Blayney Shire Council

INDEX OF REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING HELD ON MONDAY 8 DECEMBER 2014

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BLAYNEY NSW 2799

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Blayney Shire Council

Policy Register

Policy Number

Title	Social Media Policy
Officer Responsible	Director Corporate Services
Last Review Date	08/12/2014

Objective

To provide the parameters for the use of social media, where it forms part of the employee's professional responsibilities; inform councillors and employees of their responsibilities, when using social media in a personal capacity and to manage risks associated with council's use of these tools.

Blayney Shire Council

Social Media Policy

PURPOSE

To provide guidance to employees and councillors of Blayney Shire Council, also referred hereon as users, about engaging in social media. All users are responsible for being aware of the policy and understanding their responsibilities around using social media in their professional and personal usage.

DEFINITION

Social media is the term used for internet-based tools for sharing and discussing information among people. It refers to user-generated information, opinion and other content shared over open digital networks.

Social media may include (although is not limited to):

- social networking sites (eg: Facebook, Twitter)
- video and photo sharing websites (eg: Flickr, Youtube)
- blogs, including corporate blogs and personal blogs
- wikis and online collaborations (eg: Wikipedia)
- forums, discussion boards and groups (eg: Google and Yahoo groups)
- podcasting

PROFESSIONAL USE OF SOCIAL MEDIA

Becoming authorised to comment

- To be authorised to comment or be an authorised spokesperson, employees must have the explicit approval of the General Manager.
- To be authorised to comment or be an authorised spokesperson Councillors will be guided by Council's Media Spokesperson Policy.

RULES OF ENGAGEMENT

Authorised representatives must:

- Disclose that they are a councillor / employee / contractor of the council, and use only their own identity, unless authorised to use an approved official account
- Disclose and comment only on information classified as public domain information
- Ensure that all content published is accurate and not misleading and complies with all relevant council policies and other relevant requirements
- Ensure comments are respectful of the community in which they are interacting online
- Adhere to the terms of use for using the social media platform or website, and adhere to legislation including copyright, privacy, defamation, contempt of court, discrimination, harassment and any other applicable laws.

Authorised representatives must not:

- Post or respond to material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist,

infringes copyright, constitutes a contempt of court, breaches a court suppression order, or is otherwise unlawful
- Use or disclose any confidential or secure information
- Comment or post any material that might otherwise cause damage to council's reputation or bring it into disrepute.

PERSONAL USE OF SOCIAL MEDIA

This policy does not discourage nor unduly limit councillors or employees using social media for personal expression or other on-line activities in their personal life.

Users should be aware of and understand the potential risks and damage to council that can occur, either directly or indirectly from their personal use of social media and should comply with this policy to ensure that the risk is minimised.

Users are personally responsible for content published in their personal capacity on any form of social media platform. When in doubt, councillors or employees can seek guidance from council on how to comply with the following obligations.

To avoid breaching this policy councillors and employees must:
- Only disclose and discuss publicly available information
- Ensure that all content published is accurate and not misleading and complies with all relevant council policies
- Expressly state that stated views are personal and are not representative of council
- Behave politely and respectfully
- Adhere to the terms of use for using the social media platform or website, and adhere to legislation including copyright, privacy, defamation, contempt of court, discrimination, harassment and any other applicable laws.

Councillors and employees must not:
- Post material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringes copyright, constitutes a contempt of court, breaches a Court suppression order, or is otherwise unlawful
- Imply that they are authorised to speak as a representative of council, nor give the impression that the views expressed are those of council
- Use their council email address or logos or insignia that may give the impression of official support or endorsement of their personal comment
- Use or disclose any confidential information or personal information obtained in their capacity as an employee or contractor of council
- Post material that is, or might be construed as, threatening, harassing, bullying or discriminatory towards another employee or contractor of council

- Comment or post any material that might otherwise cause damage to council's reputation or bring it into disrepute.

Reasonable and unreasonable personal use

- When accessing social media via the council's Internet, employees must do so in accordance with the council's Email and Internet Policy, which requires employees to use these resources 'reasonably', in a manner that does not interfere with work, and is not inappropriate or excessively accessed.
- Usage is acceptable during break times
- Council resources should not be used to access or post any material that is fraudulent, harassing, threatening, bullying, embarrassing, sexually explicit, profane, obscene, racist, sexist, intimidating, defamatory or otherwise inappropriate or unlawful.
- Employees should not use council's Internet and computer resources to provide comments to journalists, politicians and lobby groups other than as authorised in the course of their official duties.
- It is not acceptable to spend time using social media that is not related to your work unless it occurs in your own time (for example during meal breaks) or at times acceptable to your manager.

Related Polices

Policy 1B: Council Code of Conduct
Policy 1D: Communication between Councillors and Staff
Policy 2B: Media Spokesperson Policy
Policy 11B: Records Management

Legislative Context

Local Government Act 1993
Local Government (General) Regulations 2005
State Records Act 1998 No 17
State Records Regulations 2010
Privacy and Personal Information Protection Act 1998 (NSW)
Privacy and Personal Information Protection Regulation 2005

Adopted:	**Date: 08/12/2014**	**Minute:**
Last Reviewed:	**Date: 08/12/2014**	**Minute:**
Next Review:		

Blayney Shire Council

Policy Register

Policy Number 8A

Title	Email and Internet Usage Policy
Officer Responsible	Information Technology Systems Administrator
Last Review Date	08/12/2014

Objective

To provide parameters for the acceptable use of Blayney Shire Council's corporate systems for email/calendars and internet browsing.

Blayney Shire Council

Mobile Device Usage Policy

PROTOCOLS FOR USE OF COUNCIL RESOURCES FOR INTERNET AND EMAIL

Access

Access to the use of Council resources for internet and email shall be made available to all councillors, staff, and authorised persons (referred hereon as users) who require such access to support the carrying out of official duties and who have access to a device that is connected to the Council network.

Access to individual mailboxes / email addresses shall normally be restricted to the individual and the system administrator user, however, broader access to a mailbox / email address may be organised when such access adds value to the business function and is authorised by the General Manager. Users who are absent due to leave can organise delegated access to their mailbox/email address prior to commencing on that leave. With the authority of the General Manager or Director, such delegated access should be controlled and limited to one person, unless the General Manager or Director instructs there to be more.

Acceptable Usage

The following uses are acceptable and encouraged:

1. Investigations, research and support of vendor's products. This may include the retrieval and distribution of information, technical material, support documentation or promotional material that may assist users in their daily operations. This includes Social media sites Facebook and Twitter.
2. Peer group communications including retrieval and distribution of electronic messages, documentation, contributing or participation in group forums.
3. Use of network resources for personal or academic reasons during the Users' own time. Personal use does not extend to any activities that may provide personal commercial gain or interfere with other users work for the Council.

Unacceptable Usage

The following uses are unacceptable:

1. Conducting activities such as unsolicited distribution of advertising material.
2. Using the network for conducting personal business transactions.
3. Creating, transmitting or knowingly activating a computer virus.
4. Creating or distributing chain letters, personal advertising etc. to individuals or lists of individuals so as to cause a nuisance or congest the Council's network.
5. Using an account owned by another user who is authorised for Internet access to gain unauthorised access to the internet.
6. Allowing unauthorised users to access the internet or email using your login I.D.
7. Personal use of the network for obtaining illegally distributed or

unlicensed software including Bit torrent downloads.

8. Sending or requesting messages or documents that are inconsistent with Council's policies.
9. Using the internet to access store or distribute pornographic, racist, sexist, inflammatory or otherwise offensive material.
10. Misrepresenting the Council or uses that are considered malicious or unethical.
11. Performing excessive, unauthorised downloads from the internet.
12. Uses that may violate any Federal or State laws such as copyright infringement.
13. Emails between Councillors and Staff unless authorised by the General Manager
14. Emails that interferes with the ability by others to conduct Council business
15. Users will not reveal or publicise confidential material.

