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HELD ON MONDAY 10 AUGUST 2015

INFRASTRUCTURE SERVICES REPORTS

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**12 Planning Proposal to amend Blayney Local Environmental Plan
2012 - Change Zone E3 to Zone RU1**

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Blayney Shire Council
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Created By: Grant Baker

Projection: GDA94 / MGA zone 55

Date: 29/04/2015 11:08 AM

RD.RC.6 Cadia Valley Crown Roads

This is Page No. 2 of the Attachments Paper of the Ordinary Meeting of the Blayney Shire Council held on 10 August 2015



PICTURED
LEFT: Leonie
Smith
(Blayney
Cabonne
Family Day
Care), Alex
Reeks
(Blayney
Preschool),
Megan Gray
(Millthorpe
Children's
Garden), Kim
Woods
(Blayney Child
and Family
Health Nurse
and Susan
Lane (Blayney
Public
School).

Co-ordinated approach to providing support to children

A warm and welcoming venue was the site of the inaugural gathering of Early Childhood professionals from the Blayney/Millthorpe region last month.

Health professionals, Early Childhood professionals and teachers from the local primary schools made up the large number of professionals that attended.

The aim of the group is to provide a co-ordinated approach to providing support to children with disabilities or developmental delays and their families across the region.

The Blayney/Millthorpe area has been identified as an area where there is the potential for gaps in services and

supports for these families, especially those who do not have transport available to them to allow them to travel to Bathurst or Orange to access services.

This is also a factor for the professionals who work with them.

As a result of this identified need, ODEEP approached Cadia Valley Operations and were successful in gaining funding to provide support and training across the Blayney/Millthorpe area.

To date ODEEP has provided regular visits to Blayney Preschool, Blayney Early Learners as well as Millthorpe Children's Garden.

Inclusion support has also been

provided to Millthorpe Public School.

The group identified current strengths of the area which included the increased presence of Early Childhood Intervention Services.

Some of the challenges that are faced for these families were also identified which led to lots of discussion with subsequent actions identified.

The group will meet on a regular basis, the next meeting will be held at the Meals on Wheels meeting room on Monday, June 1 at 3.30pm.

Anyone who would like to attend, or would like further information with regard to this group is asked to contact Judy Dwyer on 6361 4093.

meeting on abattoir

Blayney Shire Council will host a public meeting on the proposed Newbridge Road goat abattoir next week.

The meeting is set down for 6pm on Thursday May 14.

Details of the \$38 million project are currently public exhibition, with residents having until May 25 to lodge a public submission to the NSW Department of Planning.

Meanwhile, in an "important media release issued this week by JPA Business, "a special business advisory, project management and business transaction broking firm", "Metziya Pty Ltd hoping there is a smooth passage through the planning and approval process, given its strategic significance and positive economic growth for the region. Public submissions are encouraged, including support from local residents and businesses".

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37 OGILVY STREET BLAYNEY



General Manager Update

Council is embarking on a review of the current economic development and business opportunities within Blayney Shire, called the Blayney Shire Master Plan 2020. This plan will establish strategies to enhance the economic viability and marketability of the shire and township. This study and plan has been funded by the NSW Department of Planning and Infrastructure's Planning Reform Fund (Round 8) and will document the community's aspirations for economic growth and re-vitalisation of the town centre, as well as provide tools for Council to achieve the components of the plan in partnership with the business community.

The re-vitalisation of the main street and planning for and identifying opportunities for economic growth, including tourism, are the two major focusses of this project. Associated with these two key objectives are town planning, land use planning, transportation management and a marketing and economic development strategy.

An inception meeting is being held on Thursday 7 May at the Blayney Shire Community Centre at 6pm with Place Design Group, the central consultants engaged to undertake this Master Plan 2020.

Your input and feedback into this initial meeting is welcomed and encouraged. Blayney has the potential to be a regional provider of jobs by facilitating a diverse economy. A well planned framework of land use planning and transport links will ensure we realise the many opportunities to support the potential in tourism, mining, industry and agriculture.

R Ryan
General Manager

Community News

Proposed Road Closing

Under Section 35 of the Roads Act 1993, notice is given that the Minister for Natural Resources, Lands and Water will consider the closing of a road in connection with a road closing application proposed by Council.

Council (acting on behalf of the Minister) will receive submissions regarding the proposal. All submissions received will be referred to the Minister's delegate for a decision regarding the proposed road closing.

The road under consideration comprises Crown and Council public road reserves. It is proposed to close those roads currently located within the Newcrest (Cadia Valley Operations) lands north

and south of Panuara Road, and transfer those other sections of Crown Road to Council public road currently within Panuara Road

All interested persons are invited to make submissions concerning the proposal to the General Manager, Blayney Shire Council, PO Box 62 BLAYNEY NSW 2799, within twenty-eight (28) days of the date of this advertisement.

Regarding the provisions of the Government Information (Public Access) Act, information contained in such submissions may, at the discretion of Blayney Shire Council and NSW Trade & Investment (Crown Lands), be referred to the person(s) who initiated the proposal for appropriate consideration.

For all enquiries please contact Mr Grant Baker. Our Ref: RD.RC.6

Development Approvals

Council approved the following applications for the period of April 2015

DA No.	Description of Development	Address
DA56/2014/1	Modification - Demolition of Existing Shed & Erection of a New Shed	10 Stabback Street, Millthorpe 2798
DA31/2015	Change of Use - Shed to Dwelling	1 Curtain Street, Newbridge 2795
DA32/2015	Change of Use - Use of Conference/Function Centre Facility for Farm Stay Accommodation	64 Old Errowanbang Road, Errowanbang 2791
DA34/2015	Alterations & Additions of Existing Residence	36 Victoria Street, Millthorpe 2798
DA35/2015	Boundary Adjustment	2 William Street, Millthorpe 2798
DA36/2015	Change of Use - Auto	4 Maria Street, Blayney 2799
DA37/2015	Change of Use - Mixed Farming B&B Farmstay	555 Tallwood Road, Forest Reefs 2798
DA38/2015	Erection of a Shed	760 Tallwood Road, Forest Reefs 2798
DA40/2015	Use of Existing Building for Light Industrial - Processing and Storage of Core Sample	183 Marshalls Lane, Blayney 2799

Copies of the consents are available for public inspection, free of charge, during ordinary business hours at Council's Planning and Environmental Services Department.

