.

Kempfield Silver Project and Colo Road Trunkey Creek

RESOLVED: That Council writes to Bathurst Regional Council and asks that they consider the following issues when determining the application:

- That, the Colo Road does provide a through route to the Blayney Shire,
- Anecdotally, Council staff are aware of recreational use of the road, as it does provide a level of access to the upper reaches of Wyangala Dam.
- Council would not support any road closure that leaves any land holdings 'land locked' within any of the three local government areas, and
- That input from the Rural Fire Service be requested and access concerns be considered.

GENERAL BUSINESS**B Double Route – Browns Creek Road**

RESOLVED: Approval is issued subject to the following conditions:

- a. Travel not be permitted during the following hours on school days, 7.15am to 9.00am and 3.15pm to 5.00pm.
- b. That a maximum speed limit of 80km/h apply along Browns Creek Road from Orange Road to Rosedale Lane.
- c. That a maximum speed limit of 40km/h apply along Browns Creek Road from Rosedale Lane to 755 Browns Creek Road.
- d. Access to individual properties is restricted and shall be formally assessed by Blayney Shire Council prior to approval being granted.

INFORMAL MATTERS**Monthly Road Safety Reports for June and July 2012**

RESOLVED: That these reports be noted.

FUTURE MEETING DATE FOR 2012

The next meeting of the Traffic Committee for 2012 will be held on Friday 14 December 2012.

MEETING CLOSE

The meeting closed at 12.15pm.

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Lachlan Regional Transport Committee Meeting held at Katoomba 11th August 2012

President Russell Holden opened the meeting at 10am and welcomed everyone to the meeting.

Apologies: The following apologies were **moved and accepted:** L. Ryan, G Braithwaite, R Sage, P Stendell, M Coulton, P Toole, A Gee, R Staples, K Smith, W West, J Smith, M Dickerson, D Hughes, R Lewis, H Mansfield, M Church, G Butler, S Freudenstein, D Lawrence, E McKenzie

Minutes: The minutes of the previous meeting were distributed and one amendment was made which was to include G Standen as an apology for that meeting. Moved Dom Figliomeni and seconded David Hyde. Carried

Business Arising from the Minutes: It was decided that this would be dealt with in General Business.

Secretary's Report: Letters that had been sent and received were tabled. Moved M Simpson, seconded G Standen. Carried.

Blue Mountains Mayor Daniel Myles welcomed the members of LRTC to Katoomba and said that he saw the LRTC having an integral role in putting freight back on rail and helping solving traffic problems through the Blue Mountains region. Many accidents had already happened with more likely to occur. He fully supports the LRTC in its endeavours.

Treasurer's Report: Max Duffey presented a written report which is attached. Moved G Bradden seconded G Standen. Carried

Council Reports:

Young (B Holland)- the roads in Young shire are being damaged by trucks and there is no money to fix them. Some difficult times ahead without more support.

Parkes (J McGill) – Rail forum at Parkes attracted a lot of interested people from along the proposed inland route as well as four parliamentarians. Brisbane seen as the most underused port in Australia; the rail link is now a possibility as there are people interested in tunnelling through the mountains. The Shire will continue to drive the inland rail push. It was disappointing that the forum did not attract a representative from the State Government but there have been further talks since.

Weddin (M Simpson) – trucks in the Shire are off route and overloaded (evidence from the weights and loads group) and the road damage is enormous.

Blayney (G Bradden) – in the same position as Young and Weddin re roads. Milthorpe is thriving but cannot get trains to stop there. Trains are running on the old loop line as the main line has been removed. The new loop is in at Blayney and looks superb.

Cabonne (D Hyde) – acknowledged the work Mo Simpson had done on the Blayney-Demondrille line and gives the Cabonne Shire's backing. RMS proposals for the area are being met with indignation but the race is being lost as council does not have the funds to pay for the road repairs. Trucks are doing the damage as you can see the 'tram tracks' on the roads. It needs to be challenged legally.

Blue Mountains (D Myles) – additional highways in this area are being opened up with new designs being developed. Mt Victoria to Lithgow bypass being looked at by RMS with further information being available on their website.

Central West Transport Forum (G Dunn) – provided a written report and added that he had attended the meeting at Hartley and was disappointed that there were no representatives from LRTC or other shires. Submissions can be made up until 24 Oct if LRTC wish to make one. The state planning authority is falling down on its duty of overseeing the planning.

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Response from M Simpson to say that LRTC was not aware of the meeting and the Shires were not told either.

Comment from G Standen: What involvement is there of state and federal members in forums such as this? We need to be able to speak directly with them.

Blue Mountains Transport Forum (P Trevaskis) – there is a review of the Country Link bus operators contracts and the group has real concerns about truck accidents.

Mid West (R Holden) – lack of money for the upgrade of roads that are used by mines is creating big problems; Ulan Rd a real issue; Lue silver mine is possibly wanting to truck ore to Kandos, which is not going to happen from the council perspective, so rail is the other option; water for the mines is another issue.

Port Kembla (D Figliomeni) – the Port Corporation Board supports the approach government is taking in regard to leasing Port Kembla port. Port Corporation will receive material from Barangaroo. Environmental checks are in place to minimise the risk of contaminated material being received at Port Kembla. Freight task in Australia will be double by 2040 and triple by 2050. Consideration needs to be given to using regional rail lines to bypass the congested Sydney rail network: momentum is growing and there will be \$100 million from the sale of Port Kembla. If the 'back door' approach is used, avoiding Sydney, it will allow more and longer trains to be used. LRTC could consider making a submission to Transport for NSW, Rachel Johnson being the responsible Deputy Director-General.