Rules for use of Email

1. Email should be treated with the same significance as Council signed letter.
2. User email, that provides evidence of Council's business activities, shall be registered, together with any attachments, in the corporate record keeping system.
3. Email is a business tool. Users must make sure that email is brief, concise and business related and is kept in the system only as long as required.
4. Email should not be assumed to be secure and viewing by third parties may occur. Users should be aware of potential risks involved in sending confidential or sensitive information.
5. Email may continue to exist after it has been deleted. Deletion eliminates the email or file name from the Email Server but the information still exists in the back up system until it has been overwritten which is currently held for 3 weeks.
6. Users should have an 'Auto Signature' at the bottom of each message in the following format. Contact Information Technology section (IT) to be shown how to do this if unsure.

   Example as follows;

   Regards,

   {Name}

   {Title}
   Blayney Shire Council
   PO Box 62 Blayney NSW 2799
   P - (02) 6368 2104 | F – (02) 6368 3290 | W – blayney.nsw.gov.au

7. Users should not forward someone else's email, without prior permission of the original sender, if it is considered sensitive.
8. Users that receive email incorrectly sent should inform the sender promptly and delete the email.

9. Email is admissible as evidence in court and users must use good judgement and think carefully about the contents.
10. Users should follow email etiquette. Keep the message polite and don't write in upper case as this is considered as "shouting". Only send information that is of value to the receiver and don't make it High Priority unless it is truly urgent.
11. Email is subject to the full range of laws applying to other communications, including copyright, breach of confidence, defamation, privacy, contempt of court, harassment and criminal laws.
12. Users are to be conscious that attachments may contain viruses, which may affect the integrity of Council's computer network. Council has installed the necessary anti-virus software on the net to detect any viruses, but Users are to remain aware that new viruses may go undetected. Accordingly, any suspicious emails received should not be opened and e immediately reported to IT for the appropriate action to be taken.

Rules for the use of Internet

1. Internet use will be for Council business purposes. Personal use of the Internet is acceptable but should be limited to break times and not contravene any point in "Unacceptable Usage"
2. Users will not upload, download or transmit commercial software or copyrighted materials, without the authority of the owner of the software or material.
3. Council reserves the right to implement internet filtering software to ban access to sites that are considered inappropriate.
4. Users may solicit mail on a particular topic by subscribing to a mailing list from which they can also unsubscribe at any time.

Monitoring

Council reserves the right to monitor all internet access and email messages received by and contained within Council's computer system(s) and will do so to support

- System maintenance
- System management
- Document management
- Investigate illegal use or wrong doing
- Support council's policies
- Support legal requirements
- For any other business purpose.

Monitoring shall be undertaken by the Information Technology section. Any use deemed excessive or inappropriate will escalate to the person's manager or General Manager.

The Information Technology section or other users should report misuse to their Director or to the General Manager for appropriate action within Council's standard conditions of employment, HR guidelines and policies.

Any disciplinary action taken will be in accordance with the guidelines set out in Council's Performance Management, Code of Conduct and Disciplinary policy.

Ethics/Personal Use
The internet and email system has been developed to support Council's business function and enhance communication. The Council will allow reasonable personal use and users are encouraged to use good judgment and integrity when they do so.

Related Polices
Policy 1B: Council Code of Conduct
Policy 1D: Communication between Councillors and Staff
Policy 11B: Records Management

Legislative Context
Local Government Act 1993
Local Government (General) Regulations 2005
State Records Act 1998 No 17
State Records Regulations 2010
Privacy and Personal Information Protection Act 1998 (NSW)
Privacy and Personal Information Protection Regulation 2005
Government Information (Public Access) Act 2009 No 52
Government Information (Public Access) Regulation 2009
Workplace Surveillance Act 2005 No 47
Workplace Surveillance Regulation 2012

Adopted:	**Date: 11/02/2002**	**Minute:636**
Last Reviewed:	**Date: 14/05/2007**	**Minute:07/094**
Repealed:	**12/11/2012**	**1211/014**
Adopted:	**08/12/2014**	
Next Review:		

Blayney Shire Council

Policy Register

Policy Number 7S

Title	Mobile Device Usage Policy
Officer Responsible	Information Technology Systems Administrator
Last Review Date	08/12/2014

Objective

Provide parameters for the use of corporate Mobile Devices used for access to Blayney Shire Council's corporate systems such as email/calendars, internet browsing and mobile applications used for Council related business.

Blayney Shire Council

Mobile Device Usage Policy

Purpose
To provide Councillors and staff, referred hereon as "Users", with guidelines regarding the appropriate use of their Council supplied mobile device.

To provide users with mobile devices for use and to assist them in the performance of their duties.

To ensure that users are accessible, facilitate timeliness of responses to Council's customers and to enhance communications.

To facilitate the effective management and administration of costs of business calls relating to the Council's mobile device resources.

To encourage the standard for acceptable use of mobile device resources in the conduct of its business to safeguard users, protect Council assets and ensure compliance with appropriate legislation.

Definition
A "Mobile Device" for the purposes of this policy will be any device that is reliant on a carrier Mobile Network for the purpose of transmission of voice and/or data traffic. Mobile Devices include but shall not be limited to: Mobile Phones, Smart Phones, Laptops and Tablet devices.

Eligibility
A user will be eligible to have a mobile device if it is deemed necessary to their position, for example, if the employee's duties require them to spend time out of the office and/or to be contactable outside the normal hours of work. All mobile devices are provided at the discretion of the department director or General Manager or in the case of Councillors, the Payment of Expenses and Provision of Facilities policy. Any current employee who requires a replacement mobile device will need to fill in the Mobile Device Application Form on Council's Intranet and then forwarded to their manager and director for approval.

Use
While mobile devices are approved on the basis of business benefits and usage, reasonable personal use of devices is acceptable but users must adhere to the following usage terms:

- The conditions of the Email and Internet Policy must be adhered to.
- The conditions of the Blayney Shire Council's Code of Conduct policy must be adhered to.
- The private usage of devices during business hours must not interfere with the employee's work performance or detract from the employee doing their normal duties.
- Monthly usage details will be accessible to the Information Technology (IT) and Finance sections for cost management: IT are entitled to query excessive usage costs for mobile devices.
- Loss or theft of the mobile device must be immediately reported to IT. A loan device (if available) will be issued until a permanent replacement is organized.

- Information stored on the mobile device is not backed up by Council systems, it is the responsibility of the user to backup personal data and to ensure that Council information is stored on council approved systems for security and backup. Council takes no responsibility for the loss of personal data.
- All mobile devices come with a Telstra 1GB data plane which has been deemed more than sufficient for Council use. If the usage is being exceeded for legitimate business use than an increase in data allowance will be considered.

Private Use

From time to time personal use of a device may be made, while on Council business, however private usage should be kept to a minimum. If it is found that a user is using his/her mobile device for personal use resulting in charges to Council, they must reimburse council for any charges for personal use made.

The approved user is required to make the necessary payments to Council for private or personal use e.g. phone charges or downloads, within 14 days of receiving a copy of their mobile telephone account, or when the accumulated value of their private or personal phone charges exceed $20.00 (whichever occurs later).

Council receives fully itemised records for all mobile phone devices. Council recognises the users' general rights of privacy, but Council reserves the right to monitor use of mobile devices where it is reasonably justified and/or there are legitimate reasons for doing so. Where Council has concerns, this matter will be referred to the relevant Director.

