



4 August 2015

Dear Councillor,

Your attendance is requested at an Ordinary Council Meeting of the Blayney Shire Council to be held on Monday, 10 August 2015 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) Disclosures of Interest
- (5) Public Forum
- (6) Confirmation of Minutes - Ordinary Council Meeting held on 13.07.15
- (7) Matters arising from Minutes
- (8) Mayoral Minute
- (9) Notices of Motion
- (10) Reports of Staff
  - (a) Executive Services
  - (b) Corporate Services
  - (c) Infrastructure Services
  - (d) Planning and Environmental Services
- (11) Delegates Reports
- (12) Questions from Councillors
- (13) Closed Meeting

**Presentations:**

**5.45pm – Infigen Energy Wind Farm – Jonathon Upton**

Yours faithfully

Rebecca Ryan  
**General Manager**

## **Meeting Calendar 2015**

### **August**

<b>Time</b>	<b>Date</b>	<b>Meeting</b>	<b>Location</b>
2.30 pm	7 August 2015	UMCC Meeting	Evan Shire Building Kelso
6.00 pm	10 August 2015	Council Meeting	Community Centre
10.00 am	12 August 2015	Central Tablelands Water	Grenfell
10.00am	12 August 2015	Centroc Board Meeting	Parliament House Canberra
5.00 pm	13 August 2015	Cemetery Forum	Community Centre
5. 45 pm	13 August 2015	Access Advisory Committee	Community Centre
4.00 pm	18 August 2015	Local Emergency Management Committee	Community Centre
5.30 pm	20 August 2015	Sports Council	Community Centre
10.00 am	21 August 2015	Traffic Committee	Community Centre

### **September**

<b>Time</b>	<b>Date</b>	<b>Meeting</b>	<b>Location</b>
4.00pm	1 September 2015	Councillor Workshop	Community Centre
6.00 pm	14 September 2015	Council Meeting	Community Centre
6.00 pm	17 September 2015	Towns and Villages Committee	Community Centre
2.30 pm	18 September 2015	UMCC Meeting	Evan Shire Building Kelso

### **October**

<b>Time</b>	<b>Date</b>	<b>Meeting</b>	<b>Location</b>
5.00 pm	8 October 2015	Economic Development Committee	Community Centre
10.00 am	14 October 2015	Central Tablelands Water	CTW Office, Blayney
10.00 am	16 October 2015	Traffic Committee	Community Centre
6.00 pm	19 October 2015	Council Meeting	Community Centre
9.00 am	21 October 2015	Audit Committee	Community Centre

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**HELD ON MONDAY 10 AUGUST 2015**

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**01) MINUTES OF THE PREVIOUS MEETING**

**Department:** Executive Services

**Author:** Acting EA to GM

**CSP Link:** 6.3 A well-run Council organisation.

**File No:** GO.ME.3

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**Recommendation:**

That the Minutes of the Ordinary Council Meeting held on 13 July 2015, being minute numbers 1507/001 to 1507/020 be confirmed.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING  
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY  
CENTRE, ON 13 JULY 2015, COMMENCING AT 6.00 PM**

Present: Crs S Ferguson (Mayor), G Braddon OAM, A Ewin, D Kingham,  
S Oates, K Radburn and D Somerville

General Manager (Mrs R Ryan), Acting Director Corporate  
Services (Mr D Mead), Director Infrastructure Services (Mr G  
Baker), Director Planning & Environmental Services (Mr M  
Dicker), Administrative Officer (Ms S Hibbert)

**ACKNOWLEDGEMENT OF COUNTRY**

**RECORDING OF MEETING STATEMENT**

**CONFIRMATION OF MINUTES**

**1507/001** **RESOLVED**  
That the Minutes of the Ordinary Council Meeting held on 15  
June 2015, being minute numbers 1506/001 to 1506/029 be  
confirmed.  

(Oates/Kingham)  
**CARRIED**

**MATTERS ARISING FROM THE MINUTES**

**EXECUTIVE SERVICES REPORTS**

**1507/002** **LGNSW ANNUAL CONFERENCE 2015**  
**RESOLVED**  
1. That Council nominate the Mayor as voting delegate to the  
LGNSW Conference 2015 for both; voting in the elections for  
Office Bearers and the Board and voting on motions.

2. That Council approve the Mayor, Deputy Mayor and General Manager to attend the LGNSW Conference 2015 as Blayney Shire Council delegates.

(Radburn/Somervaille)  
**CARRIED**

### **COUNCIL RESOLUTION REPORT**

#### **RESOLVED**

1507/003

That Council notes the Resolution Report from January to June 2015.

(Oates/Ewin)  
**CARRIED**

### **MINUTES OF THE BLAYNEY SHIRE TOWNS AND VILLAGES COMMITTEE MEETING**

#### **RESOLVED**

1507/004

That the Minutes of the Blayney Shire Towns and Villages Committee Meeting, held on 11 June, be received and noted.

(Ewin/Somervaille)  
**CARRIED**

### **CORPORATE SERVICES REPORTS**

### **ADOPTION OF COMMUNITY BANNER POLES POLICY**

#### **RESOLVED**

1507/005

That the draft Community Banner Poles Policy be adopted and included in Council's policy register.

(Radburn/Ewin)  
**CARRIED**

### **PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS POLICY**

#### **RESOLVED**

1507/006

That the Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy be placed on public exhibition for a period of at least 28 days.

(Radburn/Oates)  
**CARRIED**

### **REVIEW OF AGENCY INFORMATION GUIDE**

#### **RESOLVED**

1507/007

That Council adopt the Agency Information Guide and Proactive Release Program for the ensuing 12 months and make it available through Council's website.

(Braddon/Radburn)  
**CARRIED**

**RESIGNATIONS AND NOMINATION FOR CEMETERY  
FORUM COMMITTEE**

**1507/008**

**RESOLVED**

1. That the resignations of Mr Gerry Nolan and Mr Geoff Avarad be received;
2. That Council appoint Mrs Helen Dent as a community representative to the Blayney Shire Cemetery Forum Committee for the remainder of this Council term.
3. That Council advertise the vacancy of a community representative to the Blayney Shire Cemetery Forum Committee.

(Braddon/Radburn)

**CARRIED**

**ADOPTION OF STATEMENT OF BUSINESS ETHICS**

**1507/009**

**RESOLVED**

1. That the submission on the draft Statement of Business Ethics be received; and
2. That the draft Statement of Business Ethics be adopted and included in Council's policy register.

(Somervaille/Oates)

**CARRIED**

**ADOPTION OF CODE OF MEETING PRACTICE**

**1507/010**

**RESOLVED**

That the Code of Meeting Practice be adopted and included in Council's policy register.

(Kingham/Braddon)

**CARRIED**

**TCORP REVIEW OF COUNCIL FINANCIAL CAPACITY**

**1507/011**

**RESOLVED**

NSW Treasury (TCorp) Financial Assessment and Sustainability Report (June 2015) for Blayney Shire Council be received and noted.

(Braddon/Somervaille)

**CARRIED**

**REPORT OF COUNCIL INVESTMENTS AS AT 30 JUNE 2015**

**1507/012**

**RESOLVED**

1. That the report indicating Council's investment position as at 30 June 2015 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

(Kingham/Oates)

**CARRIED**

## **INFRASTRUCTURE SERVICES REPORTS**

### **DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT**

**1507/013**

#### **RESOLVED**

That the Director of Infrastructure Services Monthly report for July 2015 be received.

(Radburn/Oates)  
**CARRIED**

### **MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE MEETING HELD ON FRIDAY 19 JUNE 2015 AT THE BLAYNEY SHIRE COMMUNITY CENTRE - CADIA ROOM**

**1507/014**

#### **RESOLVED**

That the Minutes of the Blayney Traffic Committee Meeting, held on Friday 19 June 2015 be accepted, and Recommendations be adopted by Council.

(Radburn/Ewin)  
**CARRIED**

### **LAND ACQUISITION FOR ROAD WIDENING AT 1649 ERROWANBANG ROAD, ERROWANBANG**

**1507/015**

#### **RESOLVED**

That Council approve

1. The compulsory acquisition of Lots 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 in DP1208480 registered 9 June 2015; and
2. The making of an Application to the Minister for Local Government and Governor for approval of such compulsory acquisition; and
3. Upon acquisition the land be classified as “operational land” under Section 31 of the Local Government Act (1993); and
4. The placement of Council’s seal on all documentation associated with the compulsory acquisition for the realignment of Errowanbang Road including on any Deed of Agreement for Compulsory Acquisition pursuant to Section 30 of the Land Acquisition (Just Terms Compensation) Act (1991).

(Kingham/Ewin)  
**CARRIED**

### **LAND ACQUISITION FOR ROAD WIDENING AT 1324 ERROWANBANG ROAD, ERROWANBANG**

**1507/016**

#### **RESOLVED**

That Council approve

1. The compulsory acquisition of Lots 3 and 4 in DP1208480 registered 9 June 2015; and
2. The making of an Application to the Minister for Local Government and Governor for approval of such compulsory acquisition; and

3. Upon acquisition the land be classified as “operational land” under Section 31 of the Local Government Act (1993); and
4. The placement of Council’s seal on all documentation associated with the compulsory acquisition for the realignment of Errowanbang Road including on any Deed of Agreement for Compulsory Acquisition pursuant to Section 30 of the Land Acquisition (Just Terms Compensation) Act (1991).

(Kingham/Ewin)  
**CARRIED**

## **PLANNING AND ENVIRONMENTAL SERVICES REPORTS**

### **MINUTES OF THE BLAYNEY SHIRE CEMETERY FORUM MEETING HELD ON THURSDAY 11 JUNE 2015**

**1507/017**

#### **RESOLVED**

That Minutes of the Blayney Shire Cemetery Forum Meeting, held on 11 June 2015, be received and noted.

(Braddon/Radburn)  
**CARRIED**

### **MINUTES OF THE BLAYNEY SHIRE ACCESS ADVISORY COMMITTEE MEETING HELD ON THURSDAY 11 JUNE 2015**

**1507/018**

#### **RESOLVED**

That Minutes of the Blayney Shire Access Advisory Committee Meeting, held on 11 June 2015, be received and noted.

(Oates/Somervaille)  
**CARRIED**

## **DELEGATES REPORTS**

### **WBC ALLIANCE EXECUTIVE OFFICER REPORT**

**1507/019**

#### **RESOLVED**

That the report from the WBC Alliance Executive Officer to May 2015 be received and noted.

(Somervaille/Ewin)  
**CARRIED**

### **BLAYNEY TO BATHURST (B2B) ORGANISING COMMITTEE UPDATE**

**1507/020**

#### **RESOLVED**

That the summary of the Blayney to Bathurst (B2B) Organising Committee special meeting held on 2 June 2015, be received and noted.

(Oates/Radburn)  
**CARRIED**

There being no further business, the meeting concluded at 6.45pm



**02) MOTIONS FOR LGNSW CONFERENCE 2015**

**Department:** Executive Services

**Author:** General Manager

**CSP Link:** 6.1 Good governance across our communities.

**File No:** GR.ME.2

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**Recommendation:**

For Council Consideration

**Reason for Report:**

To determine any motions formulated by Council for the Local Government NSW (LGNSW) Annual Conference 2015.

**Report:**

The LGNSW Annual Conference is to be held at Rosehill Gardens Racecourse in Sydney, from Sunday 11 October to Tuesday 13 October 2015.

This year the Conference will involve two types of voting, one for voting in the elections for Office Bearers and the Board, and a separate roll of voters voting on motions.

As per the July meeting, Council has nominated the Mayor as voting delegate to the LGNSW Conference 2015 for both. Council will nominate the Mayor as its delegate for both types of voting by 18 September.

In order to improve the quality of motions presented and provide for a productive Conference, the LGNSW Board has resolved that motions will be included in the Business Paper for the Conference where they:

1. *Are consistent with the objects of the Association (see Rule 4 of the Association's rules)*
2. *Relate to Local Government in NSW and/or across Australia*
3. *Concern or are likely to concern Local Government as a sector*
4. *Seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association*
5. *Have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws)*
6. *Are clearly worded and unambiguous in nature*
7. *Do not express preference for one or several members over one or several other members.*

Further, for a motion to be included in the Business Paper for the Conference the submitting Council member needs to provide evidence of its support for the motion to be included.

**Issues:**

To allow printing and distribution of the business paper, Council is encouraged to submit motions by 24 August. The absolute closing date for submitting motions for inclusion in the Business Paper for the Conference is 14 September.

At the LGNSW Rural and Regional Issues Workshop held in Sydney on Friday 4 June, Blayney Shire Council was nominated to work with others to frame a motion around the topic of County Councils remaining as entities in the new Local Government Act. Further, that Water County Council's be included in JO's, or at least the JO's are flexible to include them as full members. Central Tablelands Water has taken this motion development on board, and it is anticipated that support would be provided from Blayney Shire for this motion.

Councillors are requested to forward any motions for consideration to the August Council meeting.

**Budget Implications:**

Nil

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

### **03) WORK HEALTH AND SAFETY 2014/15 REPORT**

**Department:** Executive Services

**Author:** Risk Officer

**CSP Link:** 6.3 A well-run Council organisation.

**File No:** GO.ME.1

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**Recommendation:**

That the Work Health and Safety Report for 2014/15 be noted and received.

**Reason for Report:**

To update Council on Work Health and Safety; activities, training and self-audit performance for the 2014/15 reporting period.

**Report:**

Each year Council completes a Self-Audit with Workers Compensation Insurer StateCover Mutual which is owned by NSW member Councils. Upon submitting this annual assessment and completing the wages declaration within the statutory period Council receives a WHS financial incentive or rebate.

In December 2014 Council received a \$16,076 rebate which is allocated to WHS initiatives for 2015/16. This funding will contribute to Audiometric Testing for Works Operations staff and completion of an Asbestos Management Plan which are within the element of Health Monitoring.

The previous year rebate provided for additional Manual Handling training (Dec 2013) and First Aid training being offered to all staff (35 staff completed training in May and October 2014).

The NSW StateCover Self-Audit 2014/15 due by 31 July has been submitted. Verifications of these responses may be sought by September with Council advised of results in October.

The previous year audit identified poor performance in the elements of;

- Planning
- Health Monitoring
- WHS Audits and
- Management Review.

Programs and initiatives implemented throughout the year have resulted in an improvement in each of these areas for the 2014/15 reporting period. Similar activities are being scheduled to continue in 2015/16.

Key activities undertaken in 2014/15 included;

### **Group Training**

October

- First Aid Officer (17 participants) - Blayney
- Introduction to mental health in the workplace - Blayney

November

- Introductory Risk Management Training – Blayney and Molong

February

- Dial before you dig – Council Footpath Forum – Dubbo

March

- Solutions for Managing Aggressive Behaviour – Blayney
- Armed Holdup Prevention and Management - Blayney

May

- Warden and Building Evacuation Training – Blayney

Ongoing job specific competency and skills attainment training was undertaken by individual staff throughout the year including; chainsaw operations, chemical user, traffic control, digital records, pool lifeguard and civil construction.

### **Consultation**

- Health and Safety Committee meet quarterly. The staff committee is made up of staff and management representatives.
- All weekly Department meetings include WHS as an agenda item.
- Issues raised are forwarded to Risk Officer, Health and Safety Committee and considered at MANEX during weekly meetings.
- Consultation, monitoring and review of WHS processes have been carried out with small working groups throughout the year.
- Operations Safe Work Method Statements (SWMS) were reviewed at workshops during July and August 2014. New versions were adopted and distributed in November 2014.
- Sewerage Treatment Plant Safe Work Method Statements are in the review process which commenced in May 2015.
- Work Operations staff have participated in in-house information sessions including Workers on Foot, specific project familiarisation, hazard identification and control and risk assessment.

### **Health Monitoring**

Flu immunisations were offered to staff and 48 participated in the program during April 2015.

### **Workers Compensation**

After an extended period with no Lost Time Incidents (LTIs) during 2013/14 there were three injuries that resulted in lost time during 2014/15.