Notice of Council Meetings - Council Chambers

MasterPlan 2020 meeting

7 May 2015, 6.00pm

Ordinary Council Meeting

11 May 2015, 6.00pm

Public Meeting - Proposed Goat Abattoir

14 May 2015, 6.00pm

Extraordinary Council Meeting

18 May 2015, 6.00pm



Aqua Aerobics at CentrePoint

- Non-impact total body workout.
- Limbs and joints supported in water
- Heated pool - Classes for all ages

Gentle Aqua: Tuesdays and Fridays at 9.00am. Designed especially for seniors

Aqua Combo: Mondays 11.00am and Wednesday 7.30pm. Suitable for most ages and fitness levels

Aqua Bootcamp: Mondays and Tuesdays at 7.30pm. For participants who enjoy a bit more "Boot" or wish to improve sports performance and recovery.

The costs are \$10.50 per adult per class or \$7.50 per student/concession per class. Ten class passes and memberships also available. For more information, phone (02) 6368 2544.

What's On

Blayney Town Association Meeting

12 May 2015

Mental Health & Drug Abuse Forum

13 May 2015

Blayney Farmers Market

17 May 2015

Full details can be found on the Council website

Contact Us

Council Office
91 Adelaide St, Blayney NSW 2799
PO Box 62, Blayney NSW 2799
9.00am - 4.30pm Monday to Friday

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www.blayney.nsw.gov.au

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G.L. WHITEHEAD PTY. LTD.

ACN: 002 568 305 ABN: 66 521 352 857

Phone: [REDACTED]

Email: [REDACTED]

[REDACTED]
NEVILLE
NSW 2799

15 June 2015

The General Manager
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799

By Fax: 02-6368 3290

Dear Sir/Madam,

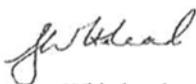
I wish to make a submission as an affected landholder in relation to the proposed amendment to replace the existing E3 Environmental Management zone with a RU1 Primary Production zone in the BLEP 2012.

I strongly support the proposed amendment as the existing E3 zoning is:

- unduly restrictive on a wide range of agricultural uses that have traditionally been permissible in the area.
- reducing the production capacity of the affected land, thereby reducing income for the landholders and the general community in the Council area.
- reducing the ability of the affected landholders to pay Council rates.
- creating unnecessary and expensive development approvals for everyday improvements such as fencing etc.
- potentially reducing land values due to the restricted land use.

I believe that any environmental concerns regarding the catchment area would still be covered by Clause 6.5 of the BLEP 2012 Drinking water catchments.

Yours sincerely,

Graham Whitehead
Ref: Letterhead GLW Pty Ltd

Sharon Taylor

From: council
Sent: Tuesday, 2 June 2015 4:46 PM
To: Sharon Taylor
Subject: IS/16396 - FW: change of zoning from E3 Environmental Management Zone to RU1 Primary Production Zone

Follow Up Flag: Follow up
Flag Status: Flagged

SynergySoft: IS/16396

FYI – this has not been registered in Synergy

From: Ian Rogan [mailto:ian.rogan@bigpond.com]
Sent: Monday, 1 June 2015 8:31 AM
To: council
Subject: change of zoning from E3 Environmental Management Zone to RU1 Primary Production Zone

Does this message need to be registered in the corporate recordkeeping system ?

Thank you to council for notifying me of this proposed rezoning which presumably impacts my property at 73 Eves Lane, Millthorpe. Based on my reading of the summary background material sent with the notification, I support council's proposal to rezone this land to RU1 Primary Production. Ian Rogan

Ian Maxwell Rogan Consulting
P O Box 45
Millthorpe 2798

Millthorpe Garden Nursery
www.millthorpegardennursery.com.au

Mob: 0418484088
Ph: 0263663131
E: ian.rogan@bigpond.com

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Phone: (02) 6392 3247
Fax: (02) 6392 3260
Contact: Heather Nicholls

THE GENERAL MANAGER
POST OFFICE BOX 17
MOLONG 2866
Website: www.cabonne.nsw.gov.au
Email: council@cabonne.nsw.gov.au

Your Ref: OL/9143
Doc ID: 655374
ABN: 41992 919 200

18 June 2015

General Manager
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799
council@blayney.nsw.gov.au

Dear Madam,

**PUBLIC EXHIBITION TO AMEND BLAYNEY LEP 2012
E3 ZONE TO RU1 ZONE**

Cabonne Council has reviewed the planning proposal to amend Blayney LEP 2012 and has no objection to the proposed rezoning. The proposal is consistent to the application of controls within Cabonne's RU1 Primary Production zone/Drinking water catchment provisions.

Should you have any further enquiries please contact Council's Environmental Services Department on 6392 3247 between 9am and 11am Monday to Friday.

Yours faithfully,


HJ Nicholls
DIRECTOR ENVIRONMENTAL SERVICES



A WBC STRATEGIC ALLIANCE PARTNER
"WORKING FOR OUR COMMUNITIES".



BATHURST
REGIONAL COUNCIL



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158 Russell Street
Private Mail Bag 17
Bathurst NSW 2795

Telephone 02 6333 6111
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council@bathurst.nsw.gov.au
www.bathurstregion.com.au

28 May 2015

Ms R Ryan
General Manager
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2795

Dear Ms Ryan

Draft Blayney Local Environmental Plan 2012

I refer to your letter dated 14 May 2015

Council has reviewed the draft LEP Amendment and has no objections to the draft Plan. Council is satisfied that the draft amendment does not impact on the Bathurst Regional LGA.

If you have any queries please contact Mr Nicholas Murphy of Council's Environmental Planning & Building Services Department on 02 6333 6514.

Yours faithfully

D. Shaw

D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

Per: *N. Murphy*

BLAYNEY SHIRE COUNCIL
29 MAY 2015
Doc. No. 14/16306.
Verified:
Disp. GA39:
Sent.