Mobile Devices fitted with location tracking software and remote wipe/remote lock capability will be enabled. The disabling of such features by users may result in disciplinary action.

Hands Free Operation

The use of mobile devices, *'without hands free'*, whilst driving is unlawful~~. If justified, a blue tooth facility or 'hands free' solution kit may be installed in a council vehicle. This must be authorised by the relevant Director and installation must be organised through the Council Depot.~~

~~As it is an offence (driving without due care) to use mobile devices, whilst operating a motor vehicle,~~ and the incursion of any penalties and fines will be solely at the user's cost.

Responsibility of Users

Users accept full responsibility for using their Council mobile device in an honest, ethical, safe and legal manner and with regard to the rights and sensitivities of other people. Use must be in accordance with Council policies and all relevant federal and state legislation.

Staff are required to:

- Take good care of the mobile device

- Take all reasonable precautions to ensure that the device is not damaged, lost or stolen. Keep mobile devices clean, and in a serviceable condition to the best of their ability, and
- Report all irregularities in the operation of the mobile device immediately to the department director or general manager.

There are some standard procedures that the user should implement as part of their day-to-day operational use of the mobile device:

- Activate the keypad lock to avoid accidental use of the device
- Mobile devices must not be left in open view in unlocked or unattended vehicles.
- Damaged devices should be returned to the IT Department who will arrange for any repairs to be carried out.

Lost or Stolen Devices

- Must be reported to the General Manager or appropriate Director immediately and an outgoing service bar requested.
- Must be reported to the IT Department immediately after discovering the loss of the mobile device (business hours) or first thing the next business day if discovered after hours
- Will be remotely locked and wiped clean of all data if the device can be tracked.

Subject to the circumstances in which the mobile device was lost or damaged, Council will be responsible for replacing the device unless carelessness on the part of the user can be shown as the cause of the loss or damage. In circumstances where it has been shown that the user's carelessness contributed to the loss or damage of the device then the user may be required to contribute to the replacement cost.

Installation of Applications on Mobile Devices

Council currently has accounts for mobile applications devices. IT currently holds the passwords for these accounts. If the user of mobile device requires an application to be installed on the device it must be undertaken by IT and be for business purposes. Justification must also be provided in an email to the IT Systems Administrator why the application is required. If the application will incur a cost then this will be discussed with the user's director.

Termination of Employment / Conclusion of Term

On termination of employment or conclusion of term of Council (resignation or where not re-elected), the user must return the mobile device to IT including associated any battery chargers or other accessories supplied by the Council for use with the mobile device.

The mobile device is to be issued to an employee where it is deemed necessary to their job position. When an employee subsequently changes job position within Council, authorisation by the relevant director must occur for the mobile device to remain with the employee. Approval will only be given in this circumstance where the use of the mobile device is deemed a necessary requirement of the employees new job position. If approval is not given the mobile device is to be returned to IT.

Related Polices
Policy 1B: Council Code of Conduct
Policy 1D: Communication between Councillors and Staff
Policy 11B: Records Management

Legislative Context
Local Government Act 1993
Local Government (General) Regulations 2005
Workplace Surveillance Act 2005 No 47
Workplace Surveillance Regulation 2012

Adopted:	**Date:18/06/2007**	**Minute:07/129**
Lasted Reviewed:	**Date:**	**Minute:**
Next Reviewed:	**Date:**	

Blayney Shire Council

Policy Register

Policy No

Policy Title	Community Infrastructure Projects Policy
Officer Responsible	Director Corporate Services
Last Review Date	10/12/2014

Objective

To assist organisations and community groups with the construction of new assets or renewal of community assets on Council owned or controlled land.

Blayney Shire Council

Community Infrastructure Projects Policy

1. Introduction

It would be helpful for community and sporting groups if Council introduced a policy for dealing with the application of funds received by organisations and community groups towards the construction of new asset or renewal of community assets on Council owned or controlled land. The policy will not cover routine maintenance of assets and amenities that are the responsibility of the community or sporting group. In view of the administrative time and costs involved only eligible projects with a total cost exceeding $2,000 GST exclusive will be considered under the policy. This policy will permit the burden of the goods and services tax (GST) to be carried and claimed by Council if strict conditions are met.

Council will give preference to projects that are in accord with the priorities established under the Integrated Planning and Reporting Process.

This policy will cease to operate if there are changes to the GST that prevent Council from carrying out the steps required under the policy.

2. Purpose

To establish a policy to assist organisations and/or community groups to build/renew their facilities located on Council owned or controlled land and who are not registered to pay GST. Effectively this assists sporting and community groups in funding asset renewals or new assets by allowing the GST to be claimed resulting in greater funding being available for the project.

3. Policy

Scope of Project

All project proposals will need to be formally submitted to Council for consideration and adoption. The project will need to demonstrate a community benefit for current and future generations. The proposal must also contain:

- Contact details of all organisation's Project Manager with authorisation details from the organisation to act on the organisation's behalf.
- A budget and a timeline for the completion of the project.
- Sources of funds expected to be used for the project together with the related break up of those funds.

To be eligible under the policy, Council needs to be satisfied that applicant organisation must have the financial capacity to repay the costs that will be incurred by Council on its behalf under this policy. Council reserves the right to request payment in advance for goods and or services from the applicant organisation which seeks treatment under this policy.

Purchase Orders

- All purchase orders are to be made out in advance of supply (no confirmation orders permitted) and approved by Council.

- All purchases are to be made with persons or organisations with a registered ABN.
- Applicants are required to comply with Council's Procurement of Goods and Services Policy.

Invoices
All invoices to be made out in the name of Blayney Shire Council. Council payments will be made within 30 days following approval for payment from the organisation's Project Manager.

Council will generally invoice the applicant organisation for the amount due under the policy at the end of the project. Council reserves the right to make progress claims upon the applicant organisation if the project size warrants that procedure. This will be discussed at the time the application is lodged with Council.

4. Responsibility

Council's Financial Section has the responsibility of processing the claims of organisations and community groups under this policy. This includes ordering, establishment of job numbers, processing and payment of invoices and collection of monies due under the policy.

5. Related Documentation

Local Government (General) Regulation 2005
A New Tax System (Goods and Services Tax) Act (1999)
Blayney Shire Council Procurement of Goods and Services Policy

End of Policy

Adopted:	**08/12/2014**	**Minute:**
Last Reviewed:	**08/12/2014**	
Next Reviewed:		

Blayney Shire Council

Policy Register

Policy No 2H

Policy Title	Statement of Business Ethics
Officer Responsible	General Manager
Last Review Date	08/12/2014

Objectives

This Statement outlines Council's ethical standards and our expectation that goods and service providers and contractors will comply with these standards in their dealings with Council. This Statement also outlines what goods and services external providers and contractors can expect of the Council.

Blayney Shire Council

Statement of Business Ethics

Introduction
This statement provides guidance for the private sector when doing business with Blayney Shire Council.

It outlines Council's ethical standards and our expectation that goods and service providers and contractors will comply with these standards in their dealings with Council. This Statement also outlines what goods and services external providers and contractors can expect of the Council.

Council aims to promote integrity and ethical conduct, consistent with the positions of trust they hold and we expect no less of the service providers and contractors that undertake work for us.

This statement is designed to ensure that business relationships between this Council and external private sector service providers and contractors are fair and productive for all.

Our Key Business Principles
The principle of best value for money is at the core of Council's business relationships with private sector suppliers of goods and services.

Best value for money does not automatically mean the lowest price. Rather, Council will balance all relevant factors including initial cost, whole-of-life costs, quality, reliability, and timeliness in determining true value for money.

Part of obtaining best value for money also includes ensuring all of our business relationships are honest, ethical, fair and consistent.