	2013/14	2014/15
Claims	-	3
Days lost	-	18
Open Claims 30/06/2015	-	1

**Notifications of Injuries/Incidents/Hazards**

Staff have increased hazard notifications during the year.

	2013/14	2014/15
Injury	11	15
Incident	16	17
Hazard	5	16

**Contractors**

CENTROC has developed a WHS induction package which has been implemented this year. On completing this specific Contractor training session which generally lasts 2-3 hours, a Centroc WHS Induction Card is issued from Blayney Shire Council which is accepted and recognised by all CENTROC member Councils. 20 contractors have to date completed this WHS Induction training in Blayney.

For those Contractors who obtain and hold a Centroc WHS Induction Card, whilst site inductions are still required they are shorter in duration and site specific.

**Volunteers**

Project and site specific inductions occur on a regular basis. Activities are ongoing throughout the shire including at King George Oval, Blayney Showground, Newbridge Sportsground and Napier Oval.

**Events**

Work Health and Safety is included in all Event Risk Management Plans. Plans were developed for Blayney Farmers Markets and CentrePoint Open Day activities, Youth Week activities, School Holiday Visual Arts Workshops and Textures of One Exhibition.

**Issues:**

Nil

**Budget Implications:**

Council's Workers Compensation premium for 2014/15 was \$86,009. This insurance is paid quarterly and the calculation is based on the prior quarter estimate. Adjustments are made when actual wage totals are submitted. The first quarter payment (1/07/2015 – 30/09/2015) was \$21,502. Premium calculation takes into account claims performance.

The financial incentive rebated to Council in December is subject to meeting Key Performance Indicators (KPI's) including the Self-Audit.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**04) MINUTES OF THE BLAYNEY SHIRE ECONOMIC DEVELOPMENT  
COMMITTEE MEETING HELD 9 JULY 2015**

**Department:** Executive Services

**Author:** General Manager

**CSP Link:** 5.1 A diverse and sustainable population in our communities and villages.

**File No:** CR.SD.2

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**Recommendation:**

That the Minutes of the Blayney Shire Economic Development Committee Meeting held 9 July 2015 be received.

**Minutes:**

**MINUTES OF THE BLAYNEY SHIRE ECONOMIC DEVELOPMENT  
COMMITTEE MEETING  
HELD ON THURSDAY 9 JULY  
AT THE BLAYNEY SHIRE COMMUNITY CENTRE**

Meeting commenced at 5:05pm.

**PRESENT**

Cr Shane Oates; Cr Kevin Radburn; Mark Dicker; Cathy Griffiths; Bruce Gordon; Lesley Morris

**APOLOGIES**

Rebecca Ryan; Elizabeth Russ

**FORESHADOWED GENERAL BUSINESS**

**DISCLOSURES OF INTEREST**

**CONFIRMATION OF PREVIOUS MINUTES**

**RECOMMENDED:** That the minutes of the meeting held on Thursday 7 May 2015 be received and noted as a true and accurate record.

(Griffiths/Morris)

**BUSINESS ARISING**

- Nil

**DELEGATES REPORTS**

- **B2B Update**

Cr Shane Oates updated the committee on the meeting which took place on 2 June 2015. The Rotary Club of Bathurst Daybreak held a special meeting of the nabB2B Organising Committee with relevant stakeholders, including representatives from Blayney Shire Council, Cycling NSW and Bathurst Regional Council to discuss future possibilities and organisation of the B2B event.

**OTHER GENERAL BUSINESS**

- **Cultural Centre Meeting**

It was discussed the importance of ensuring as many people as possible attend and have input into the meeting on Tuesday 14 July 2015.

- **Daily Telegraph visit**

It was discussed the recent visit by Mr David Fitzsimons, Editor of the Best Weekend, Daily Telegraph was and that he had advised he has enough for 3 stories which he will compile over the coming weeks.

- **Blayney Master Plan**

Mark Dicker updated the committee on the current status of the Blayney MasterPlan. The MasterPlan includes an economic analysis to identify potential opportunities for the Blayney Shire and also will detail options for revitalisation of the Blayney main street.

- **Your Carcoar**

Cathy Griffiths advised the committee that the 'Your Carcoar' night recently held was a resounding success.

- **New Town and Village signs**

Lesley Morris advised that it had been raised that the new signs for Millthorpe did not contain the Millthorpe specific logo.

- **Charter**

The current membership charter was discussed, and that options are investigated to allow a greater membership for the committee outside the current stated membership.

- **Starting Time**

It was agreed future meetings of the committee should be 5:30pm.

**NEXT MEETING**

Next meeting is scheduled for Thursday 8 October 2015 commencing 5:30pm.

**MEETING CLOSE**

The meeting closed at 5:56.

**05) REPORT OF COUNCIL INVESTMENTS AS AT 29 JULY 2015**

**Department:** Corporate Services

**Author:** Chief Financial Officer

**CSP Link:** 6.3 A well-run Council organisation.

**File No:** FM.IN.1

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**Recommendation:**

1. That the report indicating Council's investment position as at 29 July 2015 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

**Reason for Report:**

For Council to endorse the Report of Council Investments as at 29 July 2015.

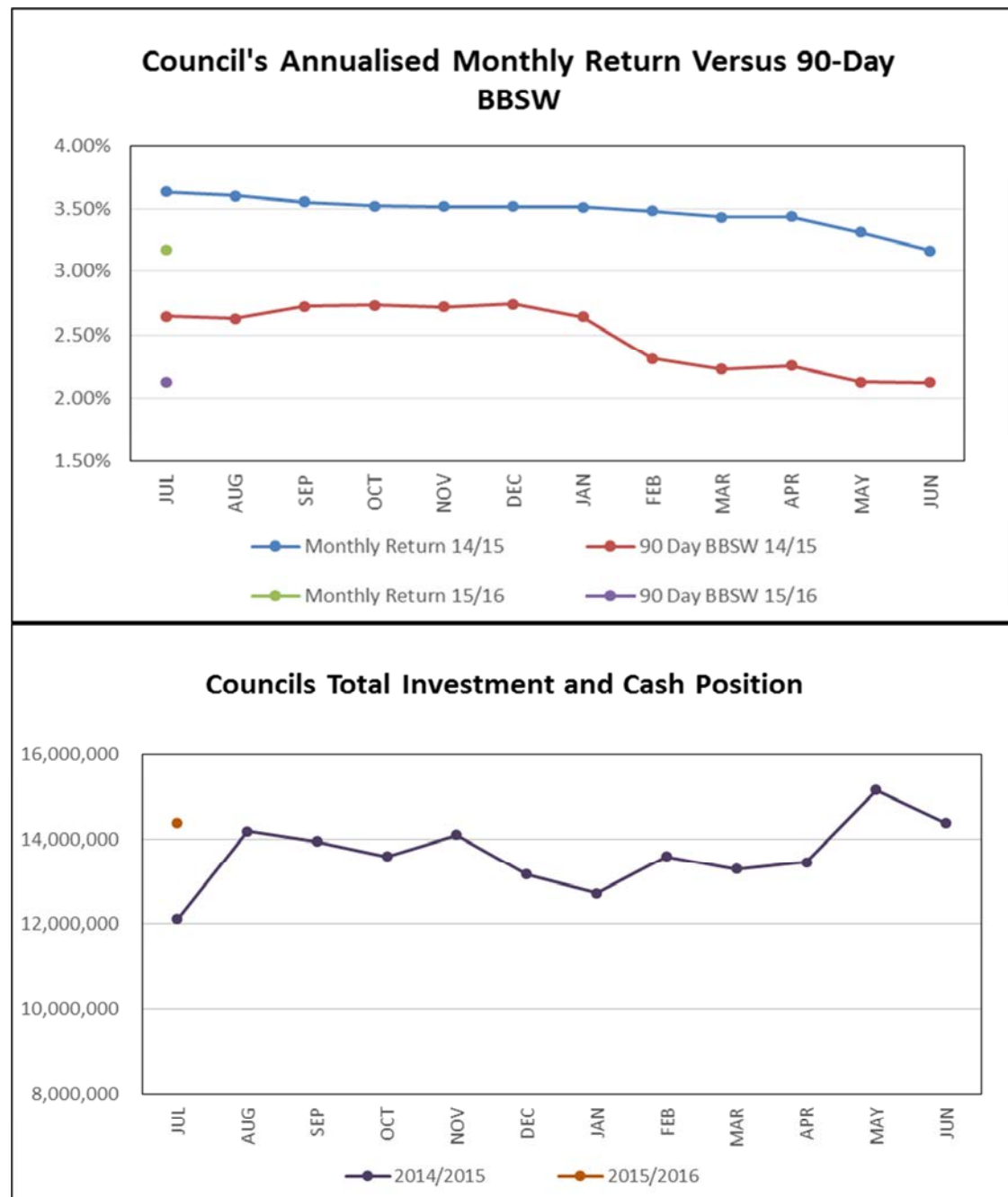
**Report:**

This report provides details of Council's Investment Portfolio as at 29 July 2015.

Council's total investment and cash position as at 29 July 2015 is \$14,367,413. Investments earned interest of \$39,093 for the month of July 2015.

Council's monthly net return on Term Deposits annualised for July of 3.17% outperformed the 90 day Bank Bill Swap Rate of 2.13%.





REGISTER OF INVESTMENTS AND CASH AS AT 29 JULY 2015				
Institution	Rating	Maturity	Amount \$	Interest Rate
AMP Bank	A1/A+	6/01/2016	500,000	3.40%
AMP Bank	A1/A+	10/05/2016	500,000	2.75%
AMP Bank	A1/A+	31/05/2016	500,000	2.75%
AMP Bank	A1/A+	3/11/2015	500,000	3.30%
AMP Bank	A1/A+	18/08/2015	500,000	3.50%
Bank of Queensland	A2/A-	6/01/2016	500,000	2.95%
Bank of Queensland	A2/A-	2/09/2015	500,000	3.50%
Bank of Queensland	A2/A-	20/01/2016	500,000	2.95%
Bank of Queensland	A2/A-	2/02/2016	500,000	3.00%
Bankwest	A1+/AA-	6/10/2015	500,000	2.90%
Bankwest	A1+/AA-	20/10/2015	500,000	3.00%
Bankwest	A1+/AA-	2/12/2015	500,000	2.90%
Bendigo & Adelaide Bank	A2/A-	17/11/2015	500,000	3.35%
Bendigo & Adelaide Bank	A2/A-	14/06/2016	500,000	2.85%
Beyond Bank Australia	A2/BBB+	25/08/2015	500,000	2.73%
IMB	A2/BBB	3/09/2015	500,000	3.50%
ING Bank	A2/A-	18/08/2015	500,000	3.46%
Macquarie Bank	A1/A	2/09/2015	500,000	3.35%
Macquarie Bank	A1/A	9/02/2016	500,000	3.00%
ME Bank	A2/BBB+	1/09/2015	500,000	3.50%
ME Bank	A2/BBB+	10/11/2015	500,000	2.95%
NAB	A1+/AA-	5/04/2016	500,000	2.96%
NAB	A1+/AA-	1/12/2015	500,000	3.60%
NAB	A1+/AA-	25/05/2016	500,000	2.96%
NAB	A1+/AA-	22/09/2015	500,000	3.09%
Wide Bay Australia	A2/BBB	8/03/2016	500,000	3.01%
Wide Bay Australia Ltd	A2/BBB	5/01/2016	500,000	3.50%
Wide Bay Australia Ltd	A2/BBB	17/12/2015	500,000	3.55%
<b>Total Investments</b>			<b>14,000,000</b>	<b>3.15%</b>
Benchmarks: BBSW 90 Day Index				2.13%
RBA Cash Rate				2.00%
Commonwealth Bank - At Call Account			151,605	1.50%*
Commonwealth Bank Balance - General			215,808	1.85%*
<b>TOTAL INVESTMENTS &amp; CASH</b>			<b>14,367,413</b>	
Summary of Investment Movements - July				
Financial Institution	Invst/(Recall) Amount \$		Commentary	
Rural Bank	(508,824.11)		Term Deposit Matured 07/07/2015	
ME Bank	500,000.00		Term Deposit Invested 08/07/2015	

Short Term Credit Rating*	Policy Maximum	Current Holding %	Current Holding \$
A-1+	100%	25%	3,500,000
A-1	80%	25%	3,500,000
A-2	60%	50%	6,500,000
A-3	40%	0%	-
			14,000,000

\*Councils current investment portfolio contains only short term investments and has therefore been rated accordingly.

Overall Portfolio Return to Maturity			Actual %
Portfolio % < 1 Year	Min 40%	Max 100%	100%
Portfolio % > 1 Year	Min 0%	Max 60%	0%
Portfolio % > 3 Year	Min 0%	Max 30%	0%
Portfolio % > 5 Year	Min 0%	Max 20%	0%

Individual Institution Limit	Rating	Policy Maximum	Actual Maximum
AMP Bank	A1/A+	3,000,000	2,500,000
Bank of Queensland	A2/A-	3,000,000	2,000,000
Bankwest	A1+/AA-	3,000,000	1,500,000
Bendigo & Adelaide Bank	A2/A-	3,000,000	1,000,000
Beyond Bank Australia	A2/BBB+	3,000,000	500,000
IMB	A2/BBB	3,000,000	500,000
ING Bank	A2/A-	3,000,000	500,000
Macquarie Bank	A1/A	3,000,000	1,000,000
ME Bank	A2/BBB+	3,000,000	1,000,000
NAB	A1+/AA-	3,000,000	2,000,000
Wide Bay Australia Ltd	A2/BBB	3,000,000	1,500,000
			<b>14,000,000</b>

<b>RESTRICTED CASH, CASH EQUIVALENTS &amp; INVESTMENTS</b>	
	<b>\$ 000's</b>
External Restrictions - Sewer*	4,416
External Restrictions - Unexpended Grants*	1,421
External Restrictions - Other*	1,038
	<b>6,875</b>
Internal Cash Restrictions*	6,198
Unrestricted	1,294
	<b>7,492</b>
<b>TOTAL CASH &amp; INVESTMENTS</b>	<b>14,367</b>

\* Restrictions represent balance as at 1 July 2014

### Issues:

Nil

### Budget Implications:

A good investment strategy optimises Council's return on investments.

### Enclosures (following report)

Nil

### Attachments (separate document)

Nil

**06) SIX MONTHLY DELIVERY PLAN REVIEW - JUNE 2015**

**Department:** Corporate Services

**Author:** Director Corporate Services

**CSP Link:** 6.3 A well-run Council organisation.

**File No:** GS.LI.1

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**Recommendation:**

That the six-monthly review, as at 30 June 2015, of Council's 2014/15 – 2017/18 Delivery Plan be received.

**Reason for Report:**

To review progress of Council's 2014/15 – 2017/18 Delivery Plan.

**Report:**

As part of the Integrated Planning and Reporting Framework the Office of Local Government (OLG) requires Council to adopt a suite of strategic planning documents. These documents include a long term Community Strategic Plan, a four year Delivery Plan and an annual Operational Plan and Budget. These documents are supported by the Resourcing Strategy comprising the Long Term Financial Plan, Asset Management Policy and Plans and the Workforce Plan.

The current Delivery Plan was originally adopted in 2013 following consultation surrounding the Blayney Shire Council Community Strategic Plan 2025 involving the community, Councillors and Council staff. The Delivery Plan is a document which outlines what will be delivered to the community during the four year term of Council using the Blayney Shire Council Community Strategic Plan 2025 as an overarching guide.

It is a further requirement of the OLG that progress reports are provided to Council and the community every 6 months. At the conclusion of the life span of the Delivery Program a full and comprehensive report is prepared for the benefit of the outgoing Council and community. The End of Term Report will be tabled in August 2016.

This six monthly progress report is presented in a format which summarises the activities across the organisation using qualitative and quantitative information sourced from Managers and Directors.

**Issues:**

There are no issues foreseen by the consideration of this report.