Reference: NM/LMW/20 00099-40/016
Enquiries: Mr N Murphy 02 6333 6514
Inm Blayney.docx

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Mr R. Menzies & Miss K. Menzies

[REDACTED]
[REDACTED]
Neville NSW 2799

General Manager
Blayney Shire Council
91 Adelaide Street
Blayney NSW 2799

3 June 2015

Dear General Manager,

RE: Planning Proposal to replace zone E3 Environmental Management
with zone RU1 Primary Production

1. We totally support the planning proposal to re-zone our property and the whole area to Zone RU1 Primary Production.
2. It will restore the land to the zoning that applied in the 1998 LEP.
3. The land has been used for primary production for generations. The land is highly productive agricultural land which is why generations of families continue to farm their properties.
4. It will also allow landowners to change direction and take advantage of niche market opportunities. In particular the land use Rural Industries will be permissible as it was in the previous rural zone in the 1998 LEP.
5. The core zone objectives are used to clarify the role and function of the zone (PN 11-002 p1). "The primary production zone is allocated to land when the principal function is primary production" (PN-11-002 p4)
6. The essential principle in the planning system is that the land use determines the zoning. In this case RU1 Primary Production.
7. The E3 Environmental Management zone was wrongly applied. The core zone objectives of E3 have no relevance to the land. It is cleared farmland used for agriculture.

1/10

8. The planning proposal states the E3 was applied because of the "drinking water catchment". This means that those responsible did not thoroughly read the "The Blayney, Cabonne and Orange Rural and Industrial Land Use Strategy" or the purpose of the strategy. The main purpose was to protect productive agricultural land and identify the areas most suitable for industrial and intensification of housing that is residential and lifestyle blocks.

- ✓ The spatial analysis only recognised the area as a drinking water catchment zone treating it as vacant land with no consideration for the productive agricultural land, the existing land uses and existing rural zone. There is no such zone as a drinking water catchment zone (see Standard Instrument). The strategy clearly articulates that LEPs should be prepared so they are consistent with the Standard Instrument. This includes the Department of Planning's Practice Notes, Planning Circulars, Ministerial Directions s117 and the Rural Lands SEPP.

9. Department of Planning and Environment practice note PN11-002 clearly states "It is important that councils maintain the integrity of the zone by including only uses consistent with the zone objectives". Nearly all of land uses in BLEP 2012 Zone E3 Environmental Management are inconsistent with the objectives. They could never be approved because the objectives help the consent authority to determine if the DA is consistent with the strategic planning of the area. The E3 zone objectives are not relevant to the agricultural uses in the area.

- ✓ 10. The only reason the integrity of any zone is compromised is because it has been wrongly applied to land.

- ✓ 11. The water catchment has no bearing on the choice of zone.
✓ Bathurst, Cowra and Oberon Councils have had no difficulty zoning land RU1 Primary Production in their water catchments.

- ✓ 12. Mount Macquarie State Pine Forest is in the Lake Rowlands water catchment. The water from the east side of the forest flows to Lake Rowlands. It is zoned RU3 Forestry and has not been defined by the drinking water catchment overlay.

- ✓ 13. The primary protection for watercourses and water sources is the Water Management Act 2000. This applies to all land in the State irrespective of the zoning.

14. Orange Council's Zone E3 Environmental Management was also wrongly applied.

15. Orange's water source catchment now extends from Oberon through Bathurst because of the Macquarie pipeline. There are several land zones in this extended catchment including primary production, residential, industrial.

16. In the Blayney Shire, Carcoar Dam will be a water source to produce potable water. The water comes from land that is zoned business, industrial, residential, rural and includes the road network.

17. Overlays are not to prohibit development but instead are a flag to indicate that there may be additional considerations. Overlays can apply to multiple zones in the one area as it does in Neville and Barry.

18. The re-zoning of the land is beyond the jurisdiction of Central Tablelands Water (CTW). It is a county council and has no statutory authority. It is false to state that it was partly CTW's original direction to include Zone E3 in BLEP 2012 and drinking water catchment overlay. There were only two letters from CTW. One in relation to "Blayney, Cabonne and Orange Rural and Industrial Land Use Strategy" and the other in relation to the "Draft Blayney Settlement Strategy". Neither letter made any comment about zoning. (See attached letters p8 & p9)

19. CTW already has a restricted access area on the land it owns around Lake Rowlands (See attached map p10).

20. The defined water catchment is not a resource as stated in the planning proposal. Lake Rowlands, the raw water source, is the resource.

21. The water does not become drinking water until it has been treated in the water treatment plant. CTW's website has a section on treatment and distribution and provides concise information on the raw water supply and the treatment process to provide drinking water.

22. In relation to the Department of Health, they have no protocols to comment on zoning. Their sole responsibility is to ensure a supplier of drinking water complies with the relevant Act and the potable water is safe to consume.

23. The land use Rural industries was permissible with consent in the rural zones that applied to this land in the 1998 LEP.

3/10

24. The land use comparison table in the planning proposal has not listed the land use Rural Industries. Rural Industries is listed with consent in the BLEP 2012 RU1 Primary Production land use table. The four land use terms listed are sub-items of rural industries and are not listed separately in the LEP. Rural Industries has its own definition which includes storage. This is paramount because the sub-items do not have storage in their definitions. It also covers other rural industries that are not defined. (PN 11-003 p14)

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise

25. The land use Waste or Resource Management Facilities is listed in the planning proposal as permissible with consent in the RU1 Primary Production zone. This is wrong. It is prohibited.

26. In the 1998 LEP intensive livestock was permissible with consent and without consent up to 20 hectares.

27. Although intensive livestock is permissible with consent in the RU1 Primary Production, development will be limited to minimal impact developments. This is because sewerage systems including water recycling facilities are prohibited. Therefore any development that requires treatment of sewage effluent or wastewater cannot be given consent.

28. Intensive Plant Agriculture was permissible without consent in the rural zones that applied to this land in 1998 LEP under the land use agriculture.

29. Intensive Plant Agriculture will have no more impact than extensive agriculture. The ground is ploughed, fertilised, treated to control weeds etc. and the only difference is the end consumer of crop. The sub-terms

horticulture and viticulture will not have a higher impact. Horticultural industries over many decades have acquired levies from growers to fund research and development into more efficient application of water. Through integrated pest management and plant breeding, the use of chemicals has been significantly reduced and in some cases eliminated. There have been technological advances in applicators to minimise the quantity of fertilizers and chemicals used and to ensure a targeted approach. Total catchment practices have been in place in the horticulture industry for several decades. The agricultural and horticultural industries have been a leader in the protection of the environment. In addition to all the Acts and Regulations that ensure produce is safe for consumption, common sense would tell anyone that the growing environment must be risk free.

30. The planning proposal is confused about whether or not complying development is applicable to Zone RU1. The lands are in an identified drinking water catchment and are unsewered, therefore complying development is not permissible.