Our business dealings will be transparent and open to public scrutiny wherever possible. Given the nature of some of Council's work, there will be times when the details of some business relationships will not be made publicly available.

We are committed to the purchase of all goods, equipment and services through established NSW Government contracts systems, where possible and reasonably practical. Where Council does not use this established system, Council will define the reasons for this action.

What you can expect of us
Blayney Shire Council will ensure that all its policies, procedures and practices relating to tendering, contracting and the purchase of goods and services are consistent will best practice and the highest standards of ethical conduct.
Our staff are bound by Council's Code of Conduct. When doing business with the private sector, Blayney Shire Council staff are accountable for their actions and are expected to:

- Use public resources effectively and efficiently
- Deal fairly, honestly and ethically with all individuals and organisations
- Avoid any conflicts of interest (whether real or perceived).

In addition, all Council procurement activities are guided by the following core business principles:

- All potential suppliers will be treated with impartiality and fairness and given equal access to information and opportunities to submit bids
- All procurement activities and decisions will be fully and clearly documented to provide an audit trail and to allow for an efficient performance review of contracts
- Energy efficient equipment, products containing recycled materials and environmentally friendly products will be purchased wherever reasonably possible.
- Tenders will not be called unless Council has firm intention to proceed to contract
- This Council will not disclose confidential or proprietary information.

What we ask of you

We require all private sector providers of goods and services to observe the following principles when doing business with Council:

- Comply with Council's procurement policies and procedures
- Provide accurate and reliable advice and information when required
- Declare actual or perceived conflicts of interests as soon as you become aware of the conflict
- Act ethically, fairly and honestly in all dealings with Council
- Take all reasonable measures to prevent the disclosure of confidential Council information
- Refrain from engaging in any form of collusive practice, including offering Council employees inducements or incentives designed to improperly influence the conduct of their duties
- Refrain from discussing Council business or information with the media
- Assist Council to prevent unethical practices in our business relationships.

Why is compliance important?

By complying with our statement of business ethics, you will be able to advance your business objectives and interests in a fair and ethical manner. As all Blayney Shire Council suppliers of goods and services are required to comply with this statement, compliance will not disadvantage you in any way.

Complying with this Council's stated principles will also prepare your business for dealing with the ethical requirements of other public sector agencies, should you choose to do business with them.

You should also be aware of the consequences of not complying with the Council's ethical requirements when doing business with Council. Demonstrated corrupt or unethical conduct could lead to:

- Termination of contracts
- Loss of future work
- Loss of reputation
- Matters being referred for criminal investigation.

Guidance Notes

Incentives, gifts, benefits
In general, this Council expects its staff to decline gifts, benefits, travel or hospitality offered during the course of their work. You should refrain from offering any such 'Incentives' to Council staff.

If a gift is accepted, Council requires the staff member to record the gift in the Gifts and Benefits register. (See Gifts and Benefits Policy for procedures)

Conflict of Interest
Council staff are required to disclose any potential conflicts of interest. Council extends this requirement to all of our business partners, contractors and suppliers.

Confidentiality
All Council information should be treated as confidential unless otherwise indicated.

Communication between parties
All communication should be clear, direct and accountable to minimise the risk of perception of inappropriate influence being brought to bear on the business relationship.

Use of Blayney Shire Council equipment, resources and information
All Council equipment, resources and information should only be used for its proper official purpose.

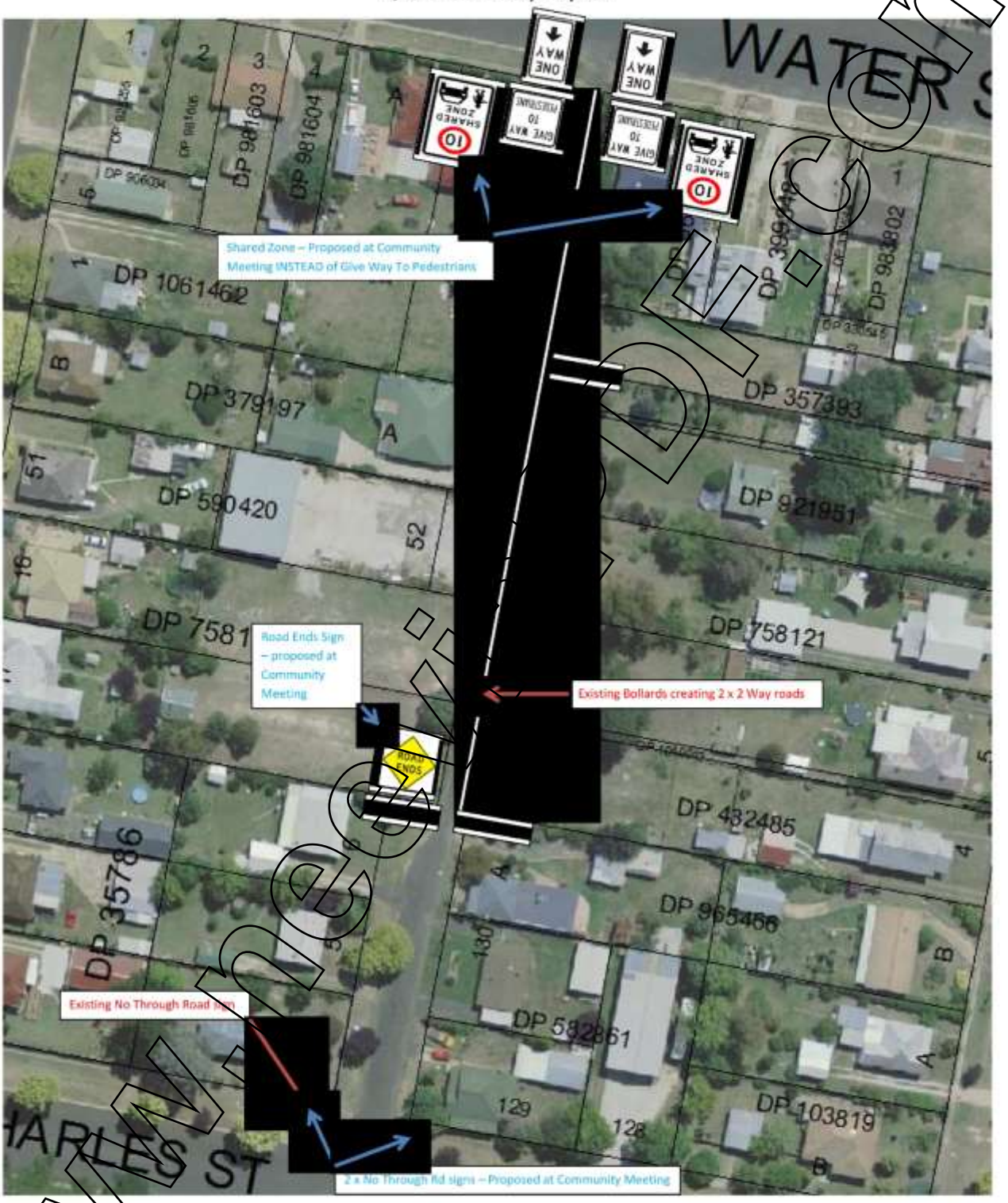
Should you have any questions regarding this statement or to provide information about suspect behaviour please contact us:

91 Adelaide Street
PO Box 62
Blayney NSW 2799
Phone: (02) 6368 2104
Fax: (02) 6368 3290
Email: council@blayney.nsw.gov.au

End of Policy

	Date	Minute
Adopted:	**09/02/2009**	**0902/006**
Last Reviewed:	**09/02/2009**	**0902/006**
	08/12/2014	
Review History:	**09/02/2009**	**0902/006**