**DELIVERY PLAN PERFORMANCE STATUS REPORT - JUNE 2015**

DP Ref.	TASK	MEASURE	COMMENT
STRATEGIC DIRECTION 1: GROW THE WEALTH OF THE SHIRE			
CSP1.1: A viable agricultural sector with niche opportunities and products coupled with lifestyle.			
1.1.1	Maintain and strengthen partnerships with organisations responsible for natural resource management	Attendance at meetings	Ongoing attendance at meetings during period by Council delegates and representatives. Two Planning Proposals are currently underway. Liaison with DCP consultant has taken place to prepare the draft for exhibition and adoption by January 2016. Input of information into Regional Growth Plan. Consultant engaged for Blayney 2020 Masterplan Plan, community engagement and councillor workshops have been undertaken. Draft document being prepared.
1.1.2	Promote sustainable development and protection of our natural resources through the planning system.	Review of LEP and Council	
1.1.3	Ensure planning activities support long term sustainability of agricultural sector.	Support by agricultural sector/landcare groups for planning scheme	
1.1.4	Explore and promote opportunities for Agriculture value adding industries.	Production of a economic development strategy in 2013. Establishment of new industries.	
CSP1.2: A thriving mining industry that supports and works well with the community.			
1.2.1	Manage the development of mining as it develops in the Shire in order to preserve sustainable industrial diversity into the future.	Industry meeting. Policy development.	Ongoing meetings with current and prospective mining company/s expected to be undertaken in the future. Forward works continue to be prepared, including funding applications where available. Participation and representation at Mining Related Councils meetings.
1.2.2	Improve transport linkages across the Local Government Area to support the mining industry.	Development of work plan.	
1.2.3	Build meaningful relationships between the mining industry and community.	Established communication channels. Attendance at meetings. Working relationships and cooperation. Mutual projects.	

CSP1.3: A well established, connected and prosperous tourism industry.			
1.3.1	Implement Blayney Shire Tourism Plan	Implementation of plan and targets. Tourism business thriving	On-going meetings with current and prospective mining company/s expected to be undertaken in the future.
1.3.2	Develop a structure to effectively support and grow tourism and local business.	Structure in place. Productive meetings.	Collaboration continues with Tourism Orange and Central NSW Tourism on promotional opportunities. Regular updates issued to communication distribution list established, tourism directory being expanded in order to improve communication of events/programs. Meetings held with village committees, a number of event organisers and Town and Villages Committee.
CSP1.4: Internationally recognised brand for Blayney Shire.			
1.4.1	Work with the community and organisations within the region to develop a recognised brand for the Blayney Shire.	Brand developed	Shire entry and town signs installed.
CSP1.5: Sustainable water, energy and transport sectors to support future growth.			
1.5.1	Advocate for increased funding for transportation assets through Federal and State programs	Representations made to relevant agencies	Updated information provided to public during period.
1.5.2	Promote sustainable energy development and use within the Shire.	Provision of information.	
CSP1.6: A vibrant local retail and business sector.			
1.6.1	Seek opportunities to build a vibrant local retail and business sector.	Cooperative projects. Opportunities identified and followed up.	Ongoing dialogue with Office of Small Business, Dept. of Industry and Investment and RDA. Business Investment information added to Council website. Blayney 2020 Masterplan is a key element of upcoming consultancy and will complement brand identification and marketing strategy for Blayney Shire. Council conducted Workshop -
1.6.2	Build and retain relationships with government bodies and NGO's to assist small business	Productive relationships. Number of activities.	
1.6.3	Support and encourage the establishment or expansion of local businesses	New businesses. Empowered local business.	

1.6.4	Develop an environment that will attract technology or internet based industry to come to Blayney.	Establishment of technology industries and technologies.	How To Do Business with Council.
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**STRATEGIC DIRECTION 2: A CENTRE FOR SPORTS AND CULTURE**
**CSP2.1: Cultural and sporting events are coordinated and resourced.**

2.1.1	Encourage development of a calendar of sport and cultural events.	Information provided on web site and updated by sporting groups.	Tourism and Calendar of Events website maintained, driven by information submitted from event/sporting club organisers. Councils Event Management Plan available on website.
2.1.2	Engage with key groups and organisations with a view to developing community partnerships for conducting activities and programs.	Participation of organisations.	Working through Towns & Villages Committee on engagement on activities.  CentrePoint activities and facilities ongoing during period. Member visits: 6800; 348 membership renewals; 3187 attended group fitness classes run though period.
2.1.3	Engage with the Shire youth to facilitate progress and activities across the Shire.	Youth activities held. Meetings of Youth Council.	Learn to swim: Term 1 2015 – 305 students enrolled Term 2 2015 – 219 students enrolled
2.1.4	Work proactively with the community groups to assist with event management.	Develop Community events guide and policies.	Kids Fit and Kids Holiday Programs run with good success with 48 attending in April and 62 in July. Mixed Sports competitions run in Terms 1 & 2.

2.1.5	Encourage and facilitate an active and healthy community by developing accessible programs through CentrePoint and local sporting groups.	Develop programs and activities with the community. Maintain facilities in accordance with financial estimates.	<p>Small schools rotation program ran fortnightly and a number of school visits occurred during the period.</p> <p>Activities run by 3rd parties include Basketball; Martial Arts; Table Tennis; Girl Guides; and Physiotherapy. Promotion of CentrePoint activities and facilities ongoing. Operational program continues in accordance with budget and levels of service.</p> <p>Funding application for Blayney Showground fencing Stage 2 successful. Funding obtained for King George Oval (KGO) kitchen / canteen upgrades through Nestle Purina, sporting clubs and Council.</p> <p>Quotations for (KGO) electronic scoreboard undertaken and successful supplier engaged. Delivery and installation programmed for Q1 (2015/16).</p> <p>2014/15 Round 2 Financial Assistance Program awarded \$54,119 in funding across 16 applications worth \$391,664</p>
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**CSP2.2: Strong participation in sporting events and competitions.**

2.2.1	Encourage active participation in sport.	Participation in Regional Sport promotions.	Blayney Sports Council meetings conducted and minutes presented to Council. Shire ovals and sporting facilities well maintained and utilised for sporting programs.
2.2.2	Establish and support a community based representative body for sporting groups.	Report written and council established	



**CSP2.3: Blayney Shire - a centre for arts, performance and entertainment.**

2.3.2	Develop partnerships with other arts organisations to help deliver arts and cultural activities	Arts and cultural activities coordinated.	Local Arts and Cultural activities have had a busy Spring, Summer and Autumn. Community Centre used for functions and regional/Council meetings during period. Meetings: 33; Conferences: 9; Other functions: 32; Council related activities / meetings: 50; Unused days: 92 Blayney Shire Library for period are as follows: Visits: 2,565; Issues: 5,150; Membership @30/06/15: 1,480
2.3.3	Encourage the use of the Blayney Shire Community Centre as a facility for arts and culture.	Use of facility.	
2.3.4	Provide library services in the Blayney Shire	Usage of library services	

**STRATEGIC DIRECTION 3: PRESERVE AND ENHANCE OUR HERITAGE AND RURAL LANDSCAPES****CSP3.1: Retention of native vegetation with linking corridors.**

3.1.1	Protect and enhance biodiversity, native, vegetation, river and soil health.	Developed strategies for protection	Applied to all applications assessed/determined during period. Village Enhancement Plan Tree Planting project undertaken in Barry. On site works for Revive! Belubula River at Pound Flat delayed to Q1 (2015/16) with planning for onsite Community Meeting completed. Mapping system for planting projects under final modifications.
3.1.2	Facilitate the delivery of more planting on Council owned and controlled land.	Compliance with strategy	

**CSP3.2: Biodiversity of waterways.**

3.2.1	Adopt and implement the Draft Integrated Water Cycle Management Plan (IWCM) Plan.	Implementation of agreed activities and tasks	IWCM approved by NSW Office of Water. Biodiversity education being provided through information in Community News and Ratepayers newsletters.
3.2.2	Enhance the community's understanding of biodiversity issues and work towards positive behavioural change	Research resourced and made available.	

**CSP3.3: Heritage sites in the natural and built environment are identified and understood.**

3.3.1	Pursue recognition of heritage items in draft LEP 2012.	Information to public Heritage advice	Undertaken. Planning Proposal currently being prepared for exhibition. Local Heritage Assistance Fund advertised seeking expressions of interest for the 2015/16 financial year.
3.3.2	Identify items of natural heritage in Blayney Shire.	Information to public Heritage advice	

**CSP3.4: Sustainable land use practices across the Shire.**

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.	Develop partnerships with relevant organisations.	LLS meetings attended and on-going contact maintained during period. Established links with local Landcare group. Funding application made to Kanangra to Wyangala (K2W) project for improved landcare outcomes at Neville Cemetery.
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**STRATEGIC DIRECTION 4: DEVELOP AND MAINTAIN SHIRE INFRASTRUCTURE****CSP4.1: Adequate provision of transport, roads, rail, information and communication technologies and community social assets.**

4.1.1	Manage Local Road Network to agreed service levels.	Performance budget/time/quality. Meeting service levels. Customer request system.	Routine inspections and maintenance undertaken in accordance with budget limitations.
4.1.2	Manage Regional and State Road Network to agreed service levels.	Service levels provided in accordance with State Government funding.	Safety Improvement/Rehabilitation works on Errowanbang and Forest Reefs Roads as part of Cadia SRV and Federal Blackspot Programs completed.
4.1.3	Ensure Ancillary Road facilities are serviceable and in line with current standards e.g. footpaths, cycleways, kerb and gutter, bus stops etc.	Performance budget/time/quality. Meeting service levels. Customer request system.	Maintenance grading continues on unsealed road network as and where required, within budget limitations.
4.1.4	Source road making materials in environmentally responsible manner.	Regulatory compliance	Construction of Forest Reefs Road (Cowriga Creek) bridge completed. Replacement of Carcoar Dam

4.1.5	Implement the Blayney Shire Council Asset Management Plans	Quantity and quality of information allocated	Road bridge with twin cell culvert completed.  Bridge condition assessments completed. Load limits being established and review of bridge replacement program priorities commenced.
4.1.6	Seek additional grant funding for construction and maintenance of roads and associated facilities	Applications submitted and Grant funds received.	Park Street and MR245 rehabilitation projects completed.
4.1.7	Plan for future transport and road infrastructure to service future needs	Projects are 'shovel ready'	Limited activity in asset inspections on ancillary facilities.
4.1.8	Investigate opportunities for stormwater harvesting and reuse	Projects identified and implemented. Successful grant applications.	Customer complaints continue to be addressed as and when required.  Essential Energy (EE) continue to undertake street lighting maintenance. Australian Energy Regulator (AER) provided final determination on EE distribution network.
4.1.9	Apply the principles of Water Sensitive Urban Design (WSUD) to stormwater management	Completion of WSUD policy. Investigate grant funding.	Injury surveys completed quarterly.
4.1.10	Prepare Stormwater Management Plans	Completion of Plans	Crushing operations completed in Whites quarry in Q3 (2014/15).
4.1.11	Maintain cemeteries in accordance with the community's needs and expectations	Compliance with regulations. Maintain records.	Inspection of hired plant to be undertaken to ensure legislative compliance. Road inspections undertaken on regular basis.
4.1.12	Identify surplus Council owned assets for possible sale to be invested in infrastructure reserve.	Assets identified for sale	Assets system software implementation programmed for Q1 (2015/16) following preparation of data.

4.1.13	Maintain and improve Council owned building assets	Implementation of Building maintenance program	<p>REPAIR Program (2015/16) funding application for next stage of rehabilitation of Hobbys Yards Road successful.</p> <p>Fixing Country Roads program (2015 - 2017) funding application for upgrade of Errowanbang Road program successful.</p> <p>Active Transport program funding application for shared paths, safety improvements and preparation of an</p> <p>Active Transport Plan successful.</p> <p>2015/16 capital works program design documentation commenced.</p> <p>Land negotiations for 2015 - 2017 road realignments commenced.</p> <p>Stormwater harvesting/wetland project in Ogilvy Street to be provided with further maintenance and plantings within budget allocation. Further engagement with Local Land Services/Salinity and Water Quality Alliance to be undertaken.</p> <p>Cemeteries were maintained in accordance with the regulations. It has been identified that a long term management plan is needed for the ongoing maintenance of all cemeteries within the shire.</p> <p>Building maintenance was undertaken within the period, with particular note to; CentrePoint, King George Oval, Blayney Show Ground.</p>
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CSP4.2: Every village has access to water and sewerage services.			
4.2.1	Maintain the availability and quality of water for use in rural areas	Water availability and quality. Operational bores.	Routine inspections undertaken of sewerage treatment plant (STP) in conjunction with EPA and NSW Office of Water (NOW). Inspection of STP for new risk based licensing system undertaken in Q3. Strategic Business Plan (SBP) for sewer services adopted by Council in Q3. Developer Servicing Plans for Millthorpe and Blayney deferred until NOW draft guidelines adopted. Water & Wastewater Engineer engaged with commencement early in Q1. CEEP2 (Centroc) relining works completed. Development of a Blayney Shire Onsite Waste Water Policy included within the PD of the EHO to be advertised.
4.2.2	Ensure Sewerage Treatment Plant are able to meet needs of the Blayney Shire	Maintain to licensing standards	
4.2.3	Provide an effective and safe Sewerage Collection Network for Blayney Shire	Achieve network maintenance	
4.2.4	Ensure that the disposal of liquid waste in rural areas is carried out in a healthy manner without negative environmental impact.	SMF's (sewerage management facilities) reviewed.	
CSP4.3: Improved access to community and public transport between villages and centres.			
4.3.1	Lobby to improve public transport around the shire	Improved transport services. Greater accessibility across the Shire.	Public Transport services maintained. Transport funding applied to Community Bus project facilitated by Blayney Rotary.
CSP4.4: Integrated medical and aged care facilities across the Shire.			
4.4.1	Advocate for the upgrading of rail infrastructure	Meeting attended.	Regional meetings attended. Debrief meeting with Minister for Roads and Ports, and TfNSW representatives attended following completion of tender assessment process for Blayney-Demondrille railway.

**CSP4.5: Sustainable Waste Management.**

4.5.1	Develop and promote programs that increase the participation of the community in recycling and reducing waste going to landfill.	Attendance at NetWaste meetings. Educational material developed. Participation in recycling program.	Meetings attended during period. Solid waste management by JR Richards monitored quarterly. Liaison with NetWaste regarding the finalisation the 10 year waste collection contract to start in 2016.
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**STRATEGIC DIRECTION 5: DEVELOP STRONG AND CONNECTED COMMUNITIES****CSP5.1: A diverse and sustainable population in our communities and villages.**

5.1.1	Assist incorporated village committees, progress associations and hall committees.	Active village committees	Council attend and support activities of Town and Villages Committees where possible. Residents pack on website and available from Tourist & Community Information Centre
5.1.2	Promote living in the Blayney Shire	Residents Pack developed.	

**CSP5.2: Fit and healthy community members.**

5.2.1	Build partnerships with community groups to increase use of parks and reserves	Interaction with use groups	Preparation of draft Use of council open space by private trainers underway. Staff continue to liaise with stakeholders as and when required, and via Sports Council to further capital improvements and strategic plans for facilities. Active Transport program funding application for shared paths, safety improvements and preparation of an Active Transport Plan successful.
5.2.2	Provide for the implementation of projects, identified in Council's Pedestrian and Access Mobility, Bike Plan to improve community health and fitness	Meetings attended	

**CSP5.3: Full and equitable access and strong usage of Information and communication technologies across the Shire.**

5.3.1	Implement programs to build community skills with computer technology, to build community participation and social inclusion amongst older Australians.	Internet access available to community. Program participation.	Information on website. Internet access available at Library. Promotion of Seniors Kiosk ongoing though community demand declining.
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**CSP5.4: Capable, self sufficient communities engaged in decision making about issues that affect them.**

5.4.1	Develop and implement a community engagement process and policy	Informed communities	Community Engagement Policy remains current. Village Enhancement Plans included into works programs. Volunteerism promoted on Council website.
5.4.2	Develop and implement plans for villages and township	Plans developed. Implementation ongoing as funds become available.	
5.4.3	Encourage volunteerism within the Community	Promotion undertaken	

**STRATEGIC DIRECTION 6: LEADERSHIP****CSP6.1: Good governance across our communities.**

6.1.1	Councillors to exhibit leadership on Council and participate in Council and regional communities as well as community organisations.	Attendance to meeting. Councillor presence on relevant committees.	Your Carcoar Community Plan Workshop conducted, supported by Council staff. Council has participated Central West Pilot JO project. Fit for the Future Community Engagement Strategy implementation. 8 individual town & village meetings (>110 people). Survey: 193 Responses.
6.1.2	Promote resource sharing and collaboration with regional organisations.	Participation in meetings. Resource sharing projects.	
6.1.3	Encourage sound governance practice in community organisations.	Provide assistance and training as requested.	