31. Exempt development will apply to Zone RU1 because it is not affected by the water catchment. The catchment is not an environmentally sensitive area. There are significant differences between zone E3 and zone RU1 which impact on agricultural activities. The following are permissible in zone RU1 but not in zone E3. Part 2 Division 1 General Exempt Development Code – Subdivisions 3A Animal Shelters, 16 Farm Buildings (includes stockyards), 21AA Fuel tanks and gas storage and 41 windmills. Other difference for exempt development between E3 and RU1 Part 2 Division 1 are Subdivisions 2,4,6,7,9,10 & 21.

32. The Native Vegetation Act will apply to zone RU1 Primary Production. It does not apply to zone E3. This Act allows routine agricultural management activities and continuation of existing farming activities. For example clearing for operation and maintenance of permanent fences, buildings, stockyards and collection of firewood etc. as well as the continuation of existing cultivation, grazing or rotational farming practices.

33. The inclusion of a letter dated 30 March 2012 from Office of Environment and Heritage (OEH) has no relevance. It is referring to an E3 zone and OEH would not have been aware that the land is cleared and productive farmland. Blayney Council was required to include aerial photographs in this planning proposal but has failed to do so. If Council had, it would be obvious to the agencies commenting now, that the land is cleared and cultivated farmland.

5/10

34. Re-zoning to RU1 Primary Production is consistent with the "The Blayney, Cabonne and Orange Rural and Industrial Land Use Strategy" which states:

3.1 Agriculture

Adequate planning processes are needed to ensure that agricultural land is protected and retained for future agricultural use into the long term. This will include providing appropriate zones for agricultural activities in accordance with the Standard Instrument for Local Environmental Plans, and clear and specific development standards within the agricultural zones capable of accommodating opportunities for value-adding initiatives on individual farms. An overarching planning principle is to prevent encroachment by rural settlement and to restrict other incompatible land uses.

35. Zoning to RU1 Primary Production will restore all the land to the zoning that applied before the BLEP2012. All the unnecessary prohibitions, restrictions and red-tape will be removed. It will allow landowners to change direction and take advantage of niche market opportunities. This is consistent with the Community Strategic Plan(CSP) and the actions in the Operational Plan.

Community Strategic Plan:

Future Direction 1 : Growth the Wealth of the Shire

CSP 1.1 A viable agricultural sector with niche opportunities and products coupled with lifestyle.

Operational Plan

1.1.3 Ensure planning activities support long term sustainability of agricultural sector.

1.1.4 Explore and promote opportunities for Agricultural value adding industries.

36. The RU1 Primary Production zone is consistent with the Ministerial Direction s.117 - 1.5 Rural Lands and will achieve the objectives.

1.5 Rural Lands – "The objectives of this direction are to protect the agricultural production value of rural lands and facilitate the orderly and economic development of rural lands for rural and related purposes"

37. The RU1 is consistent with the SEPP (Rural Lands) 2008. In particular the planning principles:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas, and
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State.

38. We reiterate our total support of the proposal to re-zone our property and the whole area to zone RU1 Primary Production.

Yours faithfully

Ross Menzies

Kim Menzies

Part of Menzies submission

Our Reference: AP:119
Contact: Tony Perry

23 January 2006

Ms Monique Roser
Senior Environmental Planner
GHD Pty Ltd
10 Bond Street
SYDNEY NSW 2000

Dear Monique,

Re: Blayney, Cabonne and Orange Rural and Industrial Land Use Strategy.

Further to your letter of 5 January 2006 inviting submissions relevant to the above strategy, Central Tablelands Water repeats the same advice tendered at the Molong workshop, namely:

1. Any proposed rural or industrial development in Blayney or Cabonne should only be considered after consultation with Central Tablelands Water in regards to accessibility and availability of water.
2. When considering development, the respective councils should be familiar with the areas that have spare water capacity against those that may come under strain if development was to be allowed.
3. The supply of water to all rural properties and rural residential developments is subject to the approval of the Council of Central Tablelands Water taking into consideration the impact the development may have on the delivery of water to all towns and villages within the supply network. Any approved rural connections are subject to Council's Rural Services Policy, which, among other things, includes the provision of a 20-kilolitre on-site storage tank.
4. All water mains extensions are at the full cost of the developer.
5. All developments are subject to Council's Developer Servicing Plan, which includes a developer charge for each equivalent tenement the demand requires.

Yours faithfully,


A. Perry
General Manager

P.O. Box 61,
BLAYNEY NSW 2799

Telephone: (02) 6368 2208
Facsimile: (02) 6368 2451

E-mail: water@ctw.nsw.gov.au
Internet: <http://www.ctw.nsw.gov.au>

CENTRAL

TABLELANDS

COUNTY

COUNCIL

ABN 43 721 523 632

8/10

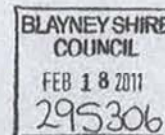
**Central Tablelands Water***Part of Menzies submission*