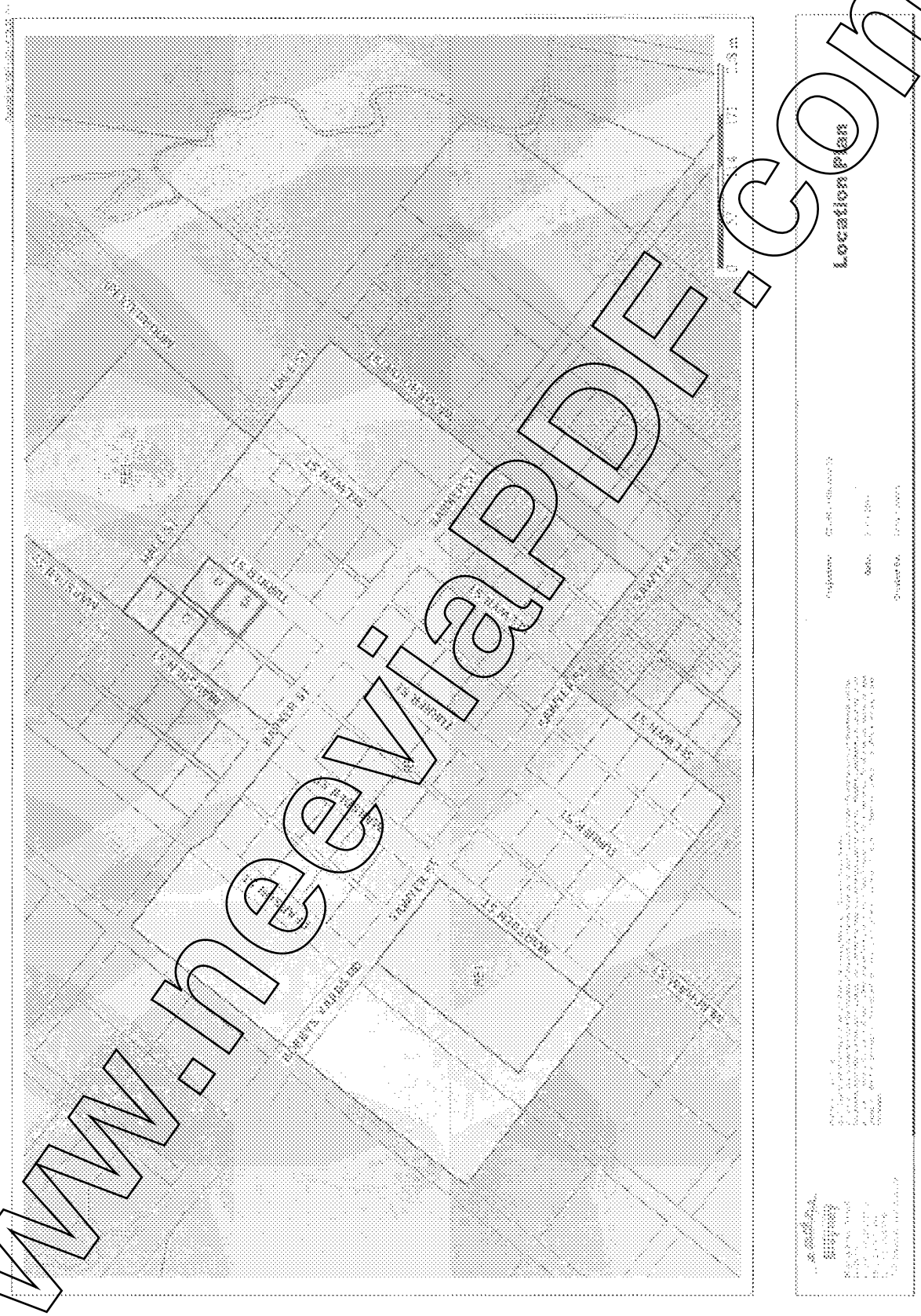
Queen St One Way Proposal

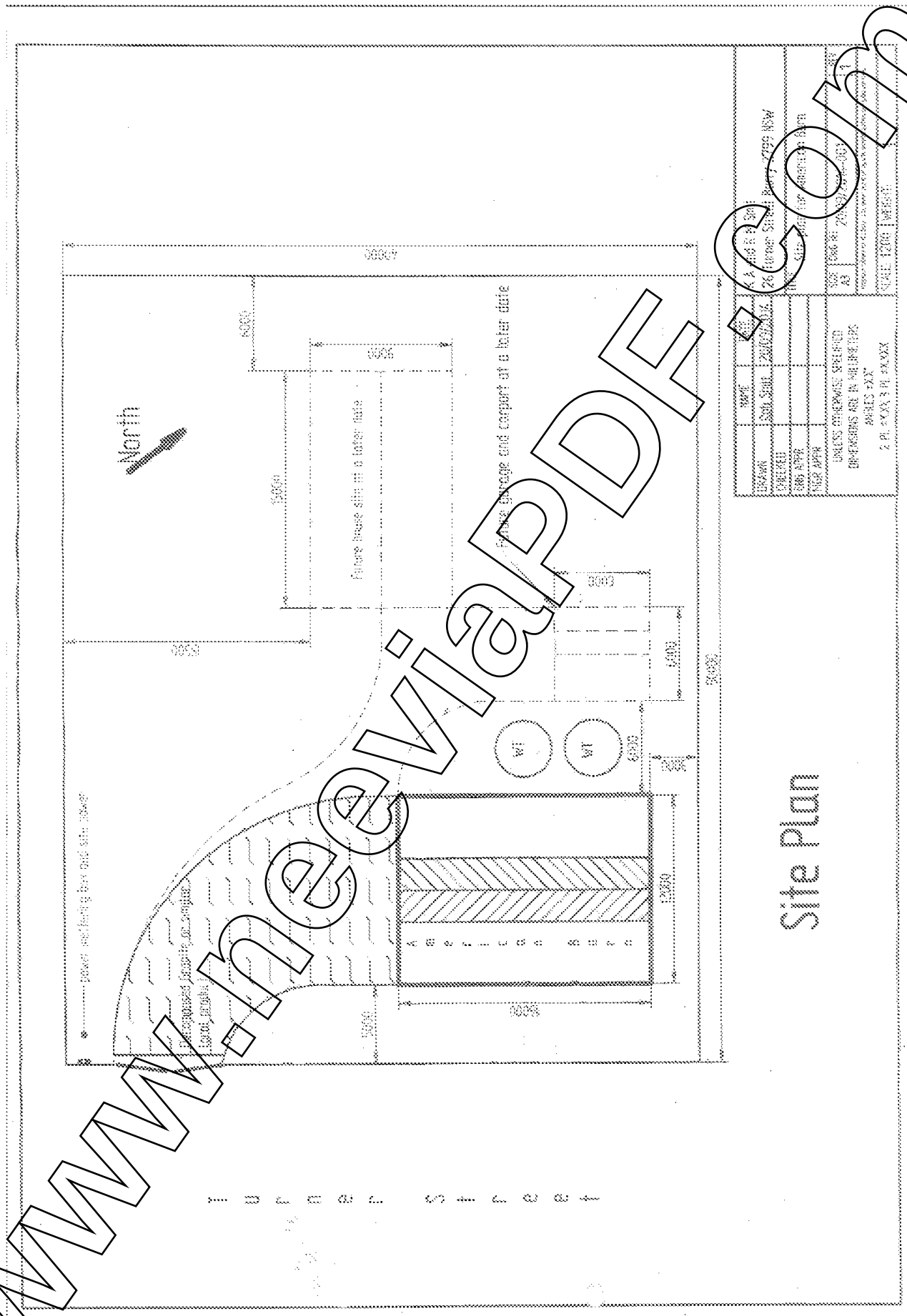


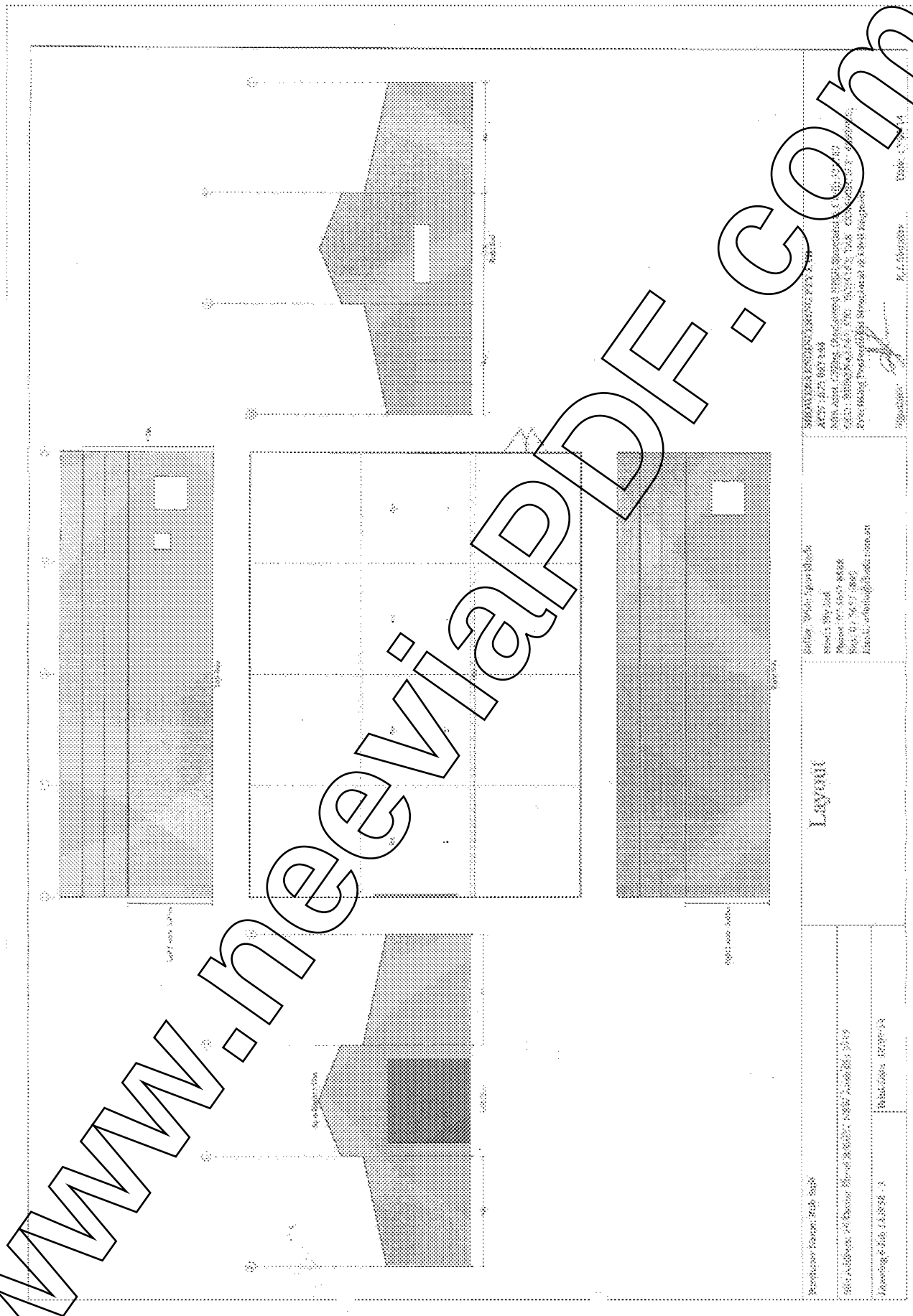