**CSP6.2: Meaningful communication between the Shires communities and Council.**

6.2.1	Identify and engage with Shire Community Groups.	Establish regular communications with Shire Community Groups.	Website and media communications channels utilised to promote Council activities. Acknowledgement process to emails and correspondence in place and ongoing. Activity reports issued to Directors monthly.
6.2.2	Implement Council's Community Engagement Plan	Engagement activities conducted	
6.2.3	Develop communications between Councillors and the community to provide community opinion.	Community satisfaction with communication processes. Available to community.	
6.2.4	Manage a customer request system to assist communications between community and Council.	Response times to requests.	

**CSP6.3: A well-run Council organisation.**

6.3.1	Provide a framework for the efficient and effective administration of Council.	Assess Council's position against Better Practice Review.	Annual report and Financial reports finalised and lodged by required due dates.
6.3.2	Maintain a stable and secure financial structure for Council.	Report financial outcomes as required by legislation.	Fit for the Future Improvement Proposal submitted by 30/06/2015.
6.3.3	Support actions for the sustainable future of local government.	Review Destination 2036 outcomes and actions to improve local government.	Financial Sustainability assessment of Council undertaken in June by NSW TCorp.
6.3.4	Develop strategies that respond to the impact of climate change on the community.	Supply of community information.	Financial Sustainability Rating: Moderate Outlook: Positive  Participation at regional Local Government sessions.

**CSP6.4: A safe community.**

6.4.1	Provide support for emergency management in Blayney Shire in accordance with SERM Act	Emergencies responded to.	Preparation of new emergency management plan (EMPLAN) to replace current DISPLAN underway in conjunction with LEMC.
6.4.2	Undertake regulatory responsibilities for environmental health and animal control.	Regulatory responsibilities are met	Road Safety Officer (RSO) continues to deliver road safety program, engage in Traffic Committee, and undertake road safety audits or speed zone reviews in conjunction with Roads and Maritime Services.
6.4.3	Educate communities on road and pedestrian safety	Programs delivered	RSO undertook delivery of the Kindy Kits program in Blayney Schools during Q4 . RSO delivered two road safety papers at the International Federation of Municipal Engineering (IFME) and the Institute of Public Works Engineering Australasia (IPWEA) 2015 World Congress and Conference in Rotorua New Zealand.
6.4.4	Review risk management of council operations.	Plan is implemented and risk managed.	Environmental Health and Animal Control activities were undertaken in accordance with applicable legislation.



**Budget Implications:**

Nil effect.

**Enclosures (following report)**

- |   |                                                             |          |
|---|-------------------------------------------------------------|----------|
| 1 | IP&R Delivery Plan Six Monthly Report as at 30 June<br>2015 | 11 Pages |
|---|-------------------------------------------------------------|----------|

**Attachments (separate document)**

Nil

**07) MINUTES OF THE BLAYNEY SHIRE AUDIT COMMITTEE MEETING  
HELD 22 JULY 2015 & AUDIT COMMITTEE ANNUAL REPORT**

**Department:** Corporate Services

**Author:** Director Corporate Services

**CSP Link:** 6.3 A well-run Council organisation.

**File No:** FM.AU.1

**Recommendation:**

1. That the minutes of the Blayney Shire Audit Committee meeting held 22 July 2015 be received.
2. That the Audit Committee Annual report for period 1 January 2014 to 31 May 2015 be received.
3. That a Business Continuity Plan be prioritised for development with timeframes for completion reported back to the next Audit Committee meeting.

**Minutes:**

**MINUTES OF THE MEETING OF BLAYNEY SHIRE AUDIT COMMITTEE  
HELD IN THE COMMUNITY CENTRE WEDNESDAY 22 JULY 2015**

The meeting commenced at 9:03 am.

**1. Present**

Cr. Somervaille	(Councillor)
Phil Burgett	(Independent)
Jennie Robson	(Risk Officer)
Anton Franze	(Director Corporate Services – secretariat)
Steve Kent	(Chair – Independent)
Rebecca Ryan	(General Manager)

**2. Apologies**

Cr. Ferguson	(Councillor)
Cr. Ewin	(Councillor)

**3. Declarations of Interest**

Nil.

**4. Adoption of Previous Minutes**

**Recommendation:** That the minutes for the previous Audit Committee meeting held on 18 February 2015 were true and accurate records of that meeting.

**5. Audit Committee Annual Report**

Draft report to be amended to better reflect attendances by Councillors as Charter requires only one Councillor to be in attendance. The report reflects that while there has not been any internal audit activity there has been other independent activities and priority given to Risk Management.

**Recommended:** That the Audit Committee Annual report be received and noted.

**6. Risk Management Update**

Documents tabled were Risk Officer Report; Draft Risk Register and Statewide Continuous Improvement Pathway including Risk Management Action Plan 2014/15 (following assessment).

Feedback on Draft Risk register included insertion of columns to elaborate on controls; to identify impacts and causes; and internal audit. Need to also breakdown into functional areas and break down into strategic objectives.

**7. External Audit Management Letter**

Comments were noted on the Interim Audit Management Letter.

**8. Review of Audit Committee Charter and Internal Audit Charter**

Charters were tabled for review. Committee to review document and provide feedback. Matter to be raised on next committee meeting agenda.

**9. Fit for the Future Proposal and TCorp Assessment Report**

Fit for the Future Proposal; Action Plan and TCorp Assessment tabled for committee discussion.

**10. Status of Development Application Review using ICAC DA Internal Audit Tool**

Update provided on DA Review nearing finalisation. Will be reviewed and action identified. A further report will be tabled for discussion.

**11. Status of Prior Report Recommendations**

Progress report tabled on critical milestones. Concern was expressed at the lack of action on development of a Business Continuity Plan and that it is a high risk area not addressed.

**Recommended:** That a Business Continuity Plan be prioritised for development with timeframes for completion reported back to the next Audit Committee meeting.

**12. Other Business**

Nil

**13. Future Agenda Items**

- Review of Audit Committee Charter and Internal Audit Charter
- Business Continuity Plan

**11. Meeting Dates**

Next meeting is to be held 22 July 2015 at the Blayney Shire Community Centre.

Future meeting dates are as follows:

- 21 October 2015 (proposed to 22 October 2015)
- 17 February 2016

There being no further business the meeting closed at 11.00 am.

**Enclosures (following report)**

1	Blayney Shire Council Audit Committee Annual Report 1 January to 31 May 2015	5 Pages
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**Attachments (separate document)**

Nil

*Councillor members:*

- Councillor Scott Ferguson (voting).
- Councillor David Somervaille and Councillor Ewin (alternates).

Mr Steve Kent is an experienced internal audit, risk management and consulting professional with considerable local and state government internal audit experience. He currently works as a Principal with the BDO, Risk Advisory practice in Sydney.

Mr Phil Burgett is a highly experienced professional accountant and external auditor with considerable experience in local government. He retired approximately 4 years ago, after a lengthy career as a Partner with the Bathurst based professional accounting firm; Morse Group.

During the year, the Audit Committee was attended by and received support from:

- Council's former General Manager, Mr Glenn Wilcox and new General Manager, Ms Rebecca Ryan;
- Mr Anton Franze, Director Corporate Services and,
- Ms Jennie Robson, Risk Officer.

Mr Glenn Wilcox resigned during the period and took up an appointment with another council as General Manager. A new General Manager, Ms Rebecca Ryan was appointed and started with Council in November 2014. She attended and was welcomed to her first meeting of the Committee on 15 February 2015.

The Committee would like to formally acknowledge the support provided by the former General Manager Mr Glenn Wilcox, Mr Anton Franze and Ms Jennie Robson.

**Meetings of the Committee**

The Table below sets out the meetings of the Committee held during the reporting period and the attendance of Committee Members at these meetings. The Charter requires attendance by one councillor only.

<b>Meeting Date</b>	<b>Mr Steve Kent</b>	<b>Phil Burgett</b>	<b>Councillor Attendee</b>
7/3/2014	✓	✓	Cr. Somervaille
30/7/2014	✓	✓	Cr. Ferguson
15/10/2014	✓	✓	Cr. Somervaille
18/2/2015	✓	✓	Cr. Ferguson

**Blayney Shire Council - Audit Committee**

**Annual Report 2014-2015**



Report dated May 2015 from the Chairperson, Blayney Shire Council Audit Committee on the operations of the Audit Committee for the period 1 January 2014 to 31 May 2015, is required under the Council's Audit Committee Charter.

**Purpose of Report**

The Audit Committee Charter adopted by Council requires that the Committee report at least annually on its activities. This report covers the period 1 January 2014 to 31 May 2015, the third period of operation of the Audit Committee. The report provides a background to the Audit Committee's membership, operations during the period and areas for development in the year to come. This report is based on the annual reporting format suggested by the 2011 Victorian Local Government publication *Audit Committees - A Guide to Good Practice for Local Government*. Prior to its presentation to Council the report was reviewed and endorsed by the Members of the Audit Committee.

**Background / Introduction**

Council's Audit Committee inaugural meeting was held on 28 September 2011. Since then, the Committee has held regular meetings in accordance with its Charter that is based on guidelines issued by the Department of Premier & Cabinet, Division of Local Government in October 2008 and revised in 2010. The Audit Committee Charter is complemented by an Internal Audit Charter. The Audit Committee Charter sets out the roles and responsibilities of the Committee, its authority, membership and the tenure of its members, the operation of its meetings, how decisions are made and its reporting responsibilities. It is reviewed, and amended as necessary on an annual basis.

Membership of the Audit Committee comprises one Councillor and two Independent Members. The Independent Members of the Committee were selected following a request for interest process conducted by the WBC Alliance. To improve communication, co-ordination and co-operation across the three Councils of Blayney, Cabonne and Central Tablelands Water, the two Independent Audit Committee Members were appointed to all three Council Audit Committees.

A list of Committee meeting dates and attendances by Committee members is set out in the Table below:

**Audit Committee Membership**

The Committee is currently comprised of the following members:

*Independent members:*

- Mr Steve Kent (Current Chairperson) and .
- Mr Phil Burgett.

*Blayney Shire Council Audit Committee Annual Report 2014-2015*

#### Internal Audit Charter

In view of the fact that an active internal audit program is not in place, Council's compliance with the Internal Audit Charter should be reviewed and an assessment of its relevance in Council's governance framework undertaken by Council.

#### Risk Management

The Committee has continued to promote the need for an RMF, including the completion of a risk register to assist Council's decision making, risk mitigation and identifying areas for possible review / internal audit.

Council with involvement of its Risk Officer is developing a Statewide Continuous Improvement Pathway that includes an Enterprise Risk Management Plan that will drive the development of an enterprise risk management framework , including a risk register.

To date Directors and Managers have undergone risk management training to assist with their understanding of risk management requirements. A risk register is currently being developed and is to be presented to the July Committee meeting.

This particular area will continue to be closely monitored by the Committee and advice provided, where possible.

#### External Audit Management Letter / Annual Financial Statements

During the period under review, the Audit Committee has considered the external auditor's management letter for 2014 and Council management's responses. The Committee noted that there were no significant findings in the letter and decided it was not necessary to formally meet with Council's external auditor. A meeting with the external auditor will be reconsidered for 2015.

In addition, the 2014 Annual Financial Statements for Council were considered by the Committee and discussed with Intentus; External Auditor.

#### Committee Self - Assessment

A formal self - assessment of the Committee's performance was completed, noting that it had been deferred from the previous period. The responses from the Committee confirmed that the majority of items commented on were satisfactory.

The main issues that arose out of the assessment were the Committee's concern at the delayed completion of an RMF, completion of the existing Internal Audit Plan, the development of a new Strategic Internal Audit Plan and better communications to / from Committee to improve its effectiveness and ability to add value.

As indicated above, steps are being taken to correct the above situation which will be closely monitored by the Committee.

### **Role of the Committee**

The role of the Audit Committee can be summarised as being to oversight risk, compliance, external accountability and internal control in Council. It does this by:

- examining and commenting on Council's risk management framework and practices;
- reviewing internal control mechanisms;
- reviewing financial reporting and controls in Council including meeting with Council's external auditors;
- monitoring legislative compliance including compliance with policies and guidelines issued by the Office of Local Government;
- supporting an active program of internal audit by authorising an annual and strategic internal audit program as well as overseeing progress with the implementation of the recommendations of completed audit reports.

### **Achievements During the Reporting Period**

The third year of operation of the Audit Committee has been characterised by a number of key activities. These are separately commented on below:

#### **Internal Audit**

Council's current strategic three year internal audit plan is expiring on 30 June 2015. During the period to the date of this report, no internal audits have been undertaken, albeit that a review of DA processes was planned to be performed by Grant Thornton (new CENTROC Internal Auditor) in March / April 2014. This was not proceeded with as a result of deciding to do the review in - house (using the ICAC DA Assessment Tool) and other priorities (particularly in respect of risk management). If needed, an independent audit may be undertaken in due course.

The last internal audit undertaken (by IAB Services) was the subject of the 2012/2013 Annual Report and related to a Health Check Review of Information Technology Strategy and Network Security Systems.

The Committee has agreed during the course of the period that the development of a formalised Risk Management Framework - RMF (including risk assessment) was of a much higher priority than completing internal audits, given that the former matter has been discussed over a considerable period. It was also accepted that once completed, the RMF will be used to inform the development of a new Strategic Internal Audit Plan from 1 July 2015, as soon as practicable.

A discussion paper on Internal Audit and Risk Management prepared by the WBC Executive Manager was presented to the Committee during the period with recommendations for future options. The Committee discussed the options, but considered that the present steps being taken by Council were appropriate at the present time.



**Status of Internal Audit Report Recommendations**

The status of past internal audit report recommendations have been considered at each meeting, with satisfaction being expressed at the progress in implementation. There are only a small number of recommendations remaining outstanding and these should be closed out at the beginning of the next financial year.

One item that has been identified as requiring action is the development of Business Continuity Plan (BCP). Management is considering the use of a facilitator for this purpose and is to report to the Committee in due course with a project plan, including timetable.

**Future Directions**

The Audit Committee is well established and looking to making a future contribution in the following areas:

- The implementation of a robust and effective RMF and annual / strategic internal audit programs. As indicated above, this is a high priority and will continue to be closely monitored by the Committee. Where possible, support and guidance will be given by the Committee to Management.
- Enhancing the liaison and communication with Council's external auditor;
- Continuing to encourage the exchange of relevant risk and audit information between the member Councils of the Alliance;
- Seek to maintain and improve the timely flow of information to / from Council to the Committee. During the year, the information and explanations provided by Council have proven quite useful;
- Maintaining a watching brief over the possible changes to Council (WBC Alliance) structures / operations in regard to the Government's "Fit for the Future" Strategy and providing support / advice to Council, where possible.
- Reviewing the Audit Committee Charter on a periodic basis;

**Recommendation:** That Council receive and note this report.

Steve Kent

**Chairperson Blayney Shire Council Audit Committee**

**08) IFME WORLD CONGRESS ON MUNICIPAL ENGINEERING AND  
IPWEA INTERNATIONAL PUBLIC WORKS CONFERENCE**

**Department:** Infrastructure Services

**Author:** Director Infrastructure Services

**CSP Link:** 6.2 Meaningful communication between the Shires communities and Council.

**File No:** CR.CF.2

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**Recommendation:**

The Road Safety Officer's report from the IFME World Congress on Municipal Engineering and IPWEA International Public Works Conference is received and noted.