D Figliomeni advised that Port Kembla was to be the next major container port as selected by the NSW government so the Maldon-Dombarton line was even more significant. There is a lot more interest and it is seen as a critical to the Port development and the connectivity with Moorebank requires the Maldon-Dombarton line.

D Figliomeni explained that the Tahmoor coal mining has the possibility of tapping into the Maldon-Dombarton line as does the Cockatoo mining activity.

LRTC Sub-Committee Reports and General Comments:

M Simpson reported on the meeting in Orange re the ability to get into medical centres for appointments as there was no coordination of buses, trains, doctors etc. The Transport Minister has been approached and she is interested in what is being proposed and there may be some financial support later on. **M Simpson** moved that we form a sub-committee to investigate this issue as to how to develop the network needed. Seconded **G Standen**. **Carried**

Nominations for the sub-committee were called for and the following people accepted: **R Holden**, **M Sweeney**, **P Trevaskis**, **J Frederick-Palmer**, **G Standen**. It was further moved that **R Holden** be the chair of that committee. (**M Simpson** and **M Duffey**.) An amendment was moved so that the chair had the power to add more members as and if required. (**J Sweeney** and **G Standen**). **Both motions were carried.**

General Business

1. **B Holland** reminded the members that the Muldon-Dombarton line was promised 30 years ago and we are still waiting.
2. **D Figliomeni** advised that Port Kembla was to be the next major container port as selected by the NSW government so the Maldon-Dombarton line was even more significant. There is a lot more interest and it is seen as a critical to the Port development and the connectivity with Moorebank requires the Maldon-Dombarton line.

LRTC data base – moved **I Gray** seconded **G Standen** that the data base of freight, as prepared by **N Milliken** for LRTC, be developed further. **Carried**

3. **J McGill** advised the meeting that there would be a big grain harvest in areas like Condobolin and that it cannot all go on trains. There is a need to understand the industry especially as end users do not always have the ability to receive by train eg Manildra. There is a need to see road and rail transport in our regions in an interconnected manner appropriate for each area.

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4. **D Figliomeni** explained that the Tahmoor coal mining has the possibility of tapping into the Maldon-Dombarton line as does the Cockatoo mining activity.
5. A question from the floor as to what constitutes a Class 1 road. Some discussion ensued.
6. **Fees for membership of LRTC** – M Simpson moved that that the fees stay the same. Seconded M Duffey. **Carried**
7. **LRTC Website** – M Simpson reported that the website can be found at www.lrtc.org.au and that all information for the web site will go through M Duffey who will seek approval from the executive committee before it is added to the website. Links will be established for all member councils. There is to be a monthly maintenance fee in operation for 1 to 2 years.
8. **Five Councils (Blayney-Demondrille line project) report -- (M Simpson)** - The councils involved remain very supportive of the LRTC and there has been great discussion with Rachael Johnson's group in Transport for NSW. There have been discussions with potential operators including some from overseas – they have the resources so we are talking with them. There is a MOU with NSW Government, a significant development, and the Five Councils continue to work towards re-opening the railway line.
9. **M Sweeney** – Representations are being made to government putting the strong case for reinstatement of the passenger train service to Mudgee due to the growth in the area and in light of the recently announced additional service to Bathurst.

Next meeting will be Sat 3rd November at a venue to be advised. The meeting closed at 12 noon.

THE NEXT MEETING HAS BEEN CONFIRMED FOR SATURDAY 3RD NOVEMBER AT COWRA.

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**Lachlan Regional Transport Committee
AGM Minutes 11 August 2012**

President Russell Holden advised the meeting that he would not be standing for re-election but that he would be staying involved as a community member. Russell thanked the members for the opportunity of being President and expressed the desire to see the LRTC continue as a community group focusing on the transport needs of rural areas.

Apologies were accepted as per the general meeting. Moved D Hyde, seconded G Standen. **Carried.**

Minutes of the previous AGM were accepted. Moved G Standen seconded D Hyde. **Carried.**

Treasurer's Report (M Duffey) provided a written report which is attached and asked that approval be given for the payment of the \$51 for the Department of fair Trading fee. Moved G Bradden that the Treasurer's Report be accepted, seconded P Trevaskis. **Carried.**

Returning Officer – David Hyde took the chair as returning officer and declared all positions vacant. David also thanked Russell Holden for his contribution as president and asked those present to show their appreciation.

The **election of office bearers** then proceeded and the following people were elected unopposed:

Chair: M Simpson nominated R Holden seconded M Duffey Accepted

Vice Chair: M Sweeney nominated G Standen, seconded R Holden Accepted

2nd Vice Chair: G Dunn nominated M Simpson, seconded N Milliken Accepted

Secretary: M Duffey nominated G Standen, seconded M Simpson Accepted

Minute Secretary: N Milliken nominated R Holden, seconded G Bradden Accepted

Treasurer: D Hughes nominated M Simpson seconded J McGill Accepted

Honorary Auditor: L Ryan nominated G Standen seconded M Simpson Accepted

Honorary Historial Officer: L Ryan nominated M Simpson seconded G Standen Accepted

Honorary Research Officer: I Gray nominated M Simpson, seconded R Holden Accepted.

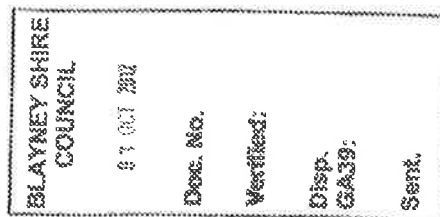
Public Officer: Lawrance Ryan **Carried**

General Business:

D Hyde suggested that a **Returning Officer's duty statement** be made available for whoever takes the role.