Red = Existing

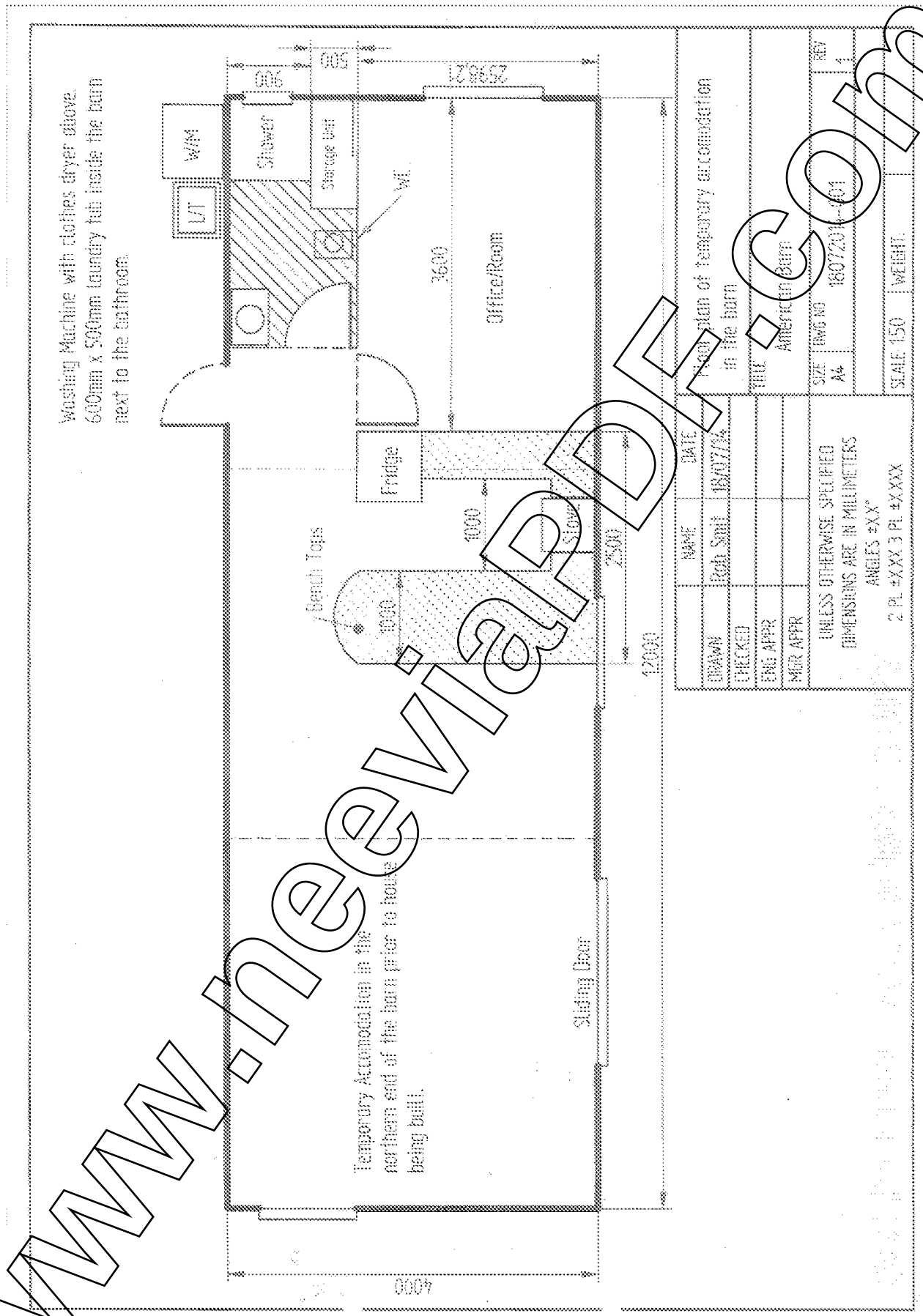
Black / White = Proposal, as endorsed by LTC

Blue = Proposals arising from Community Meeting.