Our Reference: AP:328

Contact: Tony Perry

17 February 2011

The General Manager
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799



Dear Sir

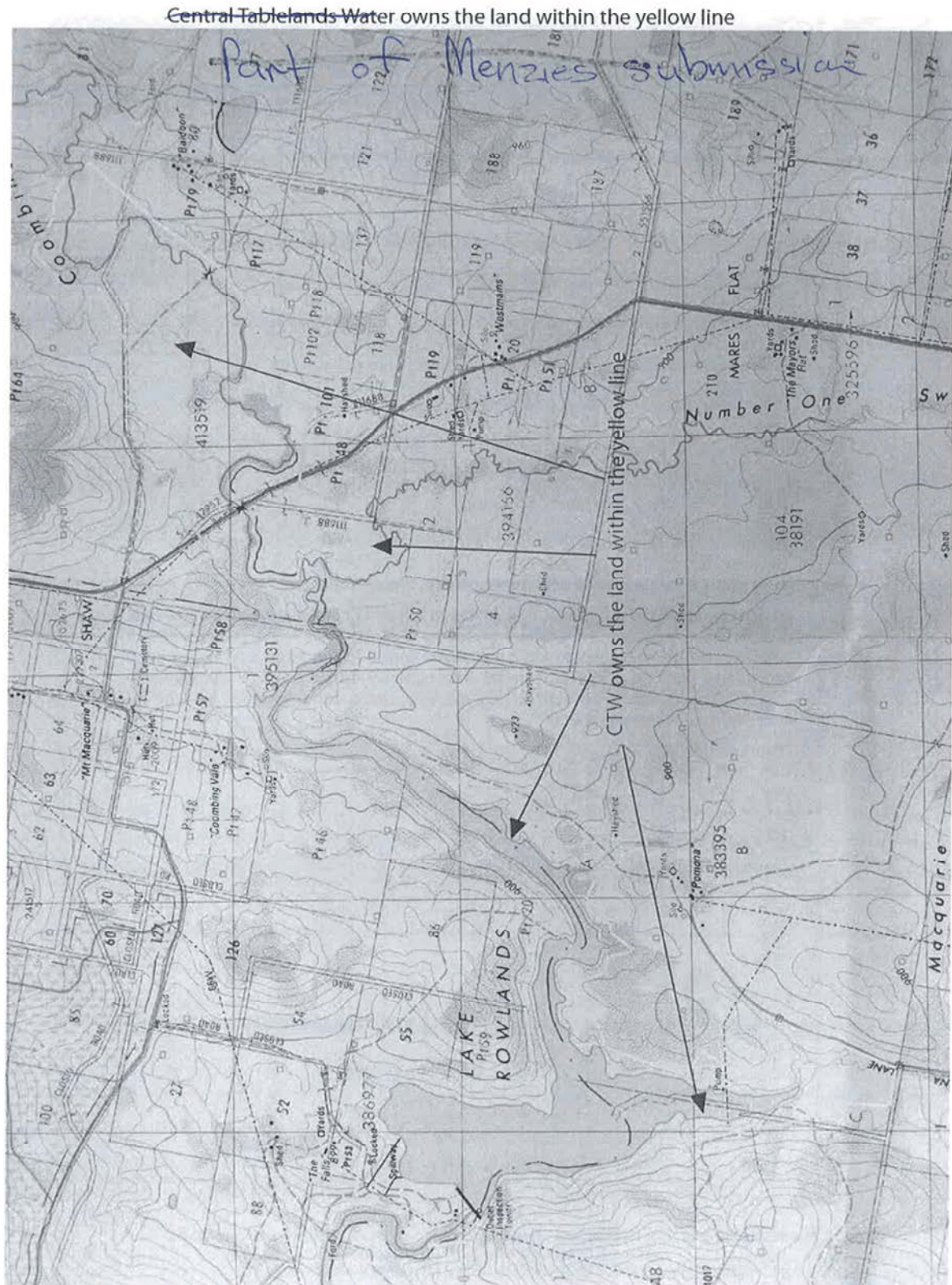
Attention: Andrew Napier,**Re: Draft Blayney Settlement Strategy**

A review has been made of Draft Blayney Settlement Strategy prepared for Blayney Shire Council and Central Tablelands Water (CTW) concurs and supports the contents and recommendations of the Strategy.

In particular, CTW supports the limitation to additional dwellings in the East Neville area as there are serious concerns that, with an increased number of septic systems, there would be a significant threat to the protection of the Lake Rowlands drinking water catchment and possibly cause serious water quality issues. These concerns can be allayed with the recommendation to limit lot sizes in East Neville to 4,000m².

Yours faithfully,

A. Perry
General Manager**COPY***For your information,
Kind regards*





Health
Western NSW
Local Health District

12th June 2015

The General Manager
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799

Via email: council@blayney.nsw.gov.au

Dear Sir/Madam

AMENDMENT TO THE BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012

Thank you for the opportunity to comment on this proposal.

The Western NSW local Health District is opposed to this proposal on the basis that it reduces the level of protection to the raw water supply of a large population of Central Western NSW residents.

The planning proposal document dated 1 April 2015 highlights that proceeding with the proposal will make intensive livestock agriculture, a number of other agricultural industries and other more intensive land-use industries permissible in the identified drinking water catchment area. The Australian Drinking Water Guidelines 2011 states that:

"Catchment management and source water protection provide the first barrier for the protection of water quality" and:

"effective management of source water includes ensuring that planning regulations include the protection of water resources from potentially polluting activities and are enforced".

It is known that more intensive land-uses in drinking water catchments increase the health risks to humans who consume that water. Intensive cattle industries in catchments are regarded as a high risk source of *cryptosporidium*, as are a greater numbers of human residents that are not serviced by a reticulated sewer scheme. The Australian Drinking Water Guidelines (2011) recommends that risks should be managed as close to the source as possible and that contamination in the catchment should preferably not be managed by down-stream processes. A multi barrier approach calls for the protection of source water.

Western NSW Local Health District

Population Health Unit
PO Box 143
Level 1, 230 Howick Street
BATHURST NSW 2795
Tel: (02) 6330 5880 Fax: (02) 6332 3137



Health
Western NSW
Local Health District

If this planning proposal does proceed then there will be a great responsibility on Blayney Shire Council development assessment staff to "get it right". Failure to do so could potentially lead to outbreaks of disease in the communities serviced by these water supply systems. Council must ensure that development assessment staff have a full understanding of all of the disease risk factors as they relate to any proposal and its' effect on the drinking water supply. If Council staff do not have this knowledge, then they must be given appropriate training or get specialist consultant's reports so that they can be fully informed when making decisions/recommendations. It is suggested that should Blayney Shire Council amend the LEP, all development applications within the catchment should be referred to the applicable Water Supply Authority as a key stakeholder.

There will have to be an increased focus by Blayney Shire Council to monitor any conditions of compliance for any approved development in the drinking water catchment, particularly as they relate to water quality and quantity. Failure to adequately monitor and enforce conditions of consent could put the community at unacceptable risk.

This would particularly be the case in relation to on-site waste disposal. It was noted during the risk assessment workshop for the Central Tablelands Water Drinking Water Management System (5 & 6 February 2014) Appendix 3 p23, that the risk of pathogens in the Lake Rowlands catchment remains high and that **"for the past two years no On Site Sewerage Management inspections have occurred in Blayney Shire"**. Not only should these inspections be undertaken regularly across the Shire but in the case of a drinking water catchment area, be at a heightened level because of the risk to public health.

I would be happy to expand on these issues should you wish to discuss them with me on 63305880.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gerard van Yzendoorn'.