Constitution Review: M Simpson gave notice that the incoming executive would review the constitution with a view to making some necessary changes and would report back at the Nov meeting. Moved R Holden, seconded M Sweeney **Carried.**

The meeting closed at 12:30 pm.



DateWorks Document Number: 357779

**INFORMATION REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 12 NOVEMBER 2012**



DEVELOPMENT APPROVALS – AUGUST 2012

Below is a list of Development approvals determined during the month of August 2012 for your information.

DA No.	Applicant	Construction	Address	Determination Date/Method	Value of Works	Type: DA/CC, Mod, s68, s96 etc.
174/2012	R Howard & C Partridge	Erection of a Garage	11 Blayney Street, Newbridge	14 August 2012 Delegated Approval	17,500	DA/CC
175/2012	KJ & JK Roche	Continued Use of a Carport	76 Charles Booth Way, Millthorpe	15 August 2012 Delegated Approval	2000	DA
177/2012	PP & CH Lovenfosse	Erection of a Dwelling with Attached Garage	22 Staback Street, Millthorpe	15 August 2012 Delegated Approval	267,111.53	DA/CC
164/2012	P Fenton	Erection of a Storage Shed with Attached Awning	9 Gilchrist Street, Blayney	14 August 2012 Delegated Approval	17,235	DA/CC
166/2012	J & PJ Newman	Alteration to an Existing Dwelling, Erection of New Dwelling (Dual Occupancy) / Shed	262 Walkom Road, Kings Plains	17 August 2012 Delegated Approval	225,000	DA/CC
111/2011/1	J Gerathy	Modify Approved Boundary Adjustment	5 Eulamore Street, Carcoar	31 August 2012 Delegated Approval	N/A	S96
155/2012	Peter Basha Planning & Development	Three (3) Lot Subdivision	64 Old Errownbang Lane & 114 Meribah Road, Errownbang	31 August 2012 Delegated Approval	N/A	DA

DA's Approved in August 2012: 7

DA's Lodged in August 2012: 11

Total Value of Works approved in August 2012: \$ 288,446.53

DA's Approved in August 2011: 27

DA's Lodged in August 2011: 17

Total Value of Works approved in July 2011: \$ 4,327,626.10

DEVELOPMENT APPROVALS – SEPTEMBER 2012

Below is a list of Development approvals determined during the month of September 2012 for your information.

DA No.	Applicant	Construction	Address	Determination Date/Method	Value of Works	Type: DA/CC, Mod, S68, S96 etc.
DA181/2012	T Murphy	Erection of a Shed	30 Stabback Street, Millthorpe	5 September 2012 Delegated Approval	9,800	DA/CC
DA178/2012	Bell River Homes Pty Ltd	Erection of a Dwelling	70 Hillside Lane, Forest Reefs	10 September 2012 Delegated Approval	330,591	DA
DA169/2013	GV Hahn	Construction of a Disabled Ramp	5 Eulamore Street, Carcoar	11 September 2012 Delegated Approval	5,900	DA
DA32/2010/1	M Sturgess	Modify Condition of Consent	546 Beneree Road, Forest Reefs	12 September 2012 Delegated Approval	N/A	S96
DA16/2010/1	A Wannan	Modify Conditions of Consent	292 Ashleigh Par Road and Four Mile Creek Road, Panuara	13 September 2012 Delegated Approval	N/A	S96
DA190/2012	E & M Tweedie	Erection of a Pergola	385 Bentleys Lane, Millthorpe	13 September 2012 Delegated Approval	5000	DA/CC
DA197/2012	WS & MA Garling	Erection of a Garage	11 Charles Booth Way, Millthorpe	18 September 2012 Delegated Approval	15,999	DA/CC
CDC198/2012	T Ryan	Dwelling Alterations Patio Cover / Cover Glass Enclosure	12 Ewin Street, Blayney	18 September 2012 Delegated Approval	26,500	CDC
DA199/2012	C Donges	Section 68 Approval	9 Caloola Street, Newbridge	19 September 2012 Delegated Approval	8000	S68
DA193/2012	J & A Plantinga	Erection of a Dwelling with Attached Garage	240 Beneree Road, Tallwood	25 September 2012 Delegated Approval	370,000	DA
DA186/2012	Future Build Construction Property	Erection of a Dwelling with Attached Garage	49 Buesnel Lane, Millthorpe	25 September 2012 Delegated Approval	548,900	DA

	Development					
DA189/2012	MW Zwiers & JE Sharpless	Erection of a Garage	17 Stabback Street, Millthorpe	25 September 2012 Delegated Approval	19,822	DA/CC
DA179/2012	Bell River Homes	Erection of a Dwelling	3 Unwin Street, Millthorpe	26 September 2012 Delegated Approval	178,733	DA
DA194/2012	C Hamilton & G Ross	Erection of a Dwelling	86 Charles Booth Way, Millthorpe	27 September 2012 Delegated Approval	400,000	DA/CC
DA195/2012	Dave Cowan Constructions	Erection of a Dwelling & Installation of a Watertank	4 Peters Place, Blayney	27 September 2012 Delegated Approval	315,000	DA/CC

DA's Approved in September 2012: 15

DA's Lodged in September 2012: 18

Total Value of Works approved in September 2012: \$ 2,234,455

DA's Approved in September 2011: 17

DA's Lodged in September 2011: 14

Total Value of Works approved September 2011: \$ 3,129,433

DEVELOPMENT APPROVALS – OCTOBER 2012

Below is a list of Development approvals determined during the month of October 2012 for your information.