Schedule A
Conditions of Consent

CONDITIONS ISSUED WITH DEVELOMENT APPLICATION No. 101/2014

STATUTORY
REASON: To comply with legislative statutory requirements.

1. Development is to take place in accordance with the attached stamped plans for Development Application No. 101/2014, documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent.
   Note: Any alterations to the approved development application plans must be clearly identified ***WITH THE APPLICATION FOR A CONSTRUCTION CERTIFICATE.*** *The Principal Certifying Authority (PCA) for the project may request an application for modification of this consent or a new application in the event that changes to the approved plans are subsequently made.*

2. The developer is to relocate, if necessary, at the developer's cost any utility services.

3. Prior to the occupation or use of the building an Occupation Certificate is to be obtained and where Council is not the PCA a copy is submitted to Council.

4. Provide a clearly visible sign to the site stating:
   a) Unauthorised entry is prohibited;
   b) Builders name and licence number; or owner builders permit number;
   c) Street number or lot number;
   d) Contact telephone number/after hours number;
   e) Identification of Principal Certifying Authority.

5. The building shall be constructed and maintained in accordance with the requirements of the Building Code of Australia.

6. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, evidence that such a contract of insurance is in force is to be provided by the Principal Certifying Authority before any building work authorised to be carried out by the consent commences.

7. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

a) in the case of work for which a principal contractor is required to be appointed:
   1. The name of the licence number of the principal contractor, and
   2. The name of the insurer by which the work is insured under Part 6 of that Act,
b) in the case of work to be done by an owner-builder:
   1. The name of the owner-builder, and
   2. The name of the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

8. The temporary occupation of the shed for accommodation is limited to a maximum of two (2) years. A development application for a dwelling must be lodged within that period.

9. The area of the shed to be occupied by the home industry is limited to 100sqm.

10. There is to be no storage of industry related materials or waste outside the building.

ENVIRONMENTAL
REASON: To comply with Council's statutory requirements.

11. Prior to the commencement of works, the applicant shall install and maintain adequate sediment and soil erosion controls in accordance with *WBC Guidelines for Engineering Works.*

12. There shall be no burning of waste material, felled trees or other material on the site.

13. All the required commitments shown on the Basix Certificate No:578805S dated 29 September 2014 and approved plans, are to be implemented prior to issue of an occupation certificate.

14. The on-site sewage management system chosen shall be maintained in accordance with the recommendations of the report by Envirowest Consulting Pty Ltd, Ref: R14358e Dated: 13 August 2014.

DRAINAGE
REASON: To comply with legislative statutory requirements.

15. All dwelling drainage and plumbing work shall be carried out in accordance with the Plumbing Code of Australia.

16. All plumbing and drainage work shall be carried out by a licensed plumber and drainer.

17. A works as executed drainage plan drawn to the scale of 1:200 is to be submitted to Council at the time of inspection.

18. All required roof harvested water must be conveyed to the proposed rainwater tank in accordance with Australian Standard 3500.

19. The overflow for the rainwater tank is to be connected to a drainage line and conveyed on site in accordance with Australian Standard 3500 in a manner that is not adversely affecting adjacent land.

WATER STORAGE
REASON: To comply with Council's statutory requirements.

20. On site water storage is to be provided for both domestic and firefighting reserve purposes. Total storage capacity is to be a minimum of 50,000 litres including a minimum 10,000 litres firefighting reserve as recommended by the Bush Fire Council. The following Bush Fire Council recommendations are attached for information.

    "Storage capacity as referred to above may be in ground or above ground provided that, with respect to the 10,000 litres reserved for firefighting purposes, the following is observed:-

    Where in ground storage is provided, access for pumping water into a fire fighting unit must be provided. In this regard, a standard suction hose is usually 6m in length.

    Where above ground storage is provided it is recommended that:
    a) the outlet for domestic supplies is to be located at a level above that of the 10,000 litres reserved for firefighting purposes;
    b) the outlet for firefighting purposes must be fitted with a 65mm Storz (brass/steel) type full flow tap with gate valve;
    c) the outlet in b. above shall be located so as to provide easy access for firefighting units ie. directly where there is vehicle access to the outlet or via plumbing where such direct access is not possible".

CONSTRUCTION
REASON: To comply with legislative statutory requirements.

21. The developer is to furnish documentary evidence that arrangements have been made satisfactory to the relevant electrical authority and the relevant telecommunications authority, for the provision of electrical power, and telephone lines, OR underground electrical power and telephone lines respectively, to fully serve the development, prior to the issuing of a Construction Certificate by Council or an accredited certifying authority.

22. The applicant is to arrange an inspection of the development/subdivision works by Council's Engineering Department, at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.

	COLUMN 1	COLUMN 2
A	Concrete Footway Crossings	* After placing of formwork and reinforcement, and prior to concrete placement;

23. A 3m wide vehicular crossing over the footway adjacent to the proposed ingress/egress point is to be designed and constructed in accordance with *WBC Guidelines for Engineering Works*. Further the applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act at the completion of construction of the footway crossing from Council or an accredited certifying authority certifying that the works have been completed in accordance with *WBC Guidelines for Engineering Works* and that the levels are in accordance with those issued.
Note: If other hard standing, dust free and weather proof surfaces are proposed instead of concrete, written approval is to be obtained from Council that the proposed alternative is acceptable.
Optional note: This condition may require the piping and filling of a section of the open drain fronting the property, including headwalls and safety railing.

24. All road and inter allotment drainage is to be conveyed to a legal point of discharge in accordance with *WBC Guidelines for Engineering Works*.

AMENITY
REASON: To comply with legislative statutory requirements.

25. Noise generating construction activities are to be restricted to the hours of:-
    - Monday to Friday 7am to 6pm
    - Saturday 8am to 5pm

- Sundays and Public Holidays Nil

ADVICE AND NOTES
Inspection Schedule

The Principal Certifying Authority (Council) is required to ensure all work is carried out in accordance with the consent, Building Code of Australia (BCA), and relevant standards, which is done during inspections at nominated stages of the work. The "Inspection Schedule" lists the mandatory and other required inspections that must be carried out by Blayney Shire Council during construction of the work.

a. Internal and external sanitary drainage.
b. Slab/footing inspection when steel is laid prior to the pouring of concrete.
c. Frame inspection
d. Hot and cold water prior to internal lining.
e. Waterproofing prior to tilling.
g. Stormwater
f. Final inspection at time of completion of all works.

Notice of Commencement
Notice of commencement of building works – The attached form needs to be completed and faxed or mailed to Council at least 2 days before any work commences on the site.