**Reason for Report:**

To provide Councillors with an update on the Road Safety Officer's attendance at the IFME World Congress on Municipal Engineering and IPWEA International Public Works Conference.

**Report:**

The combined International Federation of Municipal Engineering (IFME) and the Institute of Public Works Engineering Australasia (IPWEA) held its 2015 Bi-Annual World Congress and Conference in Rotorua New Zealand from 7-11 June 2015. The conference theme was 'Sustainable Communities - Sharing the Knowledge' and was attended by 800 delegates from 15 countries. Topic streams for the conference included asset management practice, engineering management, strategic asset management, sustainable communities, sustainable practices, roads & transport, three waters, as well as current developments within local government engineering. Council's Road Safety Officer Iris Dorsett has been an active member of the Institute of Public Works Engineering Australasia (IPWEA) since 2005. The IPWEA is a professional organisation providing member services and advocacy for those involved in and delivering public works and engineering services to the community.

Ms Iris Dorsett presented a paper to the conference. Ms Dorsett spoke on the award winning 'Kindy Kits' program, which delivers community road safety and environmental friendly messages to one of the youngest community groups, Kindergarten students. This importance and success of this program has been previously recognised by the IPWEA with the awarding of a 'Highly Commended' Local Government Excellence in Road Safety Award in October 2014 and by qualifying as a finalist in the Australasian College of Road Safety (ACRS) 3M Diamond Road Safety Award, which was presented to Ms Dorsett by His Excellency the Governor General Sir Peter Cosgrove in November 2014.

In addition Ms Dorsett had been invited to display a poster on traffic management in emergency situations, which resulted from the study tour she undertook to Japan (Ohkuma), in April/May 2014. This study tour was funded by a foundation grant through the IPWEA.

Both presentations were well received and generated much interest with Ms Dorsett receiving several requests from Sweden, Norway, Finland, United States, New Zealand and closer to home Western Australia, South Australia and Queensland to provide and share program information and strategies with them.

Ms Dorsett found that the conference was beneficial for both professional and personal development. The conference provided a comprehensive update on industry developments, and assisted with developing closer working relationships with other Council areas through networking opportunities.

Overall, the conference was regarded as a success.

Several Western Region Councils were represented at the conference.

Following the conference Council has received a letter from the Conference Team, which commended and thanked Ms Dorsett for her contribution to the event.

**Issues:**

Nil

**Budget Implications:**

Attendance at conference was funded as part of the Road Safety Officer Professional and Personal Development Training Plan that falls within the existing road safety program budget allocation.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**09) CROWN ROAD CLOSURE - PANUARA ROAD, CADIA VALLEY**

**Department:** Infrastructure Services

**Author:** Director Infrastructure Services

**CSP Link:** 1.2 A thriving mining industry that supports and works well with the community.

**File No:** RD.RC.6

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**Recommendation:**

1. That Council approve
  - a. The closure of Lots 1, 2, 3, & 4 in the Plan of Roads to be closed, prepared by Surveyor Collins of Orange and signed/dated by Council 23 May 2002.
  - b. The transfer of Lots 5, 6 & 7 in the Plan of Roads to be closed, prepared by Surveyor Collins of Orange and signed/dated by Council 23 May 2002 to Council as Public Road.
  - c. The placement of Council's seal on all documentation associated with the closure of Crown Roads, and transfer to Council as public roads those roads identified in the Plan of Roads to be closed, prepared by Surveyor Collins of Orange and signed/dated by Council 23 May 2002.

**Reason for Report:**

Council's approval is required as part of an application to Crown Lands for the closure and transfer of unconstructed Crown Road reserves within Newcrest's Cadia Valley Operations mine lease.

**Report:**

Council has located a previously prepared survey plan that was provided with the intent of closing unconstructed Crown Road reserves currently located within and in the vicinity of the Cadia Valley Operations, Southern Tailings Dam as identified in the Locality Map **(Attachment 1)**.

The roads under consideration comprise Crown and Council public road reserves that made up the original Panuara Road alignment, as identified on the attached plan **(Attachment 2)**. It is proposed to close those roads currently located within the Newcrest (Cadia Valley Operations) lands north (Lots 1, 2 and 3) and south (Lot 4) of Panuara Road for transfer to Newcrest, and transfer those sections of Crown Road (Lots 5, 6 and 7) to Council public road currently within the "new" Panuara Road.

In accordance with Section 35 of the Roads Act 1993, Council provided notice by way of public notification via the Blayney Chronicle on 7 May 2015 **(Attachment 3)**, letters to adjoining owners, and public agencies, that the Minister for Natural Resources, Lands and Water would consider the closing of the roads.

Council received responses from, NSW National Parks & Wildlife Service, NSW Planning & Environment, and NSW Fisheries; each offering no objection to the proposal.

These matters usually take considerable time to process through Crown Lands.

It is therefore recommended that Council adopt the recommendation to approve the closures and transfers.

**Issues:**

In order for the matter to be progressed and finalised Council approval is required by Crown Lands.

**Budget Implications:**

All survey and legal fees will be at full cost to Newcrest (Cadia Valley Operations).

**Enclosures (following report)**

Nil

**Attachments (separate document)**

<b>1</b>	1 - RD.RC.6_CadiaValley_Sketch1	1 Page
<b>2</b>	2 - RD.RC.6_CadiaValley_Plan	1 Page
<b>3</b>	3 - RD.RC.6_CadiaValleyAdvert Blayney Chronicle	1 Page

**10) DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT**

**Department:** Infrastructure Services

**Author:** Director Infrastructure Services

**CSP Link:** 4.1 Adequate provision of transport, roads, rail, information and communication technologies and community social assets.

**File No:** GO.ME.1

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**Recommendation:**

That the Director of Infrastructure Services Monthly report for August 2015 be received.

**Reason for Report:**

To update Councillors on matters associated with shire infrastructure, its maintenance, operation, upgrade and construction.

**Report:**

**Topical Issues**

BlackSpot Funding

Councillors may be aware that submissions have been invited for Black Spot Project nominations through the State and Federal Black Spot programs. These programs are funded primarily on a Benefit Cost Ratio (BCR), with historic cut offs been a BCR of 5.0 or greater.

In recent years, Council has been successful in getting funding from these programs for the treatment of Black Spots throughout the Shire, including works on Belubula Way, Forest Reefs Road, and Newbridge Road. Through Council's success in attracting these grants, it has been able to treat the majority of Black Spots within the Shire.

For the nominations called for the 2016/2017 Financial Year, there is only one section of road within the Shire that qualifies for the Federal Black Spot program, which attracts 100% funding. This is a 4km section of Gap Road, with 2 injury crashes, and a fatality along this route in the last 5 years.

The funding objectives for this program are to reduce the rate of crashes on the road network, and projects submitted should aim to make the route a consistent standard, not just treat the crash location. Historic data from Roads and Maritime Services (RMS) has shown that by treating only the crash location, and not the whole route, the crash rate is not reduced, rather it is moved to the area where the treatment was not applied.

A proposal that fits within the guidelines of the program, and would provide sufficient funding for Council to complete the works, returns a BCR of 1.7. This is a result of the long length of the section of Gap Road.

Further to this, with Council having been successful in receiving money for Fixing Country Roads, and the additional Roads to Recovery funding announced, Council would be unable to deliver any further works in the 2016/17 Financial Year.

#### Adelaide/Martha Street Intersection

Council has been working with RMS regarding the intersection of Martha Street and Hobbys Yards Road. Detailed survey and design is being undertaken on this intersection in the current Financial Year, with RMS planning to fund works on the intersection in the subsequent years.

The crash history at this intersection does qualify for funding under the Black Spot programs. However as it is within a 50km/h zone the required remediation works are not recognised as a crash reducing treatment. This results in any proposal achieving a negative BCR, and therefore would not be able to attract funding through the Black Spot program.

#### **Major Works**

Major road construction and notes on current works are as follows:

- Adelaide Street Intersection upgrade – Work has been completed.
- Errowanbang Road – Work was initially programmed to commence in early July, however was delayed due to recent wet weather. Work commenced late July on preliminary site works including drainage.
- Gravel resheeting and Maintenance grading works continue across the shire, with major resheeting works/maintenance grading to be undertaken on Gap Road, and Cadia Roads in coming weeks. Work has generally been delayed due to recent wet weather and snow, not providing suitable conditions.

#### **Major Contracts**

Newbridge Tennis Court

- Contractor has commenced on site, with preliminary earthworks underway.

Revive! Belubula River at Pound Flat project

- A successful community inception meeting was undertaken on Saturday 11 July, where an enthusiastic group of the Carcoar community were briefed by Council officers on the project scope, and the expected outcomes. The first stage of works, to commence shortly is expected to take 2-3 weeks to complete (weather permitting), and will encompass willow removal, followed by key community based stages, undertaken alongside the Carcoar Urban Landcare Group, that will include weeding, tree planting, and then establishment of a mown pathway around the river, and the installation of nesting boxes in trees to encourage wildlife back to the area.

**Active Transport Plan**

- Council has received submissions from its Request for Quotation to prepare an Active Transport Plan (formerly known as a Pedestrian Access Master Plan and Bike Plan) for Blayney Shire. An assessment of submissions is to be carried out by Council and RMS officers in the last week of July. The aim of the plan is to develop a clear understanding of walking and cycling needs in Blayney and villages across the Shire, and prepare a plan of proposed works.

**Land Development****Cook Street (11 Lot subdivision)**

- Councils consultant has advised that site investigations have been delayed due to wet conditions, restricting access of their drilling rig on the site. A request to ensure works are fast tracked has been made.

**Wastewater**

- Preparation of a Request for Quotation document for the Millthorpe transfer main project will commence shortly.
- Initial testing following the commissioning of the Calcium Nitrate dosing system at the Millthorpe Pump Station have been positive, and there has been a measured difference in Hydrogen Sulphide (H<sub>2</sub>S) gases in the line.

**Recreation and Environment****Redmond Oval Upgrade**

- Final documentation for the extensions to the amenities building has been received from Councils Architect, and a Request For Quotation is anticipated to be released in coming weeks.
- The Redmond Oval Committee has prepared a strategic plan for the future development of the facility. The plan shall be referred for consideration by the Blayney Shire Sports Council. Geotechnical investigations have been completed, and early discussions held with potential consultants to develop the technical specification for inclusion in a future design and construct tender for the playing field. Early estimates indicate the ability to fund the construction of the playing field, including drainage and irrigation, and the installation of a new playing field fence and lighting suitable for training purposes only.

**King George Oval**

- Building renewal works to replace the cladding on the commentary box and minor remaining timber repair works to the grandstands have unfortunately been delayed due to the contractor sustaining an injury out of hours.
- Council anticipates raising a purchase order for the refit of the canteen shortly. Following the revised scope for a fitout with stainless steel benchtops with an intermediate stainless shelf, Council has been working with a contractor to ensure the scope of works is clear and delivered product is per Council requirements.



- Council has received the new electronic scoreboard and commenced fabrication of the support frame, to be installed at a location slightly closer to the amenities block. Electrical works will be undertaken following installation of the board.

#### Showground Irrigation

- Council is currently discussing options to consider sustainable options for the secure and efficient delivery of water to the proposed irrigation project to ensure a high level of service is provided whilst seeking to minimise the demand on the potable water supply.

#### Lyndhurst Recreation Ground

- Council has received delivery of fittings, and the contractor collected to commence installation. The contractor is expected to complete works by mid September.

### **Asset Management**

#### Road Revaluation

- The revaluation of Council's road assets continues to progress, with unit rates developed and discussed with Council's Auditor. Further work is to be undertaken to refine these rates for final approval by the Auditor.

#### Asset Management System

- Assetfinda staff will be undertaking implementation and training of the new system on 4-5 August. Recent liaison with Cabonne Shire has revealed that following implementation of their system, progress has been limited due to Council staff turnover. As a result the Executive Officer of the WBC Alliance is coordinating further joint work between the Councils.

### **Infrastructure Services Personnel**

The approved restructure of the department continues to progress, albeit slower than anticipated.

Council has recently advertised the roles of Asset Systems (GIS) Officer, and an additional Fleet Mechanic, and is seeking internal applications for a Construction Carpenter, and Bitumen and Signs Gangers. It is anticipated further internal applications will be sought for a Truck Driver and the Relief Operator (Works/Sewer) will follow shortly.

Following the advertising of three Works Officers roles, Council has successfully filled two positions, however has also lost two temporary contractors who have found other full time employment.

Council's Water and Wastewater Engineer, has commenced work with Council and will be focused on addressing those concrete structures damaged by Hydrogen Sulphide attack on the Millthorpe transfer main. Various other projects including sewer main renewals/rehabilitation, the showground playing surface irrigation and supporting the Redmond Oval reconstruction project will be initial focusses.

**Issues:**

Nil.

**Budget Implications:**

Nil.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

# **11) VPA FOR FLYERS CREEK WIND FARM**

**Department:** Planning and Environmental Services

**Author:** Director Planning and Environmental Services

**CSP Link:** 3.4 Sustainable land use practices across the Shire.

**File No:** LP.PL.2

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## **Recommendation:**

1. Council authorise the affixing of Councils seal to the Voluntary Planning Agreement by the Mayor and General Manager.
2. Council authorise the Mayor and General Manager to enter into and sign the Voluntary Planning Agreement.

## **Reason for Report:**

To seek resolution to affix Councils seal to the Voluntary Planning Agreement with Flyers Creek Wind Farm Pty Ltd.

## **Report:**

Councillors will recall that at its Ordinary Meeting of 11 May 2015 it resolved to place on public exhibition for 28 days an amended Voluntary Planning Agreement and Explanatory Note.

No submissions were received during the exhibition period and as such Council must now formally enter into the agreement.

## **Issues:**

Nil

## **Budget Implications:**

Implementation of the VPA will result in a substantial financial contribution to Council over 25 years directed to the Community Benefit Fund, Road Maintenance and Project Related Council Administration and observation.

## **Enclosures (following report)**

1 VPA for Flyers Creek Wind Farm

16 Pages

## **Attachments (separate document)**

Nil

# Planning Agreement

Between



**Blayney Shire Council**

ABN: 47619651511

and



**Flyers Creek Wind Farm Pty Ltd**

ACN: 130 749 012

14/04/2014

**Blayney Shire Council**

**91 Adelaide Street Blayney NSW 2799**

**Phone 02 6368 2104**

[council@blayney.nsw.gov.au](mailto:council@blayney.nsw.gov.au) / [www.blayney.nsw.gov.au](http://www.blayney.nsw.gov.au)

## 1. PARTIES

- Blayney Shire Council of 91 Adelaide Street, Blayney, NSW 2799 (**'Council'**);
- Flyers Creek Wind Farm Pty Ltd of Level 22, 56 Pitt Street, Sydney, NSW 2000 (**'Proponent'**).

## 2. BACKGROUND

- 2.1 On 16<sup>th</sup> December 2008 the Proponent made a Development Application to the NSW Department of Planning & Infrastructure for Development Consent to carry out the Development on the Land (approximately 15 kilometres west of Blayney). This Development is identified by the Department of Planning & Infrastructure as Major Project Application No. 08\_0252.
- 2.2 The Proponent has agreed to enter into this Agreement and, provided that Construction Commencement is achieved, to pay the Development Contributions to the Council on the basis that Development Consent is granted by the NSW Government.

## 3. OPERATIVE PROVISIONS OF THIS AGREEMENT

### 3.1 PLANNING AGREEMENT UNDER THE ACT

The Parties agree that this Agreement is a Planning Agreement governed by Subdivision 2 of Division 6 of Part 4 of the Act.

### 3.2 APPLICATION OF THIS AGREEMENT

This Agreement applies to the Development as identified in Attachment A of this Agreement on Land which is identified in Attachment A of this Agreement.

### 3.3 OPERATION OF THIS AGREEMENT

- a) The operation of this Agreement is subject to and conditional upon:
- (i) final Development Consent for the Development being received on terms and conditions acceptable to the Proponent acting reasonably; and
  - (ii) Construction Commencement being achieved,
- (together the **'Conditions'**).
- b) This Agreement shall have no force or effect until both of the Conditions have been satisfied.
- c) Payment of the financial contributions due in the first calendar year shall be made pro rata, dependent on the date in that year the Conditions are met.