DA No.	Applicant	Construction	Address	Determination Date/Method	Value of Works	Type: DA/CC, Mod, s68, s96 etc.
DA187/2012	S Parker & N Cresswell	Erection of a Garage	14 Collins Street, Carcoar	2 October 2012 Delegated Approval	12,999	DA
DA176/2012	SR Hobby	Erection of a Garage	25b Plumb Street, Blayney	4 October 2012 Delegated Approval	14,180	DA/CC
DA196/2012	DH & RL Anderson	Erection of a Shed	6 William Street, Millthorpe	3 October 2012 Delegated Approval	15,000	DA/CC
CDC206/2012	T&M Dorsett	Additions to Existing Dwelling	15a Lane Street	4 October 2012 Delegated Approval	10,000	CDC
DA188/2012	G King	Creation of a Private Cemetery	5607 Mid Western Highway, Carcoar	8 October 2012 Delegated Approval	500	DA
CDC209/2012	G Avard	Enclosure of Existing Patio	30 Orange Road, Blayney	9 October 2012 Delegated Approval	20,837	CDC
DA183/2012	Kensington Homes	Erection of a Dwelling	31 Stabback Street, Millthorpe	10 October 2012 Delegated Approval	247,232	DA
DA185/2012	J Smith	Additions to an Existing Building	17 Mitchell Street, Blayney	10 October 2012 Delegated Approval	150,000	DA/CC
DA108/2012	Watermark Group Australia	Amend Fencing Materials	24 Unwin Street, Millthorpe	12 October 2012 Delegated Approval	N/A	S96
DA106/2012	Watermark Group Australia	Amend Fencing Materials	23 Unwin Street, Millthorpe	12 October 2012 Delegated Approval	N/A	S96
DA117/2012	Watermark Group Australia	Amend Fencing Materials	24 Stabback Street, Millthorpe	12 October 2012 Delegated Approval	N/A	S96

DA128/2012	Watermark Group Australia	Amend Fencing Materials	28 Stabback Street, Millthorpe	12 October 2012 Delegated Approval	N/A	S96
DA202/2012	AF Claypole	Erection of a Garage	40 Raphael Street, Blayney	17 October 2012 Delegated Approval	5000	DA/CC
CDC211/2012	Huckle Pools	Installation of an In-Ground Pool	49 Buesnel Lane, Millthorpe	17 October 2012 Delegated Approval	44,942	CDC
DA107/2012	GD & AA King	Seven (7) Lot Subdivision	131 Browns Creek Road, Blayney	18 October 2012 Delegated Approval	N/A	DA
DA192/2012	F Fouad	Primary Waste Water Upgrade	1 Jarman Crescent, Blayney	18 October 2012 Delegated Approval	450,000	DA/CC
DA210/2012	Tribeca Homes	Erection of a Dwelling with Attached Garage	6 Meek Street, Blayney	18 October 2012 Delegated Approval	271,000	DA

DA's Approved in October 2012: 17

DA's Lodged in October 2012: 11

Total Value of Works approved in October 2012: \$ 1,241,690

DA's Approved in October 2011: 8

DA's Lodged in October 2011: 23

Total Value of Works approved October 2011: \$ 645,847.60



25 October 2012

Mr. Glenn Wilcox
General Manager
Blayney Shire Council
PO BOX 62
BLAYNEY NSW 2799

**BLAYNEY SHIRE
COUNCIL**

26 OCT 2012

Doc. No.

Verified:

**Disp.
GA39:**

Sent.

Central West Region
79 Corporation Avenue
BATHURST NSW 2795
Phone: (02) 6334 8555
Fax: (02) 6334 8500

Dear Glenn,

NATIONAL STATE EMERGENCY SERVICE (SES) WEEK

National SES Week will take place between Monday 12 and Sunday 18 November this year, to say thank you across Australia to SES volunteers for the outstanding work that they do in the community.

This year has been a particularly busy year for NSW SES volunteers who've helped over 20,000 people during the flood emergency that swept across New South Wales. Around 70 per cent of NSW was affected by flooding this year, equating to an area the size of Spain. At the height of the floods, more than 20,000 people were subject to Evacuation Orders as NSW SES volunteers worked around the clock to keep communities safe.

National SES Week is an opportune time for the community to say thank you to the men and women of the NSW SES who have sacrificed their time from family and work to help people in need. SES volunteers have given almost 900,000 hours of their time to help communities and members of the public in need in the last year.

As part of National SES Week, we are inviting the Mayor, local Councillors and Council staff to participate in two key activities to show support for local NSW SES volunteers from the Blayney Unit. These activities include the 'Truckload of Thanks' and 'WOW (Wear Orange Wednesday) Day'.

Truckload of Thanks

The NSW SES in conjunction with NRMA Insurance is undertaking a marathon road trip across the state, driving three NSW SES Rescue Vehicles over a total of 3,500 kilometres and stopping at 30 locations across NSW to recognize the mammoth



contribution NSW SES volunteers have made to their communities during the floods and storms earlier this year.

These Rescue Vehicles will be specially laminated so that local civic community leaders and members of the public can sign their message of thanks on the truck.

One of these NSW SES Rescue Vehicles will be stopping in Orange at the Council car park (off Sale Street at the rear of Woolworths) on Monday, 12 November 2012 between 1.50pm and 3.50pm and in Bathurst on Tuesday 13 November 2012 between 7am and 9am at Kings Parade.