Gerard van Yzendoorn

Senior Environmental Health Officer

Population Health Unit - Bathurst

Western NSW Local Health District

Population Health Unit
PO Box 143
Level 1, 230 Howick Street
BATHURST NSW 2795
Tel: (02) 6330 5880 Fax: (02) 6332 3137



Central Tablelands Water

Our Reference: CM.ES.3
Contact: Gavin Rhodes

12 June 2015

Mrs Rebecca Ryan
General Manager
Blayney Shire Council
P.O. Box 62
BLAYNEY NSW 2799

Dear Rebecca,

**RE: SUBMISSION – PLANNING PROPOSAL TO AMEND THE BLAYNEY
LOCAL ENVIRONMENTAL PLAN 2012 (BLEP2012) – E3 ENVIRONMENTAL
MANAGEMENT ZONE TO RU1 PRIMARY PRODUCTION ZONE**

Thank you for the opportunity to provide a submission on the BLEP2012 rezoning proposal.

At its meeting in Canowindra on 10 June 2015, the Council of Central Tablelands Water resolved as follows:

"That Council endorse the attached submission for lodgement which outlines Central Tablelands Water's concerns regarding the planning proposal to amend the Blayney Local Environmental Plan 2012 – E3 Environmental Management Zone to RU1 Primary Production Zone."

Although the Planning Proposal to amend the BLEP 2012 states, *"The removal of the E3 zone will not render the water catchments unprotected. Within the BLEP2012 Clause 6.5 Drinking water catchments would remain in place to provide suitable protection,"* Council has significant concerns with the removal of the E3 zone in the Lake Rowlands drinking water catchment area as it has the potential to diminish the strong environmental protections that are currently in place of a valuable water supply.

A submission outlining Central Tablelands Water's concerns with the planning proposal to amend the BLEP2012 from E3 Environmental Zone to RU1 Primary Production Zone is provided as an attachment to this letter.

Yours faithfully,

G. Rhodes
General Manager

Phone: 02 6391 7200 Fax: 02 6368 2451 Email: water@ctw.nsw.gov.au Web: www.ctw.nsw.gov.au
30 Church Street P.O. Box 61 BLAYNEY NSW 2799
Central Tablelands County Council T/A Central Tablelands Water ABN: 43 721 523 632



**CENTRAL TABLELANDS WATER - SUBMISSION BY OBJECTION FOR THE
AMENDMENT TO THE BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 – E3
ENVIRONMENTAL ZONE TO RU1 PRIMARY PRODUCTION ZONE**

Protecting Drinking Water Overlay - CTW History

- CTW fenced its foreshores at Lake Rowlands in 1983 to minimise the possible contamination from stock and additional nutrient load.
- In 1995 CTW installed a destratification plant to minimise algal growth from nutrient load due to fertilisers being used in the Lake Rowlands catchment area and flowing into Coombing Creek after heavy rains.
- In 2002 CTW installed Powder Activated Carbon (PAC) facilities at both filtration plants again to minimise taste and odour caused by algal growth in Lake Rowlands.

As can be seen from the above dot points, nutrient load has continued to increase with algal growth, taste and odour organisms more prevalent than 30 years ago.

In 2015 CTW and Orange City Council submitted a joint proposal to Infrastructure NSW to install a pipeline between both utilities to maximise water security, i.e. to assist each Council in high demand/drought periods and to mitigate the risk if one water supply was contaminated by pollution.

In 2000 an incident in Walkerton, Canada a town with the population of 5,000 had their water supply contaminated after flooding rains with Ecoli. 2,300 people fell ill and were hospitalised, while 7 people died. If intensive grazing and intensive plant agriculture are allowed near the foreshores of Coombing Creek (Lake Rowlands drinking water catchment) there is the potential for a similar incident to occur.

The main employers of the Blayney area all rely on a good quality, clean, potable water supply. Blayney only has one source of water, Lake Rowlands.

Planning Implications – CTW Concerns**4.1 Zone Objectives**

"An additional local objective was added to Zone E3 to protect drinking water catchments because this was the primary role of the zone when BLEP2012 was prepared.

It is submitted that the primary role of the area that forms the drinking water catchment is actually its agricultural role and the drinking water catchment is a secondary (but equally important) role."

CTW Concern – The additional local objective was added to the E3 Zone to protect the drinking water catchment of Lake Rowlands which supplies quality water to the Blayney, Cabonne, Weddin and Cowra Shire (Rural) LGA communities. It was put in place for the purpose of additional protection of an extremely valuable water supply. If this water supply is put at further undue risk of contamination, there is no other water supply alternative for the above mentioned areas.

CTW are concerned that if the proposed amendment goes ahead the following Zone E3 objective as stated in BLEP2012 will be compromised in Lake Rowlands catchment area:

- **To protect drinking water catchments from the impacts of development by minimising impacts on the quality and quantity of water entering drinking water storages.**

4.3 Land Uses Permissible with Consent**Agriculture & Terms Outside**

CTW Concern – Intensive livestock agriculture has the potential to contaminate the Lake Rowlands catchment area, especially with water runoff during periods of heavy rainfall.

Commercial Premises & Terms Outside

CTW Concern – Landscaping material supplies has the potential to contaminate the Lake Rowlands catchment area, especially with water runoff during periods of heavy rainfall.

Rural Industries

CTW Concern – Ag.produce industry and livestock processing have the potential to contaminate the Lake Rowlands catchment area, especially with water runoff during periods of heavy rainfall or possible bi-product leaks from livestock processing plants.

4.5 Drinking Water Catchment Overlay

CTW Concern – CTW would be extremely concerned if the Drinking Water Catchment Overlay was not retained as this would be the primary control in protecting the drinking water catchment of Lake Rowlands which supplies quality water to the Blayney, Cabonne, Weddin and Cowra Shire (Rural) LGA communities if the rezoning occurs.

6 NSW NORTHERN COUNCILS ENVIRONMENTAL ZONES REVIEW

6.3 Implications of E Zone Review

"The Frequently Asked Questions Sheet from DPE suggests that DPE will support the removal of E zones where it can be protected by an alternate overlay, such as the Drinking Water Catchment maps and standard clause. However, there are a number of more detailed matters that have not yet been agreed and the Department is currently reviewing submissions from the exhibition of the Interim Report before it will set out its preferred position.