### 3.4 DEFINITIONS AND INTERPRETATION

In this Agreement, the following definitions apply:

**Act** means the *Environmental Planning and Assessment Act, 1979*.

**Approval** means any approvals, consents, certificates, permits, endorsements, licences, conditions or requirements (and any modifications or variations to them) which may be required by law or by adjoining owners for the commencement and carrying out of the Development generally and includes an approval under Part 3A of the Act (if relevant).

**Base Year** means the calendar year commencing 1 January 2014.

**Business Day** means a day on which banks are open for general business in Sydney excluding Saturdays, Sundays and public holidays.

**Conditions** is defined in clause 3.3(a).

**Council** means Blayney Shire Council.

**Construction Commencement** means the Project has reached financial close in securing all debt and equity required to build the Project, the Department has approved the Construction Environmental Management Plan for the Project and an Environmental Protection Licence has been issued by the NSW Department of Environment on terms acceptable to the Proponent and the Proponent has mobilised to site in preparation for commencing civil works on public road infrastructure and the project site itself. For the avoidance of doubt, mobilisation to site does not include undertaking activities such as geotechnical investigations, surveys of any nature or resource monitoring.

**CPI** means:

- a) the Consumer Price Index (All Groups, Sydney) published by the Australian Bureau of Statistics from time to time; or
- b) if for any reason the Consumer Price Index (All Groups, Sydney) is not published for any year, or if publication is delayed until after the relevant CPI Adjustment Date, the Consumer Price Index (All Groups, Sydney) published for the previous year; or
- c) if the Australian Bureau of Statistics ceases to publish the Consumer Price Index (All Groups, Sydney) and publishes another index which replaces it, then the other index.

**CPI Adjustment Date** means 1 January in each successive year after the Base Year.

**Dealing**, in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land.

**Decommissioning** means the date of which the Proponent has ceased commercial operations and removed the plant and equipment that comprise the Wind Farm and returns the land formations upon which plant and equipment was installed, as far as practicable, to the levels existing prior to the Construction Commencement in accordance with the conditions of any Approvals.

**Department** means the NSW Department of Planning and Infrastructure.

**Development, Project or Wind Farm** means the project known as the 'Flyers Creek Wind Farm' as detailed in Attachment A of this document.

**Development Application** has the same meaning as in the Act.

**Development Consent** has the same meaning as in the Act.

**Development Contribution** means a monetary contribution or the provision of a material public benefit, the schedule of which is listed in Table 1 contained herein.

**Dispute** is defined in clause 7.1.

**GST** has the same meaning as in the GST Law.

**GST Law** has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other act or regulation relating to the imposition or administration of the GST.

**Insolvency Event** means any of the following events:

- a) a Party ceases to (or is unable to) pay its creditors (or any class of them) in the ordinary course of business, or announces its intention to do so;
- b) a receiver, manager, receiver and manager, administrator or similar officer is appointed with respect to a Party or any of its assets;
- c) a Party enters into, or resolves to enter into, a scheme of arrangement, compromise or composition with any class of creditors;
- d) a resolution is passed or an order is made for the winding up or dissolution of a Party; or
- e) anything having a substantially similar effect to any of the events specified above happens under the law of any applicable jurisdiction.

**Land** means the land described in Attachment A of this Agreement.

**Modification** –means a modification to the Development Application that would result in more than forty three (43) wind turbines being approved for the Project.

**Party** means a party to this agreement, including its successors and assigns.

**Proponent** means Flyers Creek Wind Farm Pty Ltd or any subsequent owner of the Development.

**Traffic Study** means the study conducted as part of the Construction Traffic and Management Plan specified in Schedule C - Administrative Conditions of the Development Consent

### 3.5 INTERPRETATION OF THIS AGREEMENT

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
- b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
- c) If the day in which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.

- d) A reference in this Agreement to 'dollars' or '\$' means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
- e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- f) A reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- g) A reference to a clause, part, schedule or attachment is a reference to a clause, part schedule or attachment to this Agreement.
- h) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- k) References to the word 'include' or 'including' are to be construed without limitation.
- l) A reference to this Agreement includes the agreement recorded in this Agreement.
- m) A reference to a party to this Agreement includes a reference to the servants, agents, and contractors of the party, and the party's successors and assigns. For the avoidance of doubt, all future owners of Flyers Creek Wind Farm Pty Ltd are bound by the terms of this agreement.
- n) Any schedules, tables and attachments form part of this Agreement.

#### **4. DEVELOPMENT CONTRIBUTIONS TO BE MADE UNDER THIS AGREEMENT**

- 4.1 Subject to satisfaction of the Condition and the operation of clause 3.3, the Proponent commits to make the Development Contributions listed in Table 1 below to Council, by Electronic Funds Transfer, in accordance with the manner and timing stated in the same table.

**Table 1: The Development Contributions**

Number	Summary Description	Total Financial Contribution to be made (\$)	Manner & Timeframe for Payment of the Contributions
1	Community Benefit Fund	1,375,000	\$55,000/year paid for 25 years, with 50% payable on 1 <sup>st</sup> July and 50% payable on 5 <sup>th</sup> January each year.



2	Road Maintenance	1,000,000	\$40,000/year paid for 25 years with 50% payable on 1 <sup>st</sup> July and 50% payable on 5 <sup>th</sup> January each year.
3	Project Related Council Administration and Observations	300,000	\$12,000/year paid for 25 years, with 50% payable on 1 <sup>st</sup> July and 50% payable on 5 <sup>th</sup> January each year.
	Total over the first 25 years of the life of the Project	2,675,000 + CPI	

The Proponent will not be required to make any ad hoc contributions (in addition to the Development Contributions); however, it may at its discretion make other donations for community purposes.

- 4.2 On each CPI Adjustment Date, Development Contributions which are payable by the Proponent will be indexed by reference to the CPI for the year ending 31 September in the calendar year preceding the year in which the CPI Adjustment Date occurs. The adjustment is to be calculated by the following formula:

$$DC_n = DC_1 \times I_n / I_1$$

where:

$DC_n$  is the indexed Development Contribution (for year n);

$DC_1$  is the original amount of the Development Contribution, as set out in column 4 of Table 1;

$I_n$  is the CPI for the year ending 31 September in the calendar year preceding the year for which the calculation is being made; and

$I_1$  is the CPI for the Base Year.

- 4.3 The Development Contributions paid pursuant to subclause 4.1 may be pooled with other monies held by Council which have similar and relevant objectives, subject to the Proponent having the opportunity to make representations for certain expenditure for the benefit of residents in the district near the Project. The Council must have regard to the opinions expressed by the Proponent but will not be bound by them.
- 4.4 In addition to the Development Contributions listed in Table 1 above, and as per the findings of the Traffic Study (acceptable to both Parties), the Proponent undertakes at its own expense to:
- upgrade Errowanbang Road (between the Mid-Western Highway and Gap Road) and Gap Road (and related intersections, causeways, etc), in accordance with plans approved by Council, prior to any Project construction work commencing (other than site mobilisation);

- b) upgrade other roads, bridges, intersections, in the Flyers Creek district that require modification in the reasonable opinion of Council, to allow construction of the Development, in accordance with plans approved by Council, prior to any Project construction work commencing (other than site mobilisation);
- c) maintain Errowanbang Road (between the Mid-Western Highway and Gap Road) and Gap Road for the duration of the construction phase of the Development, to the reasonable satisfaction of Council;
- d) If, during the life of the Project, Council provides evidence of significant increases in traffic volumes or vehicle types on other roads in the locality not addressed in the abovementioned Traffic Study that can be directly attributable to the Project, the Proponent agrees to reach a negotiated settlement with Council to provide additional funds for road repair, maintenance or upgrade works. In an endeavour to avoid this impact the Proponent will require contractors and staff to travel on designated routes to be agreed with Council; and
- e) pay Council \$120/tonne ( adjusted for CPI in accordance with clause 4.2 as if they were Development Contributions) plus any reasonable carbon cost imposed by the waste management facility that accepts the waste generated by the Project.

The works a) to c) above shall be carried out by the Proponent as soon as practicable after the date the Conditions are satisfied but subject always to the operation of clause 3.3.

## **5. CONFIDENTIALITY**

- 5.1 The Parties agree that the terms of this Agreement are not confidential and that this Agreement may be treated as a public document and exhibited or reported without restriction by either Party.

## **6. AMENDMENT TO THIS AGREEMENT**

- 6.1 This Agreement may only be amended if Council and the Proponent agree to enter into a new Agreement or in accordance with clause 19.

## **7. DISPUTE RESOLUTION**

- 7.1 In the event a dispute between the Parties arises in relation to any activity, payment or item as covered in this Agreement (a **"Dispute"**), the Dispute is to be resolved through the following process (as required):
  - a) A Party claiming that a Dispute has arisen must give written notice to the other Party specifying the nature of the Dispute;
  - b) Within ten (10) days of receipt of notice of a claim of a Dispute, both Parties must endeavour, in good faith, to resolve the Dispute swiftly using informal dispute resolution methods such as discussion or expert evaluation as agreed by both Parties;

- c) If the Parties fail to resolve the Dispute within 21 Business Days of receipt of notice (or any further period agreed in writing by them) as to:
  - i) the Dispute resolution method and procedures to be adopted;
  - ii) the timetable for all steps in those procedures; or
  - iii) if applicable, the selection and compensation of the independent person required for any agreed expert evaluation,the Parties must mediate the Dispute in accordance with the Alternative Dispute Resolution process of the Law Society of NSW. The Parties must request the President of the Law Society of NSW or the President's nominee to select the mediator;
- d) The costs associated with the mediation must be shared equally between the Parties, unless the mediator determines otherwise; and
- e) If the Dispute is not resolved within 60 Business Days after the initial notice of the Dispute is given under clause 7.1(a), then either Party, having exhausted efforts to resolve the Dispute in accordance with this section, may, in writing, terminate the Dispute resolution process and commence court proceedings in relation to the Dispute.

## **8. ENFORCEMENT**

- 8.1 The Proponent commits an "event of default" if it commits, permits or suffers to occur any breach or default in the due and punctual observance and performance of any of the covenants, obligations and provisions to be performed or observed by the Proponent under this Agreement.
- 8.2 Where the Proponent commits an event of default the Council may:
  - a) serve a notice on the Proponent requiring the breach of this Agreement to be rectified within a reasonable period (being not less than 28 Business Days from the date of the notice); and
  - b) claim damages for breach of contract from the Proponent.
- 8.3 The rights vested in Council pursuant to clause 8.2 above do not prevent the Council from exercising any other rights that it may possess at law.
- 8.4 If there is any Dispute as to whether an event of default has occurred, then any enforcement by the Council of this Agreement shall be suspended pending the outcome of the Dispute resolution procedure prescribed in clause 7.

## **9. TERMINATION AND SUSPENSION**

- 9.1.1 Subject always to clause 8.4, this Agreement terminates upon the occurrence of any of the following events:
  - a) the Parties agree in writing to terminate this Agreement;

- b) Decommissioning of the Wind Farm;
- c) an Insolvency Event affects a Party; or
- d) the Council, acting reasonably, serves notice on the Proponent terminating this Agreement where the Proponent has failed to comply with a notice issued in accordance with clause 8.2(a).

9.2 Upon termination of this Agreement:

- a) all future rights and obligations of the Parties under this Agreement are discharged; and
- b) all pre-existing rights and obligations of the Parties under this Agreement continue to subsist.

## **10. NOTICES**

10.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

- a) delivered or posted to that Party at its address set out below; or
- b) faxed to that Party at its fax number set out below.

**Blayney Shire Council**

Attention: General Manager

Address: 91 Adelaide Street Blayney, NSW 2799

PO Box 62, Blayney, NSW 2799

Fax Number: (02) 6368 3290

**Flyers Creek Wind Farm Pty Ltd**

Attention: Mr Jonathan Upson, Senior Development Manager

Address: Level 22, 56 Pitt Street, Sydney, NSW 2000

Fax Number: (02) 9247 6086

10.2 If a Party gives the other Party three Business Days notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.

10.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:

- a) if it is delivered, when it was left at the relevant address;
- b) if it is sent by post, two Business Days after it is posted; or
- c) if it is sent by fax, as soon as the sender receives from the sender's fax machine, a fax report of an error free transmission to the correct fax number.

10.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a Business Day, or if on a Business Day, after 5 pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next Business Day.

## **11 COSTS**

Each Party shall pay its own costs in relation to negotiating, preparing and executing this Agreement.

## **12 ENTIRE AGREEMENT**

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed except as permitted by law.

## **13 FURTHER ACTS**

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

## **14 GOVERNING LAW AND JURISDICTION**

This Agreement is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

## **15 NO FETTER**

Nothing in this Agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

## **16 REPRESENTATIONS AND WARRANTIES**

16.1 Each of the Parties represents and warrants to the other Party that it has power to enter this Agreement and comply with its obligations under this Agreement and that entry into this Agreement will not result in the breach by it of any law applicable to it.

16.2 Each Party warrants to each other Party that:

- a) this Agreement creates a legal, valid and binding obligation, enforceable against the relevant Party in accordance with its terms; and
- b) unless otherwise stated, it has not entered into this Agreement in the capacity of trustee of any trust.

## **17 SEVERABILITY**

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of the Agreement is not affected.

## **18 MODIFICATION**

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

## **19 RENEWAL/REPLACEMENT OF THIS AGREEMENT**

During the term of this Agreement, the Parties agree to review and amend the Agreement if a Modification to the original planning consent is sought for the Development. Any amendments resulting from such a review will only become effective if the Modification is approved by the consent authority and the works relating to the Modification are commenced.

Regardless, during the twenty fifth year after Construction Commencement of the Development, the Parties agree to negotiate a replacement for, or an extension of, this current Agreement as determined by circumstances at the time.

This Planning Agreement shall be deemed to remain in force, even beyond the initial twenty five year period, and until such time as it is renegotiated and replaced.

## **20 WAIVER**

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of that obligation or breach in relation to any other occasion.

## **21 GST**

21.1 Capitalised terms used in this clause 21 which are not otherwise defined have the same meanings as in the GST Law.

- 21.2 Any consideration or amount payable under this Agreement, including any non-monetary consideration (as reduced in accordance with clause 21.6 if required) ("**Consideration**") is exclusive of GST.
- 21.3 If GST is or becomes payable on a Supply made under or in connection with this Agreement, an additional amount ("**Additional Amount**") is payable by the Party providing the Consideration for the Supply ("**Recipient**") equal to the amount of GST payable on that Supply as calculated by the Party making the Supply ("**Supplier**") in accordance with the GST Law.
- 21.4 The Additional Amount payable under clause 21.3 is payable at the same time and in the same manner as the Consideration for the Supply but is only payable on receipt of a valid Tax Invoice.
- 21.5 If for any reason (including the occurrence of an Adjustment Event) the amount of GST payable on a Supply made under or in connection with this Agreement (taking into account any Decreasing or Increasing Adjustments in relation to the Supply) varies from the Additional Amount payable by the Recipient under clause 21.3:
- a) the Supplier must provide a refund or credit to the Recipient, or the Recipient must pay a further amount to the Supplier, as appropriate;
  - b) the refund, credit or further amount (as the case may be) will be calculated by the Supplier in accordance with the GST Law; and
  - c) the Supplier must notify the Recipient of the refund, credit or further amount within 14 days after becoming aware of the variation to the amount of GST payable. If there is an Adjustment Event in relation to the Supply, the requirement for the Supplier to notify the Recipient will be satisfied by the Supplier issuing to the Recipient an Adjustment Note within 14 days after becoming aware of the occurrence of the Adjustment Event.
- 21.6 Notwithstanding any other provision in this Agreement, if an amount payable under or in connection with this Agreement (whether by way of reimbursement or otherwise) is calculated by reference to an amount incurred by a Party, whether by way of cost, expense, outlay, disbursement or otherwise ("**Amount Incurred**"), the amount payable must be reduced by the amount of any Input Tax Credit to which that Party is entitled in respect of that Amount Incurred.
- 21.7 Any reference in this clause 21 to an Input Tax Credit to which a Party is entitled includes, without limitation, an Input Tax Credit arising from a Creditable Acquisition by that Party but to which the Representative Member of a GST Group of which the Party is a Member is entitled.
-

EXECUTION

DATED:

EXECUTED AS AN AGREEMENT:

The Common Seal of **Blayney Shire Council** was affixed in the presence of:

-----

Mayor

Name (printed)

-----

General Manager

Name (printed)

Executed by **Flyers Creek Wind Farm Pty Ltd** in accordance with section 127(1) of the *Corporations Act 2001* (Cth) by authority of its directors:

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Director:

Name (printed)

-----

Director/Secretary:

Name (printed)



## ATTACHMENT A

## THE DEVELOPMENT

The proposed Flyers Creek Wind Farm as described in the Environmental Assessment report dated May 2011 and further described in the Preferred Project Report of May 2013, and submitted to the NSW Department of Planning and Infrastructure for review and determination.