WOW Day (Wear Orange Wednesday)

On Wednesday, 14 November 2012, I would like to invite the Mayor, Councillors and Council staff to participate in WOW Day – Wear Orange Wednesday. Members of the public are encouraged to show support for SES volunteers across Australia by wearing orange on this day.

I would like to take this opportunity to thank Blayney Shire Council for their ongoing support to the Blayney NSW SES Unit and would personally like to extend an invitation to the Mayor, other local Councillors and Council staff to participate in National SES Week and show their support of the great work done by local NSW SES volunteers by signing the NSW SES Rescue Vehicle at either location and participating in WOW Day on 14 November 2012.

Please feel free to contact me if you require further information.

Regards,



Craig Rohan ESM, MAIES JP
Region Controller



National SES Week 2012

What is SES Week?

SES Week is a national week of celebration to recognise the time and effort invested by the thousands of people who volunteer with the State Emergency Service in Australia.

When is SES Week?

This year, SES Week will be celebrated between: Monday 12 and Sunday 18 November 2012.



Wear Orange Wednesday?

'Wear Orange Wednesday' will fall during SES Week on Wednesday 14 November.

What do I wear?

NSW SES members are encouraged to wear their uniform on the day so others appreciate the role they play as SES volunteers in their community.

Members could suggest friends or work colleagues also dress in orange on the day to show support.

Other suggestions and ideas...

- people that don't wear orange could be 'penalised' with a gold coin donation
- hold an 'orange' morning tea where people bring orange items to eat and drink
- host a lunchtime talk where people find out more about what you do at the SES

Any funds raised could be donated to your SES unit.



FOR EMERGENCY HELP IN
FLOODS AND STORMS CALL
132 500

For more info: www.ses.nsw.gov.au

Find us on: Follow us on: See us on:

Principal Partner





MEDIA RELEASE

Monday 29 October 2012

Hazzard talks planning reforms at LGA Conference

The Minister for Planning and Infrastructure, the Hon. Brad Hazzard MP, has opened the second day of the Local Government Association of NSW's annual conference by assuring delegates that councils will determine their own regions when developing Regional Plans, in conjunction with other councils.

President of the Local Government Association of NSW (LGA), Cr Keith Rhoades AFSM, said conference attendees welcomed Minister Hazzard's commitment to a fresh planning system that promotes a 'partnership' approach and encourages councils to work together.

"Under the proposed planning reforms, councils will no longer have to get rezoning plans approved by the State Government. This will help cut red tape and redundant bureaucratic processes. However, the LGA does object to the NSW Government's intention to allow proponents to appeal zoning decisions and we have made this clear in our submission to the planning *Green Paper*."

"In fielding questions from delegates about the Environmental Planning and Assessment Act Amendment Bill's proposal to change Development Control Plans (DCP) to guidelines, Minister Hazzard said the NSW Government was simply returning them to their original status, although councillors did query why the status of DCP's was being dealt with separately from the planning *Green Paper*," said Cr Rhoades.

"When questioned about Infrastructure NSW's recommendation for the West Connex to be built, Minister Hazzard said he would advocate for all councils and communities impacted by its development, from Botany to Strathfield, to be thoroughly consulted on the project."

"Councillors were also pleased to hear that there will be tougher regulations and penalties for private certifiers who don't ensure developments comply with their consent conditions.

Cr Rhoades said checks and balances within the planning system are necessary to ensure transparency and public confidence in the reforms.

"Whilst the LGA welcomes the overhaul of the Environmental Planning and Assessment Act 1979 - a clunky, cumbersome document that has had more than 150 amendments made to it since it was legislated - we have concerns about the *Green Paper's* recommendation for new 'enterprise zones'.

"The proposed new 'enterprise zones' have little, if any, development controls and contradict the promise of certainty for all players in the planning system," said Cr Rhoades.

"Furthermore, introducing strategic compliance certificates, as suggested in the *Green Paper*, could allow developments to proceed before strategic plans are finalised and proper environmental assessments have been carried out, further undermining planning certainty and public confidence in the system."

"As this the biggest shake-up of the NSW Planning system in our state's history, we call on the O'Farrell Government and Minister Hazzard to allow for a comprehensive consultation when releasing the *White Paper*."

Councils, communities and developers need adequate time to review and analyse this extremely important piece of legislation that will shape the future development of NSW."

For full details of the LGSA submission on the Planning *Green Paper*, visit:
<http://www.lgsa.org.au/key-initiatives/nsw-planning-system-review>

Media Enquiries

Cr Keith Rhoades, AFSM
Alexandra Power

President, Local Government Association: 0408 256 405
LGSA Senior Media Officer: 0408 603 093



MEDIA RELEASE

30 October 2012

Change is inevitable says Local Government Review Panel Chair

The Chair of the Independent Local Government Review Panel, Professor Graham Sansom, presented key findings from the first round of consultation into the long term governance, structure and shape of NSW councils to more than 500 delegates at the third and final day of the Local Government Association of NSW's (LGA) annual conference in Dubbo.

Professor Sansom stated that 'no change is not an option' and that now is not the time to 'tinker around the edges' – urging delegates to engage in the upcoming listening tours and review and respond to the *Case for Change* document that the Independent Local Government Review Panel will be publishing in approximately three weeks time.

President of the Local Government Association of NSW, Cr Keith Rhoades AFSM, said he was pleased that Professor Sansom touched on many of the issues that the LGSA raised in its submission to the Review Panel, including the key strengths of the Local Government sector – our vast local knowledge, connectivity to the communities we represent, and our ambition to reach our full potential.