*The Fact Sheet also suggests this position will be applied state-wide and that the Minister for Planning will in the future issue a direction to councils about the criteria that must be used when applying an E2 or E3 zone. This would apply when a council sought to amend their local environmental plans. Blayney may be taking a **small risk** in seeking the removal of the E zone before the Department has finalised its position."*

CTW Concern – Why would Blayney Shire Council contemplate taking even a **small risk** when it is not required if they wait for DPE's final position regarding the E Zone review? It begs the question as to why it has taken DPE so long to finalise its position on the review considering the Interim Report (30 September 2013) was placed on public exhibition in May/June 2014 and is still under consideration.

7 PUBLIC HEALTH ACT & DRINKING WATER GUIDELINES

CTW Concern – CTW's Drinking Water Management System (DWMS) demonstrates CTW's compliance with the *NSW Public Health Act 2010* requirement to develop a Quality Assurance Plan in accordance with the "Framework for Management of Drinking Water Quality" in the *Australian Drinking Water Guidelines 2011* (ADWG). CTW is committed to managing its drinking water supply systems to provide safe, high quality drinking water which consistently meets the ADWG, consumer expectations and regulatory requirements.

CTW are concerned that by removing the protection that the E3 Zone currently affords the Lake Rowlands drinking water catchment area, it may compromise CTW's DWMS ability to continually comply with the *NSW Public Health Act 2010* in meeting requirements of the Quality Assurance Plan in accordance with the "Framework for Management of Drinking Water Quality" in the *Australian Drinking Water Guidelines 2011* (ADWG).

If the zoning for the Lake Rowlands catchment and environs is changed from E3 Environmental to RU1 Primary Production, CTW request as a minimum and as a key stakeholder to be notified immediately of any future proposed development in the Lake Rowlands drinking water catchment area.

D15/19885

25 June 2015



General Manager
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799

ATTENTION MARK DICKER

**BLAYNEY LOCAL ENVIRONMENTAL PLAN AMENDMENT – E3 ENVIRONMENTAL
MANAGEMENT ZONE TO RU1 PRIMARY PRODUCTION ZONE**

I write in respect of the recently exhibited amendment to Blayney Local Environmental Plan (BLEP) 2012. Orange City Council's interest relates to the area in the north of your LGA that forms part of the Suma Park Dam Drinking Water Catchment area.

Suma Park Dam is the primary source of water for the Orange drinking water supply – servicing approximately 40,000 consumers. Council, as a Water Supply Authority, has the responsibility to provide drinking water to its community at an appropriate quality in order to satisfy all health requirements as outlined in the NSW Public Health Act 2010 and the NSW Public Health Regulation 2012.

As such, Orange City Council believes that it is a key stakeholder in decisions that may be made with respect to land use in the Suma Park Dam Catchment. I would like to note at this point that Orange City Council was not consulted as a key stakeholder during the process of drafting the amendment to BLEP 2012. This process began towards the end of 2014 and involved a number of key stakeholders, including Central Tablelands Water, who have similar issues to grasp with respect to any amendment to the BLEP 2012 concerning the Lake Rowlands Drinking Water Supply Catchment. As such, Orange City Council has had limited time to comment and requests that this submission be given due consideration on this basis.

Suma Park Dam Drinking Water Catchment

The Amended BLEP 2012 proposes to address Planning Controls associated with the Suma Park Dam Catchment Area through Clause 6.5 Drinking Water Catchments of the current BLEP 2012 and the use of Overlay Maps without this being further supported by the use of the E3 Environmental Management Zone.

The Department of Planning & Environment's Interim Response to the recommendations from the Interim Northern Councils EZone Review was that it:

- "in principle supports the use of overlay maps and related clauses in LEPs to manage only matters of public health, safety, risk and hazard such as drinking water catchment areas, coastal risk areas, flooding and acid sulphate soils"

PO Box 35, Orange NSW 2800 Civic Centre, Byng Street Orange NSW Australia
Telephone 1300 650 511 Fax 02 6393 8199
www.orange.nsw.gov.au email: council@orange.nsw.gov.au

**BLAYNEY LOCAL ENVIRONMENTAL PLAN AMENDMENT – E3 ENVIRONMENTAL
MANAGEMENT ZONE TO RU1 PRIMARY PRODUCTION ZONE**

25 June 2015

It should be noted that the Northern Rivers EZone Review has not been finalised and it may have Statewide implications. The FAQ (attached) states that "the outcomes of this review will form the basis to determine criteria for applying E2 and E3 zones and the circumstances for using environmental overlays when councils across the state update their LEPs"

On this basis alone, OCC believes that any amendment to the BLEP 2012 is somewhat premature and would recommend that Blayney Shire Council delay any decisions on this matter until further advice from the Department of Planning & Environment is provided to all councils following completion of the review.

Developments requiring consent

Orange City Council requests to be consulted, through the notification process, as part of any DA Assessment for proposals that have potential to impact upon water quality within the Suma Park Dam Catchment Area. Obvious areas of concern from the Blayney RU1 zone would relate to applications involving (but not limited to):

- Animal boarding or training establishments
- Aquaculture
- Camping grounds
- Cemeteries
- Depots
- Extractive Industries
- Forestry
- Home Industries (dependent upon their nature and operation)
- Intensive Livestock Agriculture
- Intensive Plant Agriculture
- Landscaping Material Supplies
- Open Cut Mining
- Rural Industries, and
- Any other proposal that, owing to its design, siting, operation or scale, has potential to adversely impact upon the drinking water catchment.

Potential risks that are introduced into the Suma Park Dam Drinking Water Catchment need to be carefully considered and Orange City Council has a legislative responsibility in this regard according to the NSW Public Health Act 2010 (Section 25(1)) and Public Health Regulation 2012 (see below).