## DESCRIPTION OF SUBJECT LAND

The Land Title details are shown below:

Property or Landowners	Land Title Details		Turbine Numbers	Met Mast	Wind farm ancillary items
	Lot	DP			
Wind Farm Area 1	12	1063204			
	6	550053	3	Northern	New track, track upgrade, 33kV UG Cabling
	76	750358			
	53	750358	5, 6, 7		New track, track upgrade, 33kV UG Cabling
	50	750358			
Wind Farm Area 2	41	750367			UG cabling and possible track
	28	750367	4		Site office, New track, track upgrade, 33 kV UG Cabling
Wind Farm Area 3	8	750358			Substation, 132 kV Line, 33kV Line, 33 kV UG Cabling, track upgrade
	52	750358			
Wind Farm Area 4	62	750358	8		New track, 33 kV UG Cabling, 33kV Line
	181	750358	10, 11, 12		Track upgrade, 33 kV UG Cabling, New Track
	180	750358			132 kV line, New track
	10	750358			New track
Wind Farm Area 5	63	750358	9		33 kV UG Cabling
Wind Farm Area 6	7	750358	13, 14		New track, track upgrade
	66	750358			New track, track upgrade

Property or Landowners	Land Title Details		Turbine Numbers	Met Mast	Wind farm ancillary items
	65	750358			
Wind Farm Area 7	68	750358	16		33 kV UG Cabling, 33 kV Line, New track
Wind Farm Area 8	67	750358	15		New track and track upgrade, 33 kV UG Cabling
Wind Farm Area 9	69	750358		Central	Central
Wind Farm Area 10	5	1031238			33 kV OH Line
Wind Farm Area 11	6	1031238			New track, 33 kV OH Line
Wind Farm Area 12	163	750358			
	427	1067009	21, 22, 24		New track, track upgrade, 33 kV UG Cabling
	425	1067009			
	426	1067009			
Wind Farm Area 13	162	750358	18, 19		New track, 33 kV Line
Wind Farm Area 14	161	750358	20		New track, 33 kV UG Cabling, 33 kV Line
Wind Farm Area 15	208	750359	38		New track, 33 kV UG Cabling, 33 kV Line
	72	750359			Access track to T38
	66	750359	39, 40		Access tracks and UG cabling
	1	1089162			
	2	1089162			
	1	1089147			
	2	1089147			
	3	1089147			33 kV UG Cabling
	96	750358			New track
	95	750358			New track
	94	750358			Track upgrade
Wind Farm Area 16	75	750358	43 to 46		New track, track upgrade, 33 kV UG cabling

Property or Landowners	Land Title Details		Turbine Numbers	Met Mast	Wind farm ancillary items
Wind Farm Area 17	1	396680	23, 25		New track, track upgrade, 33 kV UG cabling
	1	1079963	26, 31, 32		New track, track upgrade, 33 kV UG cabling
Wind Farm Area 18	201	750359	28, 29		New track, 33 kV UG cabling
Wind Farm Area 19	202	750359	27, 30		New track, 33 kV UG cabling
	204	750359			
Wind Farm Area 20	206	750359	33, 34	Southern	New track, 33 kV UG cabling
	2	519767			
	120	750359			
	1	519767			
	84	750359			New track
Wind Farm Area 21	533	749105	35		New track, 33 kV UG cabling
	1	1071270			
Wind Farm Area 22	83	750359	36, 37		New track, 33 kV UG cabling
Wind Farm Area 23	78	750359	41, 42		New track, 33 kV UG cabling
	62	750359			
	1	927568			

**12) PLANNING PROPOSAL TO AMEND BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 - CHANGE ZONE E3 TO ZONE RU1**

**Department:** Planning and Environmental Services

**Author:** Senior Town Planner

**CSP Link:** 3.4 Sustainable land use practices across the Shire.

**File No:** LP.PL.5

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**Recommendation:**

1. That Council, following consideration of the submissions received and the issues raised, proceed to endorse the amendment, rezoning of land, Zone E3 to Zone RU1 within Blayney Local Environmental Plan 2012.
2. That Council, in exercising its delegation under Section 59 of the Environmental Planning and Assessment Act 1979, as endorsed by NSW Planning & Environment in the Gateway Determination, forward the relevant documents to Parliamentary Counsel for opinion, to make an amendment to Blayney Local Environmental Plan 2012, the rezoning of land, Zone E3 to Zone RU1, and the making of a Local Environmental Plan.

**Reason for Report:**

For Council to consider the proposed amendment to the Blayney Local Environmental Plan 2012.

**Report:**

At its Ordinary Meeting of 9 February 2015, Council resolved to forward a Planning Proposal to the Minister for Planning & Environment seeking an amendment to the Blayney Local Environmental Plan 2012 to replace Zone E3 Environmental Management with Zone RU1 Primary Production.

This was undertaken on 19 February 2015. Subsequently Council received the Gateway Determination on 25 March 2015. **See Attachment A.** The Gateway determined that the amendment should proceed subject to certain conditions:

1. Prior to public exhibition the Planning Proposal is to be amended to remove the reference to “emergency services facilities” in Zone RU1 Primary Production as such use is permitted under Clauses 47 and 48 of *State Environmental Planning Policy (Infrastructure) 2007*.
2. Community consultation under Sections 56 (2) (c) and 57 of the Act.
3. Consultation with specified agencies under Section 56 (2) (d) of the Act.
4. Consultation with Bathurst Regional, Cabonne Council, Cowra Shire Council and Orange City Council.
5. A public hearing is NOT required.

6. Prior to submission of the Planning Proposal under Section 59 of the Act, LEP maps must be prepared and be compliant with the Department's "Standard Technical Requirements for LEP Maps".
7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway Determination.

Council also received written authorisation to exercise its delegations. Blayney Shire Council is authorized to exercise the functions of the Minister for Planning under Section 59 of the Environmental Planning & Assessment Act 1979 that are delegated to it by instrument of delegation dated 14 October 2012 in relation to this Planning Proposal.

### ***Minor amendment***

Council undertook to amend the draft Planning Proposal remove the reference to "emergency services facilities" in Zone RU1 Primary Production as such use is permitted under Clauses 47 and 48 of *State Environmental Planning Policy (Infrastructure) 2007*.

### ***Community and Agency Consultation***

Council undertook this consultation in accordance with Sections 56 and 57 of the Environmental Planning & Assessment Act, exhibiting the draft amended Planning Proposal for 28 days from 14 May 2015.

A number of submissions were received, which comprised comments both for and against the Planning Proposal. The submissions are provided at **Attachment B**. A summary of the issues raised is provided at **Attachment C**.

In review, the objective of the Planning Proposal is to amend the *Blayney Local Environmental Plan 2012 (BLEP 2012)* to alter the planning controls within the instrument, replacing the existing E3 Environmental Management zone around Lake Rowlands and environs and Suma Park Dam and environs, with an RU1 Primary Production zone.

The E3 zone is intended for land where there are special ecological, scientific, cultural or aesthetic attributes or environmental hazards/processes that require careful consideration/management and for uses compatible with these values.

Since the gazettal of BLEP 2012 on 23 November 2012, the zone E3 Environmental Management has potentially been inhibiting economic growth and development when there are other mechanisms in the instrument that achieve the required environmental protections.

In particular, the E3 zone prohibits a range of rural land uses within the drinking water catchments that may be otherwise appropriate, subject to merit based development assessment. In addition, the E3 zone may impact upon the permissibility of exempt and complying development, thus requiring a full development application for certain landuses that could otherwise utilise these more economic and faster approval processes.

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, and the Drinking Water Catchment mapping overlay would remain.

As can be seen from the above, the replacement of the E3 Environmental Management Zone with the RU1 Primary Production Zone, will continue to afford adequate protection of water catchment areas within the Blayney LGA, specifically under the retention of the Drinking Water Catchment mapping layer and the use of Clause 6.5 in the BLEP2012.

Significant potential polluting developments within the catchment areas require development consent, where the development assessment process dictates procedures for the protection of water quality and the catchment through specialist reporting and monitoring. Whether the E3 zone is there or not, local government still retains a responsibility to protect water quality and community health.

The E3 zone is intended for land where there are special ecological, scientific, cultural or aesthetic attributes or environmental hazards/processes that require careful consideration/management and for uses compatible with these values. The nature of the land within a rural water catchment area is such that such values are already partially protected due to the disbursement of landuse, particularly in an area where the minimum area for subdivision is 100ha.

Although the use of the E3 zone provided added protection for water quality and the catchment from such significant landuses, it also unnecessarily limited the establishment of minor development conducive with what was, and is, a general agricultural zone.

The issues raised in the submissions against the rezoning are considered as follows:

- **Concern for loss in protection of the water catchment areas around Lake Rowlands and Suma Park Dam.**

**Comment:** Rezoning of the land around these catchment areas from E3 to RU1 would have minimal effect on protection of water quality. The water catchment objective of the E3 zone is repeated within Clause 6.5 of the BLEP 2012. Blayney Council has a legislative responsibility to continue to consider potential risks to water supply and water quality, and does so under Clause 6.5.

The Drinking Water Catchment mapping overlay would be retained within the Blayney LEP 2012, and Clause 6.5 of the LEP would still be required to be addressed in assessment of any development within the designated catchment area. That Clause reads as follows:

*“6.5 Drinking water catchments*

- (1) The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.*

- (2) *This clause applies to land identified as “Drinking water catchment” on the Drinking Water Catchment Map.*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:*
- (a) *whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following:*
    - (i) *the distance between the development and any waterway that feeds into the drinking water storage,*
    - (ii) *the on-site use, storage and disposal of any chemicals on the land,*
    - (iii) *the treatment, storage and disposal of waste water and solid waste generated or used by the development,*
  - (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or*
  - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
  - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.”*

- **Potential for certain intensive landuses to contaminate the catchment areas.**

**Comment:** Such landuses require development consent in the RU1 zone, and would be subject to environmental controls, industry guidelines and assessment under Clause 6.5 within the Section 79C assessment under the Environmental Planning & Assessment Act.

- **Concern for the time taken for the Department of Planning and Environment’s consideration of the interim report on the E3 zone.**

**Comment:** Recent inquiries of the Department advise that the report is on the Minister’s desk and he is still asking questions. No time frame is available as yet. The Department have indicated that in the consideration of this Planning Proposal, it is consistent with the recommendations and principles of the interim E3 review report.

- **May compromise commitments made by other organisations such as Central Tablelands Water, Orange City Council and NSW Department of Health, for protection of the water catchment areas.**

**Comment:** Blayney will retain the Drinking Water Catchment mapping overlay, and Clause 6.5 of the LEP would still be required to be addressed in assessment of any development within the mapped catchment areas. This would add support to commitments made by other organisations.

- **Concern for inconsistencies in landuse planning and zonings in the protection of water catchment areas.**

**Comment:** A range of landuse planning initiatives have been utilised across the Central West to protect water catchment areas, not limited to zoning of land. All Councils in the State have the options of zoning, having a water catchment overlay in place, and use of Clause 6.5, and these have been used in a variety of combinations in Bathurst, Lithgow, Oberon, Cowra and Orange local government areas.

- **Consistency with the requirements of the Australian Drinking Water Guideline 2011 in the protection of water resources from potentially polluting activities within planning regulations.**

**Comment:** The Drinking Water Catchment mapping overlay would be retained within the Blayney LEP 2012, and Clause 6.5 of the LEP would still be required to be addressed in assessment of any development within the designated catchment area. Potential high impact landuses require development consent in the RU1 zone, and would be subject to environmental controls and assessment under Clause 6.5, as well as industry guidelines.

- **Requests to notify all relevant water supply authorities of all DAs within the catchment areas.**

**Comment:** There is no mandatory requirement to undertake this notification at a local level. Where development is Integrated, Designated or State significant, such notification would continue to be undertaken where relevant.

**Issues:**

As discussed above.

**Budget Implications:**

Nil

**Enclosures (following report)**

- |   |                                      |         |
|---|--------------------------------------|---------|
| 1 | Attachment A - Gateway Determination | 6 Pages |
| 3 | Attachment C - Submissions Summary   | 6 Pages |

**Attachments (separate document)**

- |   |                            |          |
|---|----------------------------|----------|
| 2 | Attachment B - Submissions | 28 Pages |
|---|----------------------------|----------|





Planning &  
Environment

Ms Rebecca Ryan  
General Manager  
Blayney Shire Council  
PO Box 62  
Blayney NSW 2799

15/03784

Attention: Mark Dicker  
Director Planning and Environmental Services

Dear Ms Ryan

**Planning Proposal (PP\_2015\_BLAYN\_001\_00) to amend Blayney Local  
Environmental Plan 2012 to rezone land from E3 Environmental Management to  
RU1 Primary Production**

I am writing in response to Council's letter dated 20 February 2015 requesting a Gateway determination under section 56(1) of the *Environmental Planning and Assessment Act 1979* (the Act) for a planning proposal to amend the *Blayney Local Environmental Plan 2012* (LEP) to rezone land from E3 Environmental Management to RU1 Primary Production and amend the RU1 Primary Production land use table.

As delegate of the Minister for Planning, I have determined that the planning proposal should proceed, subject to the conditions in the attached Gateway determination.

In making this decision, I note that emergency services facilities are permitted with consent in the RU1 Primary Production zone through clauses 47 and 48 of the *State Environmental Planning Policy (Infrastructure) 2007*. It is therefore not necessary to include this use in the RU1 Primary Production land use table.

The Minister delegated plan making powers to Councils in October 2012. I note that Council has accepted this delegation. Having considered the nature of Council's planning proposal, I have decided to issue the attached authorisation for Council to exercise its delegation to make this plan.

The amending LEP is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to the Parliamentary Counsel's office 10 weeks before the projected publication date ([parliamentary.counsel@pco.nsw.gov.au](mailto:parliamentary.counsel@pco.nsw.gov.au)).

Department of Planning & Environment

Area 1 Level 1 188 Macquarie Street Dubbo NSW 2830 | PO Box 58 Dubbo NSW 2830 | T 02 6841 2180 | F 02 6884 8483 |  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

A copy of this request should also be forwarded to the Department for administrative purposes ([westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au)).


The amended LEP maps and GIS data must be uploaded to the Departments FTP site at [ftp://lepup:lep\\_upload@203.3.194.247/](ftp://lepup:lep_upload@203.3.194.247/) and the map information emailed to [pocgis@planning.nsw.gov.au](mailto:pocgis@planning.nsw.gov.au) (copy to [westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au)).

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

In accordance with the Department's *A guide for the preparation of local environmental plans*, Attachment 5 – Delegated plan making reporting template is enclosed for Council's information. Table 2 of the attachment must be completed and forward to [westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au) when requesting that the planning proposal be notified.

Should you have any queries in regard to this matter, please contact Ms Nicole Dukinfield, Planning Officer of the Western region, at the Department on (02) 6841 2180.