"The Review Panel's acknowledgment of the revenue restrictions facing Local Government is extremely welcome and a step in the right direction to solving one of the biggest impediments to our sector," said Cr Rhoades.

"Yesterday at the LGA conference, delegates heard Minister Hazzard stress the importance of regional relationships especially when it comes to the proposed Regional Strategic Plans in the NSW Government's *Green Paper*," said Cr Rhoades.

Professor Sansom echoed this sentiment, stressing the importance of regional relationship building and resource sharing in our efforts to strengthen and ensure the viability of Local Government in NSW.

Jude Munro AO and Glen Inglis, the two other members of the Independent Local Government Review Panel, joined Professor Sansom for a question/answer session.

"Delegates peppered the Review Panel members, all of whom are highly experienced Local Government professionals, with questions about the thorns in Local Government's side – rate pegging, forced amalgamations and the late referral of Local Water Utilities for review," said Cr Rhoades.

"Another source of concern for delegates is the amount of time provided for the first round of consultation carried out by the Review Panel, which clashed with the lead up and campaign period prior to the 2012 Local Government elections."

"Earlier in the day, LGA conference delegates passed a motion to lobby the NSW Government and the Review Panel for the consultation timeframe to be extended to take into account the relative newness of many councillors following the recent council elections."

"The LGA, along with our Shires Association counterparts, will continue to advocate the key points made in our submission to the Review Panel, which include stressing the importance of creating governance and operating models that can be applied to the differing circumstances of rural, regional and metropolitan councils – especially as we respond to the *Case for Change* paper."

"We applaud the Review Panel's acknowledgement that a 'one size fits all' approach for councils does not work given the demographic, population and geographical variances from one council to another. I'm relieved to hear that the Review Panel will be making a recommendation to the NSW Local Government Act Taskforce for a decisive shift away from a 'one size fits all' model."

"Professor Sansom highlighted five signposts from the consultation so far – fiscal responsibility in the face of austerity, population shifts, an increase in regional collaborations, boundary changes, and stronger local leadership."

“I look forward to reviewing and making a submission on the *Case for Change* discussion paper, and I encourage all councils, especially new councillors, to engage in the upcoming consultation sessions.”

To view the full submission to the independent Local Government Review made by the LGSA visit: <http://www.lgsa.org.au/key-initiatives/local-government-review-panel>.

Media Enquiries

Cr Keith Rhoades, AFSM
Alexandra Power

President, Local Government Association: 0408 256 405
LGSA Senior Media Officer: 0408 603 093

Council
NSW



THE HON SIMON CREAM MP

**Minister for Regional Australia, Regional Development and Local Government
Minister for the Arts**

BLAYNEY SHIRE COUNCIL
15 OCT 2012
Doc. No.
Verified:
Disp. GA39:
Sent.

Reference: C12/1559

10 OCT 2012

Mr Glenn Wilcox
General Manager
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799

Dear Mr Wilcox

Thank you for your letter of 22 August 2012 concerning Financial Assistance Grants (FAGs) allocations for 2012-13. I apologise for the delay in replying.

I understand the importance of Australian Government grants to local councils, particularly in regional areas.

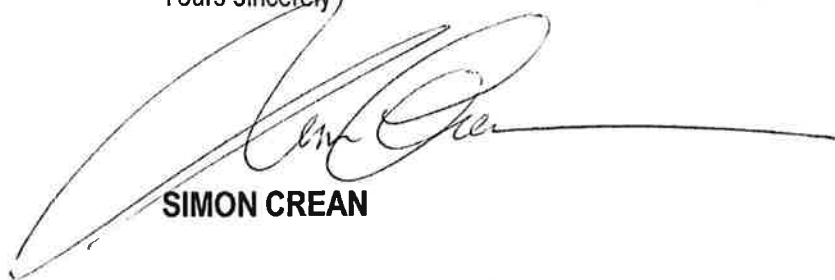
You would be aware that the amount of FAGs available from year to year is set by Commonwealth legislation, the *Local Government (Financial Assistance) Act 1995*. At the end of the financial year, the Treasurer makes a determination of the final factor for that year and the estimated factor for the following year. The final factor is calculated on estimated Australian population figures, supplied by the Australian Bureau of Statistics, and the March Consumer Price Index. The difference between the estimated and final factors for the current year can result in a positive or negative adjustment on the following year's allocation. Adjustments happen every year, some are positive and some are negative. The previous negative adjustment happened in 2009-10.

The reason for this year's larger than expected negative adjustment is because there was a reduction in the CPI figures as well as an adjustment downwards of Australia's population estimates. The population adjustments were a result of more accurate counting methods used in the 2011 Census. I appreciate that changes to forecast expenditure can be difficult to manage, particularly for smaller councils. I would hope that the accelerated payment provided to your Council of \$1,155,820 in June 2012 would help to address some of your budget difficulty.

You may be aware that I recently announced a review of FAGs to be conducted by the Commonwealth Grants Commission which is an independent statutory authority. The review will consider the effectiveness of FAGs in helping local governments to provide equitable services. The Commission will undertake a range of activities, including engaging with stakeholders, to inform their findings.

Thank you for raising this matter with me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Simon Crean', with a long horizontal line extending to the right. The signature is written in a cursive style.

SIMON CREAN

Local Government
Association of NSW



Shires Association
of NSW

The Councillor Professional Development Program 2012–13 Calendar

Did You Know?