Careful consideration of the issues and risks that may impact water quality in the Suma Park Dam Drinking Water Catchment need to be addressed by a Water Authority that has experience in operating Water Supply Schemes. As such, Orange City Council needs to be part of this process. The relevant legislation is summarised below:



Department of
Primary Industries
Office of Water

General Manager
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799

Contact Tim Baker
Phone 02 6841 7403
Mobile 0428 162 097
Fax 02 6884 0096
Email Tim.Baker@dpi.nsw.gov.au
Our ref ER23561

Attention: Patsy Moppett

Dear Patsy

Public Exhibition of an Amendment to the Blayney LEP 2012 – E3 Environmental Management Zone to RU1 Primary Production Zone

I refer to your letter dated 14th May 2015 regarding a proposed amendment to replace the existing E3 Environmental Management Zone in the catchment areas of Lake Rowlands and Suma Park Dam with an RU1 Primary Production Zone. The NSW Office of Water has reviewed the Planning Proposal documentation and provides the following comments:

- It is understood the planning proposal applies to the rezoning of 1143ha within the Blayney LGA which forms part of the catchment of Suma Park Dam and the majority of the Lake Rowlands catchment (2011ha). Suma Park Dam is the primary water source for Orange and Lake Rowlands is a drinking water source for towns within four LGA's.
- The proposed rezoning from E3 to RU1 results in additional permitted uses which are of concern to NSW Office of Water due to development intensification and potential impacts to the drinking water catchments. These uses include Intensive Livestock Agriculture, Intensive Plant Agriculture and Rural Industries. Whilst it is recognised Clause 6.5 - Drinking Water Catchments of the Blayney LEP 2012 provides an overlay map and considerations to manage impacts for these drinking water catchment areas, the three previous landuses are considered to represent a high risk to the water quality within the drinking water catchments.
- The application of biosolids from Sydney is increasing in the Central West. It is recommended consideration be given to ensuring this activity does not occur within the drinking water catchment areas by prohibiting this landuse.
- The Orange LEP 2011 zones the drinking water catchments as E3 hence the amendment is proposing alternate management of lands for the same drinking water source. Consistency in management with a precautionary approach due to the significance of the demand on these water sources is considered important.
- The NSW Office of Water recommends as a minimum that the landuses; Intensive Livestock Agriculture, Intensive Plant Agriculture, Rural Industries and biosolids application be prohibited within the drinking water catchments.

Should you have any further queries in relation to this submission please do not hesitate to contact Tim Baker on (02) 6841 7403.

Yours sincerely

Mitchell Isaacs
Manager Strategic Stakeholder Liaison
17 June 2015

www.water.nsw.gov.au | NSW Office of Water

209 Cobra St, Dubbo | PO Box 717 Dubbo NSW 2830 | I 02 6884 2560 | F 02 6884 0096

BLAYNEY LOCAL ENVIRONMENTAL PLAN AMENDMENT – E3 ENVIRONMENTAL
MANAGEMENT ZONE TO RU1 PRIMARY PRODUCTION ZONE
25 June 2015

NSW Public Health Act 2010

25 Quality assurance programs

(1) A supplier of drinking water must establish, and adhere to, a quality assurance program that complies with the requirements prescribed by the regulations.

NSW Public Health Regulation 2012

Part 5 Safety measures for drinking water

34 Quality assurance programs

(1) For the purposes of section 25 (1) of the Act, a quality assurance program must address the elements of the Framework for Management of Drinking Water Quality (as set out in the Australian Drinking Water Guidelines published by the National Health and Medical Research Council) that are relevant to the operations of the supplier of drinking water concerned.

Groundwater Vulnerability

The Amended BLEP 2012 proposes to address Planning Controls associated with the Groundwater Vulnerability through Clause 6.4 Groundwater of the current BLEP 2012 and the use of Overlay Maps rather than the use of the E3 Environmental Management Zone. Once again, the Interim Northern Council's EZone Review supports this approach, however as it has not been finalised, Orange City Council requests that Blayney Shire Council delay any decision on this matter until further advice from the Department of Planning & Environment is provided to all councils after completion of the review.

I trust the above comments will help inform the process and be given due consideration.

Regards



Chris Devitt

DIRECTOR TECHNICAL SERVICES

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433



The General Manager
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799

Your Ref: -
Our Ref: L12/0006
DA15052697034 JC

ATTENTION: Planning & Environmental Services
Department

17 July 2015

Dear Sir/Madam

**Planning Instrument for Notice Of Public Exhibition Of An Amendment To the
Blayney LEP 2012 - E3 Environmental Management Zone To Ru1 Primary
Production Zone**

I refer to your letter dated 14 May 2015 seeking advice for the above Planning Instrument in accordance with the 'Environmental Planning and Assessment Act 1979'.

The Service provides the following recommended conditions:

General Advice – consent authority to note

Reviewed determination

Based upon an assessment of the plans and documentation received, the NSW Rural Fire Service raises no concerns or special consideration in relation to bushfire matters for the proposed Rezoning. Council should, however, note that the Australian Standard AS 3959-2009 Construction of buildings in bushfire-prone areas includes grasslands as a hazardous vegetation category. Any future development will need to consider this at the design and construction stage.

For any queries regarding this correspondence please contact Joshua Calandra on 1300 NSW RFS.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Iona Cameron', with a stylized, cursive script.

Iona Cameron
Acting Team Leader

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.



Department of Primary Industries

V15/1002#10
out15/17318

The General Manager
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799

council@blayney.nsw.gov.au

Attention: Patsy Moppett
Senior Town Planner

Dear Patsy

**Amendment to the Blayney Local Environmental Plan 2012-
E3 Environmental Management Zone to RU1 Primary Production Zone**

Thank you for your letter advising of the above amendment. I must apologise for the delay.

The Department has no issues associated with the proposal. The only recommendation is that the council reconsider the enhanced protection of the area from unjustified increased settlement by increasing the subdivision standard that enhances the intent of the primary production zone for agriculture and less emphasis on housing.

Please contact myself for further enquiry.

Yours sincerely

Electronically signed

Mary Kovac
Resource Management Officer
Central and Far West.
10 July 2015

PO Box 865, Dubbo NSW 2830, Australia
34 Hampden Street, Dubbo NSW 2830
Tel: 02 68811250 Fax: 02 68811295 www.dpi.nsw.gov.au ABN: 72 189 919 072

Mr T.P. and Mrs J Crosbie
[REDACTED]
[REDACTED]
Neville NSW 2799

General Manager
Blayney Shire Council
91 Adelaide Street
Blayney NSW 2799

1 June 2015

Dear General Manager,

RE: Re-zoning Proposal to Replace Zone E3 Environmental Management
with Zone RU1 Primary Production

We have read Council's letter about rezoning our property to RU1 Primary
Production. Our land has always been used for farming and we agree it should
be re-zoned to RU1 Primary Production.

Yours faithfully

Paul Crosbie
J. A. Crosbie

Thomas Paul Crosbie

BLAYNEY SHIRE COUNCIL
- 3 JUNE 2015
Doc. No. 1516514
Verified:
Disp. GA39:
Sent.