Yours sincerely

 25-03-2015  
**Ashley Albury**  
General Manager, Western Region

Enclosures: Attachment 1 - Gateway Determination  
Attachment 2 - Written Authorisation to Exercise Delegation  
Attachment 3 - Delegate Plan Making Reporting Template



## Planning & Environment

### Gateway Determination

*Planning proposal (PP\_2015\_BLAYN\_001\_00) to amend the Blayney Local Environmental Plan 2012 to rezone land from zone E3 Environmental Management to zone RU1 Primary Production.*

I, the General Manager, Western Region of the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the *Blayney Local Environmental Plan 2012* (LEP) to rezone land from zone E3 Environmental Management to zone RU1 Primary Production should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be amended to remove the reference to 'emergency services facilities' in zone RU1 Primary Production as such use is permitted under clauses 47 and 48 of *State Environmental Planning Policy (Infrastructure) 2007*.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) The planning proposal must be made publicly available for a minimum of 28 days; and
  - (b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Planning & Infrastructure 2013).
3. Consultation is required with the following agencies under Section 56(2)(d) of the Act:
  - Department of Planning and Environment - Office of Environment and Heritage
  - Local Land Services - Central Tablelands
  - Department of Primary Industries – Agriculture
  - Department of Health
  - NSW Office of Water
  - NSW Rural Fire Service
  - State Water Corporation

The agencies are to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. Consultation is required with Bathurst Regional Council, Cabonne Council, Cowra Shire Council and Orange City Council. The Councils are to be provided with a copy of the planning proposal and any relevant supporting material.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. Prior to submission of the planning proposal under section 59 of the Act, LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP Maps'.
7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 25 day of March 2015.

  
**Ashley Albury**  
General Manager, Western Region  
Planning & Environment

**Delegate of the Minister for Planning**



**Planning &  
Environment**

**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

Blayney Shire Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012 in relation to the following planning proposal:

Number	Name
PP_2015_BLAYN_001_00	The planning proposal seeks to rezone land from zone E3 Environmental Management to zone RU1 Primary Production.

In exercising the Minister's functions under section 59, the Council must comply with Planning and Infrastructure's *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

Dated 25 March 2015

A handwritten signature in black ink, appearing to read 'a. w. albury'.

**Ashley Albury**  
General Manager, Western Region  
Department of Planning and Environment

**Delegate of the Minister for Planning**

## **Attachment 5 – Delegated plan making reporting template**

### **Reporting template for delegated LEP amendments**

#### **Notes:**

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

**Table 1 – To be completed by the department**

Stage	Date/Details
Planning Proposal Number	PP_2015_BLAYN_001_00
Date Sent to Department under s56	20 February 2015
Date considered at LEP Review Panel	Considered by the Ministers delegate and not referred to Panel
Gateway determination date	25 March 2015

**Table 2 – To be completed by the RPA**

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

**Table 3 – To be completed by the department**

Stage	Date/Details
Notification Date and details	

#### **Additional relevant information:**

## Planning Proposal – E3 to RU1 zone

### Summary of Issues

Name	Issues –	Comments
GL Whitehead, Neville	<ul style="list-style-type: none"> <li>E3 is unduly restrictive on agricultural uses.</li> <li>E3 reduces the productivity of the land, reduces income for the landholder.</li> <li>E3 reduces the landholder's ability to pay rates.</li> <li>E3 creates unnecessary and expensive DAs for everyday improvements such as fencing etc.</li> <li>Potentially reduces land values due to the restricted landuse.</li> </ul>	<ul style="list-style-type: none"> <li>Possibly.</li> <li>Unlikely – productivity and income relate to land management.</li> <li>Unlikely – not a planning matter.</li> <li>Possibly.</li> <li>Land value is not a planning matter.</li> </ul>
Ian Rogan, Ian Maxwell Rogan Consulting	<ul style="list-style-type: none"> <li>Support for rezoning of land at 73 Eves Lane Millthorpe.</li> </ul>	Nil.
Cabonne Council	No objection – consistent with Cabonne LEP2012.	Nil.
Bathurst Regional Council	No objection – no impact on the Bathurst Regional LGA.	Nil.
Kim & Ross Menzies	<ul style="list-style-type: none"> <li>Restore the zoning to that which applied under the 1998 LEP.</li> <li>Highly productive agricultural land, used for generations.</li> <li>Landowners can take advantage of niche markets. Includes "<i>Rural industries</i>".</li> <li>Core objectives clarify the role and function of the zone.</li> <li>The landuse should determine the zone – primary production.</li> <li>Core objectives of E3 have no relevance to the land. Cleared farmland used for agriculture.</li> <li>E3 due to drinking water catchment? Not in accordance with the Blayney, Cabonne &amp; Orange Rural &amp; Industrial Land Use Strategy. Should be to protect agricultural land. E3 was applied as if the land was vacant. No drinking water catchment zone in standard instrument. LEPs should be consistent with the SI.</li> <li>All landuses in the E3 zone are inconsistent with the objectives. They could never be approved under these objectives now. E3 not relevant to agricultural uses.</li> </ul>	<ul style="list-style-type: none"> <li>BLEP 1998 did not comply with the standard instrument.</li> <li>Accepted.</li> <li>Possible – marketing is not a planning issue.</li> <li>Accepted.</li> <li>Partly. Future direction is also directed through the objectives.</li> <li>Have relevance to certain aspects of the land.</li> <li>The E3 zone is designed to cover a catchment area where required. E3 is for general environmental matters, including catchments, where perceived hazard risk may occur.</li> <li>Not all uses, and existing use rights may apply. E3 addresses hazard risk in a catchment.</li> </ul>

	<ul style="list-style-type: none"> <li>• Integrity of a zone is compromised only if the zone has been wrongly applied.</li> <li>• Water catchment has no bearing on the choice of zone. Bathurst, Cowra and Oberon applied RU1 to their water catchments.</li> <li>• Mt Macquarie in the catchment area but not zoned E3 and not in the drinking water overlay.</li> <li>• Water Management Act applies to watercourses and water sources irrespective of the zone.</li> <li>• Orange's E3 was also wrongly applied.</li> <li>• Orange's water source catchment extends from Oberon through Bathurst due to Macquarie pipeline, through a variety of zones.</li> <li>• Carcoar Dam will be a water source. Water comes from a catchment of various zones.</li> <li>• Overlays are not to prohibit development, but to flag additional considerations, and can apply across multiple zones.</li> <li>• Rezoning is beyond the jurisdiction of CTW. Submissions from them re previous strategies advised the drinking water overlay, but no comment re zoning.</li> <li>• CTW already has a restricted access area around Lake Rowlands.</li> <li>• The defined water catchment is not a resource. Lake Rowlands is the resource.</li> <li>• The water is not drinking water until it has been treated at the treatment plant.</li> <li>• Dept of Health have no protocols to comment on zoning. They should ensure a supplier of drinking water complies and that potable water is safe to drink.</li> <li>• "Rural industry" was permissible with consent under the rural zones in LEP 1998.</li> <li>• Planning Proposal: Anomaly with the use of the "rural industries" definition, relating to the element of storage.</li> <li>• Planning Proposal: "Waste or resource management facilities" is listed as permissible in the RU1 zone with consent. It is prohibited.</li> <li>• 1998 LEP listed 'intensive livestock' as permissible with consent, and</li> </ul>	<ul style="list-style-type: none"> <li>• No. Only if development control is amiss.</li> <li>• Council has the option to use E3 as well as, or instead of, a catchment layer.</li> <li>• Specific Forestry zone was used. Landuses are severely limited and unlikely to impact the catchment.</li> <li>• Correct.</li> <li>• Not for Blayney to say.</li> <li>• The catchment is not defined by the pipeline.</li> <li>• Not a designated drinking water source. No catchment designated.</li> <li>• Correct.</li> <li>• Accepted.</li> <li>• Correct.</li> <li>• The water is sourced from the catchment and feeds the resource.</li> <li>• Literally correct – water capable of use for domestic purposes, following treatment.</li> <li>• In order to ensure safe supply they have the right to comment on catchment management.</li> <li>• Correct.</li> <li>• Possible.</li> <li>• Correct.</li> <li>• Correct.</li> </ul>
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	<p>without consent up to 20ha.</p> <ul style="list-style-type: none"> <li>• “Intensive livestock” in the RU1 zone will be limited as sewerage systems including water recycling facilities are prohibited. Any such development that includes treatment cannot be given consent.</li> <li>• “Intensive plant agriculture” was permissible without consent in the rural zones under the 1998 LEP.</li> <li>• “Intensive plant agriculture” will have no more impact than extensive agriculture. Management is similar and the only difference is the end crop. Similarly horticulture and viticulture. Research and development addresses water application. Management operations have been refined, and the activities are leaders in the protection of the environment. Regulation and commonsense dictate that the growing environment must be risk free.</li> <li>• Planning Proposal is confusing about complying development re RU1. Complying not possible in a drinking water catchment and or where un-sewered.</li> <li>• Exempt in RU1 – not affected by catchment. Numerous basic developments are exempt in RU1 but not E3.</li> <li>• Native Vegetation Act applies to RU1, not to E3. So no NVA exemptions in E3.</li> <li>• Letter from OEH is irrelevant – the land is cleared and productive farmland. No aerial photos in Planning Proposal.</li> <li>• Rezoning to RU1 is consistent with Rural &amp; Industrial Strategy re Section 3.1 and the agriculture objective.</li> <li>• Rezoning to RU1 will restore all land to previous zoning as before BLEP 2012. All unnecessary prohibitions removed. Consistent with Community Strategic Plan and Operational Plan.</li> <li>• RU1 consistent with 117 Direction 1.5 Rural Lands objective to protect agriculture.</li> <li>• RU1 consistent with SEPP (Rural Lands) and protection of rural lands for agriculture.</li> <li>• Total support for the rezoning to RU1.</li> </ul>	<ul style="list-style-type: none"> <li>• Water recycling per se is prohibited. If the activity is part of another definition it might be permissible. Context.</li> <li>• Correct.</li> <li>• Possible.</li> <li>• Correct.</li> <li>• Correct.</li> <li>• NVA applies to E3 zone. The Act overrides zone provisions.</li> <li>• Consultation required by Gateway.</li> <li>• To a degree.</li> <li>• Possible, with retention of the catchment layer.</li> <li>• Correct.</li> <li>• Correct.</li> <li>• Noted.</li> </ul>
Health – Western NSW Local Health District	<ul style="list-style-type: none"> <li>• Reduces the level of protection to raw water supply.</li> <li>• More intensive land-users increase the health risks eg intensive cattle industries.</li> </ul>	<ul style="list-style-type: none"> <li>• The catchment layer remains with Clause 6.5 of the BLEP.</li> <li>• Limited potential for this. EPA Guidelines provide adequate mechanisms?</li> </ul>

	<ul style="list-style-type: none"> <li>• The Australian Drinking Water Guideline 2011 suggests that effective management of source water should ensure planning regulations include the protection of water resources from potentially polluting activities.</li> <li>• A multi barrier approach is needed.</li> <li>• If the E3 is removed Council would have the responsibility to protect water quality and community health.</li> <li>• If the E3 is removed Council staff should have appropriate training and/or utilise specialist reports for effective decision making.</li> <li>• If the E3 is removed, all DAs should be referred to the available water supply authority for comment.</li> <li>• Increase in need to monitor conditions of compliance for DAs in the catchment.</li> <li>• Particularly relates to on-site waste disposal – no inspections have been carried out by BSC in the last two years.</li> </ul>	<ul style="list-style-type: none"> <li>• BSC considers that the catchment layer combined with Clause 6.5 is sufficient? No statutory enforcement under ADWG 2011.</li> <li>• Subjective.</li> <li>• Council already has under the BLEP catchment layer and Clause 6.5.</li> <li>• Agreed re training whether the E3 is removed or not.</li> <li>• A possible scenario, although no regulatory requirement to do this.</li> <li>• Agreed, subject to staffing resources.</li> <li>• Agreed, subject to staffing resources.</li> </ul>
Central Tablelands Water	<ul style="list-style-type: none"> <li>• Potential to diminish the existing strong environmental protection of a valuable water supply at Lake Rowlands.</li> <li>• The third objective of the E3 zone was introduced specifically to protect the drinking water catchment, for additional protection.</li> <li>• This objective would be compromised if the zone is done away with.</li> <li>• Intensive livestock, landscape material supply, agricultural industry and livestock processing all have the potential to contaminate the catchment areas.</li> <li>• Concern for doing away with the Drinking Water Catchment Overlay, as it is the primary control in protecting the catchments.</li> <li>• Concern for DPE time delays in considering the E3 zones.</li> <li>• May compromise CTW commitment and ability to comply with the NSW Public Health Act and the Australian Drinking Water Guidelines 2011.</li> <li>• Request to be notified of future proposed development in the Lake Rowlands catchment area.</li> </ul>	<ul style="list-style-type: none"> <li>• The catchment layer remains in the BLEP2012, as well as Clause 6.5.</li> <li>• Correct, but as “additional”. The catchment layer remains in the BLEP.</li> <li>• No – the catchment layer remains.</li> <li>• Potential, without adequate assessment and monitoring. Same as any development.</li> <li>• The overlay is to remain.</li> <li>• Not a matter for this Planning Proposal.</li> <li>• Council is still able to apply the catchment layer and Clause 6.5 objective.</li> <li>• A possible scenario.</li> </ul>
Orange City Council	<ul style="list-style-type: none"> <li>• OCC not contacted during drafting of the amendment to BLEP2012.</li> <li>• DPE supports use of overlays and Clause 6.5 for northern rivers – not finalised</li> <li>• This LEP change is premature and should wait for the result of the DPE review.</li> </ul>	<ul style="list-style-type: none"> <li>• OCC being contacted now.</li> <li>• A reasonable request.</li> <li>• A reasonable request.</li> </ul>

	<ul style="list-style-type: none"> <li>Seeks consultation on various impacting landuses in Blayney RU1 zone, if used.</li> <li>OCC has a legislative responsibility according to NSW Public Health Act and Regulation to consider potential risks.</li> <li>Such risks should be also addressed by a water authority which includes the OCC.</li> </ul>	<ul style="list-style-type: none"> <li>A possible scenario, although no regulatory requirement to do this. Would such referral stop the clock?</li> <li>Noted.</li> <li>A possible scenario, although no regulatory requirement to do this. Would such referral stop the clock?</li> </ul>
Department of Primary Industries – Office of Water	<ul style="list-style-type: none"> <li>Development intensification (intensive livestock agriculture, intensive plant agriculture and rural industries) has the potential to impact the catchments, which would present a high risk to water quality.</li> <li>Biosolid application should be considered for prohibition in the catchment areas.</li> <li>Orange LEP2011 maintains the E3 zone. Consistency in management should be maintained as a precautionary approach.</li> <li>Recommend that as a minimum, the landuses intensive livestock agriculture, intensive plant agriculture and rural industries and biosolids application be prohibited in the drinking water catchments.</li> </ul>	<ul style="list-style-type: none"> <li>Potential, without adequate assessment and monitoring. Same as any development.</li> <li>Sydney Water Corporation Act 1987 prevents spread in a drinking water supply restricted catchment area.</li> <li>A consideration.</li> <li>Limited potential for this. EPA Guidelines provide adequate mechanisms?</li> </ul>
NSW Rural Fire Services	<ul style="list-style-type: none"> <li>No specific objections to amendment.</li> <li>Council should not 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.</li> </ul>	<ul style="list-style-type: none"> <li>Not relevant to the LEP amendment.</li> </ul>
Dept of Primary Industries	<ul style="list-style-type: none"> <li>No specific objections to amendment.</li> <li>Consider enhanced protection 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</li> </ul>	<ul style="list-style-type: none"> <li>Not relevant to the LEP amendment.</li> </ul>
Thomas & Jennifer Crosbie	Farming land should be rezoned to RU1 Primary Production.	Nil.

## Notes re other Councils:

- Bathurst Regional: no use of E3 zone. No catchment objective in RU1.
- Oberon Council: no use of E3 zone. No catchment objective in RU1.
- Cowra Shire Council: uses E3 zone, but not for water catchments. No catchment objective.
- Lithgow Council: uses E3 zone in water catchments. Also has Sydney Water Catchment Areas.
- Orange Regional Council: uses E3 zone in water catchments.