Local Government Learning Solutions, the member training unit of the Local Government Association and Shires Association of NSW, has a program of professional training designed to enhance the skills of elected members and senior staff. It is an opportunity for you to learn, to clarify issues, to share experiences, and to network.

Who should attend?

Mayors, councillors, general managers and senior staff.

Please note

To give you more learning opportunities, and to assist in planning your training, in many cases we have scheduled programs in the same area on consecutive days. Some programs have also been scheduled at night or on Saturdays.

How to register

Please select the course(s) you wish to attend on the drop down menu at this link:
<http://www.lgsa.org.au/events-training/course-councillors>

More information

See contact details on back page for more information.
Our staff are happy to explain the content of the programs at any time.

Local Government
Learning Solutions



2012–13 Councillor Professional Development Workshops

Elected Life – an essential program for Councillors

This program will introduce you to your role as a councillor, the planning process, conflict of interest issues, basic meeting procedures and balancing your family, work and council duties.

19 Oct – Mudgee	10 Nov (Sat) – Sydney
19 Nov – Berrigan	19 Nov – Coonabarabran
22 Nov – Ballina	22 Nov – Queanbeyan
27 Nov – Nambucca	7 Dec – Forbes
12 Dec – Hornsby	23 Feb (Sat) – Sydney

Your Presenters – Narayan van de Graaff, Adam Marshall, Norm Turkington or other Learning Solutions consultants as required.

Conflict of Interest/Code of Conduct

This program aims to develop councillors' knowledge of conflict of interest issues to enhance their capacity to identify and resolve conflicts of interest, and to know the councillors Model Code of Conduct.

20 Oct (Sat) – Mudgee	20 Nov – Coonabarabran
23 Nov – Ballina	30 Nov – Sydney
4 Dec – Hornsby	5 Dec – Dubbo
22 Feb – Penrith	1 March – Coffs Harbour
8 March – Sydney	11 March – Wagga
6 June – Taree	18 June – Griffith

Your Presenters – Narayan van de Graaff, Adam Marshall, Monica Kelly.

Development Approvals – the Heritage Perspective

This program will assist you to understand 'heritage' issues when making decisions about development applications.

24 Oct (night time short course) – Wagga	26 March – Sydney
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Your Presenter – David Logan

Effective Chair in Local Government (half day workshop)

A practical workshop designed to help you manage the business, control the audience, and get better outcomes from meetings you chair.

26 Nov (night) – Sydney	13 March (morning) – Griffith
15 June (Sat morning) – Sydney	

Your Presenter – Narayan van de Graaff

Effective and Fair Meeting Procedures

A practical workshop designed to better equip you to deal with business at council meetings.

20 Nov – Berrigan	4 Dec – Ballina
6 Dec – Dubbo	7 Dec – Sydney
8 Dec (Sat) – Forbes	12 March – Griffith
14 June – Sydney	

Your Presenters – Narayan van de Graaff, Adam Marshall

Financial Issues in Local Government

This program introduces councillors to council finance responsibilities. Includes basic accounting procedures, reading quarterly reviews/balance sheets, and financial planning.

6 Nov – Sydney	23 Nov – Taree
28 Nov – Dubbo	3 Dec – Queanbeyan
1 March – Sydney	5 March – Albury

Your Presenter – Dennis Banicevic

Good Governance

This workshop examines how the processes, protocols, and conduct of governance contribute to council performance.

5 Dec – Ballina	25 Feb – Sydney
14 May – Dubbo	

Your Presenter – Narayan van de Graaff

Handling Difficult People for Councillors

Angry constituents, demanding local identities, and pushy businesspeople are just some of the difficult people you will encounter as an elected member. Come to this workshop and learn how to manage your own emotions and handle those people who are difficult.

15 March – Dubbo	4 April – Sydney
23 May – Queanbeyan	

Your Presenter – Norm Turkington

Lobbying For Success

How well you lobby state and federal government for funding, legislative changes etc can have a great impact on your community. Here you can explore ways of lobbying for successful outcomes.

4 Feb – Sydney	4 June – Queanbeyan
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Your Presenter – Greg Crowther

Long Term Strategic and Financial Planning

Strategic planning, and how it fits into the Integrated Planning and Reporting (IPR) framework, is an important skill of elected members and senior staff. This local government oriented workshop will help you to build that skill.

26 Feb – Sydney	2 March (Saturday) – Coffs Harbour
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Your Presenter – Narayan van de Graaff

Managing Time and Stress

Balancing council duties, family, community and work are a juggling act for elected members. This workshop will help you to more effectively plan and prioritise your day.

22 Feb – Sydney	16 April – Wagga Wagga
13 May – Dubbo	17 June – Griffith

Your Presenter – Narayan van de Graaff

Media Skills

This practical workshop will assist you to be more confident and proactive, rather than reactive, in managing the media.

21 Nov – Sydney	11 March – Sydney
21 March – Lismore	10 May – Newcastle
3 June – Queanbeyan	

Your Presenter – Greg Crowther

Performance Management of Senior Staff

Many councillors are involved in the performance management of senior staff. This will include conducting performance interviews and giving constructive feedback. This program aims to assist councillors to carry out this role effectively.

28 Feb – Sydney	11 April – Ballina
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Your Presenters – Mark Anderson or Christian Morris

Planning Legislation Skills and Knowledge

The aim of the workshop is to identify the responsibilities of local government for regulating land use and the role of councillors in developing and implementing environmental planning instruments.

27 Nov – Ballina	30 Nov – Sydney
7 Dec – Albury	8 Feb – Sydney
5 April – Dubbo	

Your Presenter – Jennifer Dennis

Councillor Weekends

Many new and experienced councillors have expressed an interest in attending mini professional development modules over a weekend, or a Friday/Saturday period. Therefore we have scheduled a "Councillor Weekend".

The Councillor Weekend date is:

15-16 March – Ballina

The program for the weekend includes topics such as:

- The Role of the Councillor
- Planning Legislation
- Managing Time and Stress
- Good Governance
- Community Leadership
- Handling Difficult People

Presenters will be drawn from our team of consultants, and Local Government Learning Solutions staff, listed under the modules described above.

Programs for the councillor weekends will be designed in consultation with interested councils.

Your Investment

Your investment includes the presentation, comprehensive training manuals and refreshments.

- Except for Media Skills, the full day workshop costs are \$660 inclusive of GST.
- Media Skills is \$770 inclusive of GST.
- Half day programs are \$429 inclusive of GST.
- Cost for the Councillor Weekend is \$990 inclusive of GST.

For detailed information sheets about each program see www.lgsa.org/learning

In House Service

Mayors and General Managers should note that any of the above programs can be arranged 'in house' at your council, with significant savings.

Call us for a quote:

02 9242 4182 or learning@lgsa.org.au

If you want a training proposal on a topic not mentioned in this list please call. Our team of training consultants are experienced in all aspects of local government, and will work with you to satisfy your training needs.

eLearning Tools and Webinars

We have a range of eLearning materials to assist busy people with cost effective and just in time training.

We also have monthly Webinars on topics pertinent to our industry.

Visit our web site www.lgsa.org.au/learning for details.

Watch the **Local Government Weekly** (www.lgsa.org.au) for updated information on all of our programs.

More information

Registration details and further information can be found at:

www.lgsa.org.au/learning

If you have any questions, contact your Learning Solutions team:



02 9242 4181 / 4081



learning@lgsa.org.au



Our ref: R10/0016 Out 20685
17 October 2012

To all Mayors including County Councils and NSW Aboriginal Land Councils
To all General Managers including County Councils and NSW Aboriginal Land Councils

Dear Sir/Madam,

One Association

As you will be aware a secret postal ballot of members was undertaken in July and August this year under the auspices of the Australian Electoral Commission, following orders made by Fair Work Australia on 14 June, to decide if the amalgamation between the Local Government Association of NSW and the Shires Association of NSW was approved by those members. The ballot returned large majorities from both Associations in favour of the amalgamation.

That result meant that the amalgamation of the two associations registered under Federal law will definitely take place, hopefully about 1 March 2013.

That successful ballot was a fundamental event in the legal process for amalgamation of the two associations, but applies to the Federal registered associations only.

As you will no doubt be aware, the Associations are also registered under NSW State Industrial law. Thus to fully complete the process of amalgamation, an amalgamation of the State registered associations also needs to occur.

The process to complete the amalgamation of the State registered associations has commenced, with the aim being to have that amalgamation come into effect on the same day as the federal amalgamation comes into effect.

While the amalgamation processes under State industrial law are very similar to those at the Federal level, an amalgamation between two State registered associations does not have to be approved by a ballot of members of the amalgamating associations if the NSW Industrial Registrar gives the associations an exemption. He can do that if satisfied that the proposed amalgamation is in effect a "flow on" of an amalgamation that has already taken place in the Federal jurisdiction. Given the very recent and strong vote in favour of the amalgamation at the federal level and the very many similarities and connections between the State and Federal associations, there is a very strong case for such an exemption being applied for and being obtained.

The Executives of both Associations have considered this matter and have resolved to seek an exemption from the requirement to hold a ballot. All the required documentation has now been lodged with the Registrar.

The Associations are required to notify members of the application for exemption and a copy of the Notice is attached for your information.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Coulton', with a horizontal line extending to the right.

Peter Coulton
Director Corporate Services

NOTICE TO MEMBERS CONCERNING APPLICATION FOR EXEMPTION

From

REQUIREMENTS FOR A BALLOT OF MEMBERS

For

AMALGAMATION OF STATE REGISTERED ORGANISATIONS

LOCAL GOVERNMENT ASSOCIATION OF NEW SOUTH WALES

SHIRES ASSOCIATION OF NEW SOUTH WALES

Members of the above named organizations of employers registered under the *Industrial Relations Act 1996 (NSW)* are hereby advised that these organizations have applied to the NSW Industrial Registrar for a certificate of exemption under Regulation 103A of the Industrial Relations Act 1991 (NSW).

The certificate if granted will exempt the organizations from the holding of a ballot of members to approve the amalgamation of the NSW registered organizations. This is because the NSW registered organizations are the state based counterparts of two organizations of the same names registered under Federal law, namely the Fair Work (Registered Organisations) Act 2009 (Cth). The members of these two counterpart Federal organizations voted in favour of the amalgamation in a secret postal ballot of members conducted by the Australian Electoral Commission and declared on 8 August 2012.

The amalgamation of the federal organizations is planned to take place on or about 1 March 2013, which is the same date planned for the amalgamation of the state counterpart organizations.

The certificate of exemption that is now sought by the state organizations would if granted allow these federal ballots to be recognised as a sufficient expression of membership approval of the State amalgamation to permit the exception from the requirements of another ballot.

Regulation 103A provides that any member who has an objection to the issue of a certificate should lodge its objection in writing with the Industrial Registrar, by no later than 5pm on 14 November 2012.

The address for the Industrial Registrar is Ground Floor, 47 Bridge Street, Sydney NSW 2000.