Reference to the Building Code of Australia
A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made

iPLAN PROJECTS
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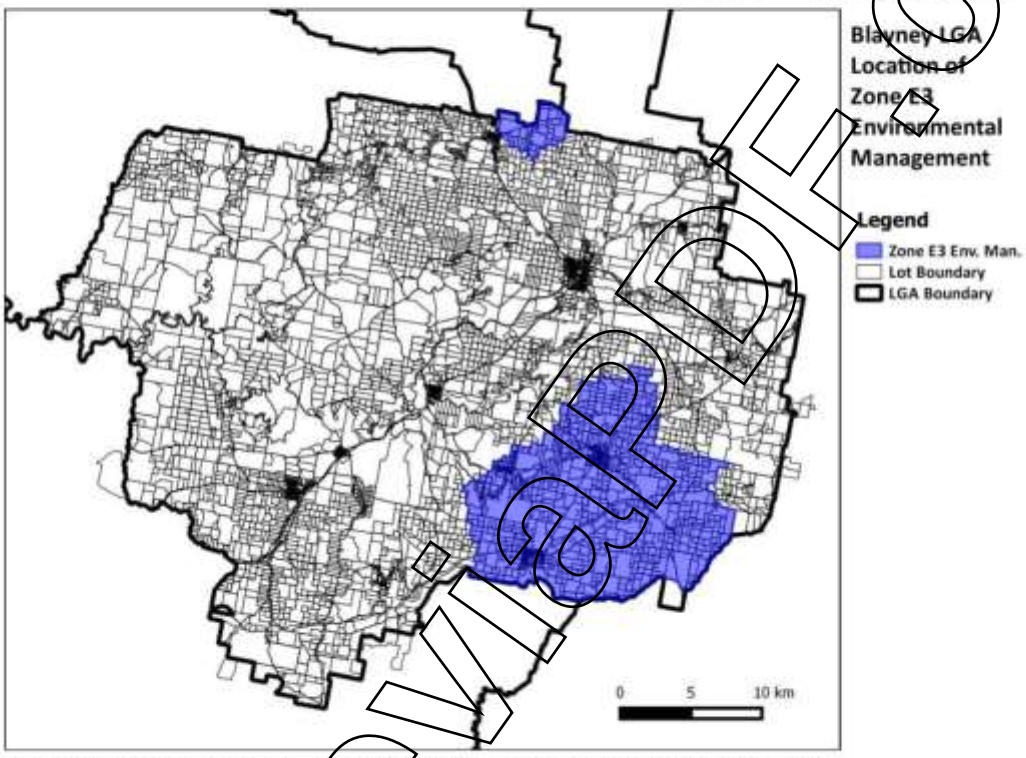


Map illustrating the location of the Zone E3 / Drinking water catchments in Blayney Shire (Oct 2014).

Planning Proposal

Proposed Amendment(s) to *Blayney Local Environmental Plan 2012* to amend the Planning Controls for the Drinking Water Catchments for Lake Rowlands (Blayney LGA) & Suma Park Dam (Orange LGA) including

- **Removal of Zone E3 Environmental Management from BLEP2012**
- **Other minor amendments to Zone RU1 Primary Production Land Use Table**

Prepared on behalf of Blayney Shire Council for submission to the NSW Department of Planning & Environment

22 November 2014

Version C

iPLAN PROJECTS
Planning & Development Solutions

Table of Contents

iPLAN PROJECTS
Planning & Development Solutions

Document Control

Date	Version	Purpose	Recipients
10 October 2014	A	Draft for Internal Discussion	Mark Dicker / Patsy Moppett BSC
17 November 2014	B	Draft for Internal Review	Mark Dicker / Patsy Moppett BSC Gavin Rhodes CTW
22 November 2014	C	Final for Council	Mark Dicker BSC Gavin Rhodes CTW

iPLAN PROJECTS
Planning & Development Solutions

1. INTRODUCTION

1.1. Aim of Amendment

Blayney Shire Council is applying to amend *Blayney Local Environmental Plan 2012* ('BLEP2012') to change the planning controls relating to what is effectively rural land that forms part of two (2) drinking water catchments including:

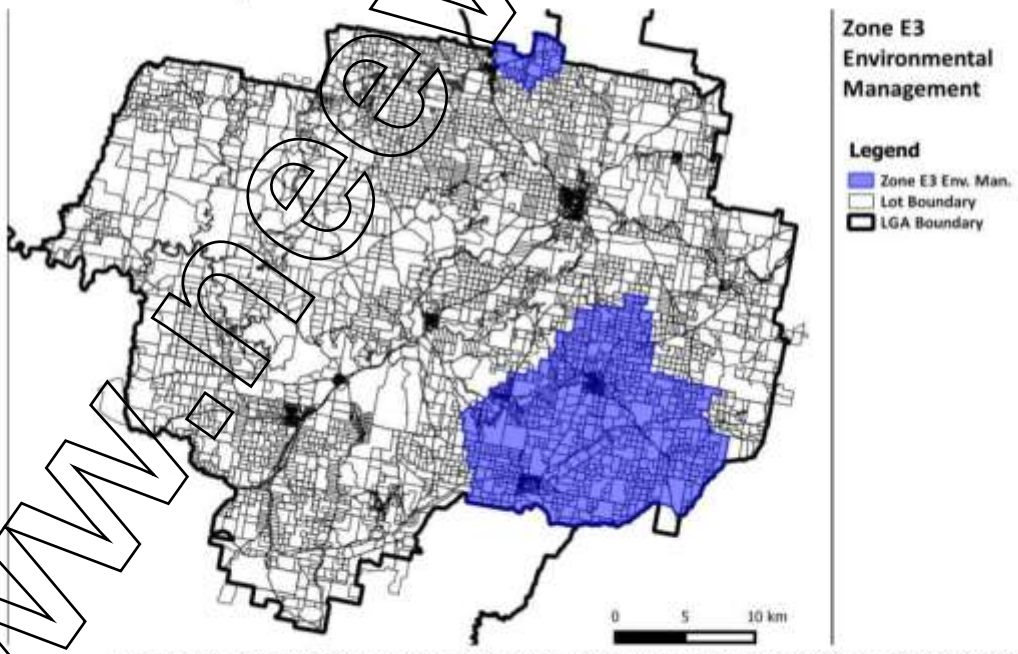
- Lake Rowlands (southern area of Blayney Local Government Area ('LGA')); and
- Suma Park Dam (located in Orange LGA but with catchment extending into northern area of Blayney LGA)).

The aim is to replace the existing Zone E3 Environmental Management with a rural zone – most likely Zone RU1 Primary Production.

The brief reasoning for the amendment is that Zone E3 Environmental Management has been found to potentially be overly restrictive in terms of rural land uses and development processes that may be suitable for the rural area, potentially inhibiting economic growth and development when there are other mechanisms in BLEP2012 to achieve the required environmental protections. It is submitted that an improved approach would be to let the market decide what rurally appropriate land uses could be supported and address any site-specific environmental constraints through the development assessment process.

In particular, Zone E3 prohibits a range of rural land uses within the drinking water catchments that may be appropriate subject to a merit based development assessment. There are a range of other controls in BLEP2012 including, but not limited to, Clause 6.5 – Drinking water catchments, to provide a suitable level of protection for the drinking water catchments. Also, Zone E3 may impact on the permissibility of complying development and thereby require a full development application for certain land uses that could otherwise utilise these potentially cheaper and faster processes.

1.2. Land Description



Location of the Zone E3 / Drinking water catchments in Blayney Shire in BLEP2012 (as at October 2014).

The two drinking water catchments (defined by Zone E3) or 'subject lands' are located as shown on the map above. Please see the aerial photo for each catchment in Appendix 3.

The first catchment is for Lake Rowlands which is the primary drinking water source for a number of local government areas throughout the central west including Blayney, Cabonne, Cowra and Weddin Shires. The catchment for Lake Rowlands is predominantly in the Blayney LGA and covers an area of 20,111ha extending from the southern LGA boundary to north of Barry.

The second catchment is for Suma Park Dam which is the primary drinking water source for the City of Orange. The Suma Park Dam is located in the Orange LGA to the north-east of the city but its catchment extends partially into Blayney LGA to the east of Millthorpe including 1,143ha of land.

1.3. Intent of Original Use of Zone E3

The original intent of using Zone E3 Environmental Management for the drinking water catchment was supported by the following factors:

The Subregional Land Use Strategy (GHD 2008) recommended that Council implement a specific environmental protection zoning for land within the drinking water catchments that would restrict the type and intensity of development in these areas (See Final Strategy, Section 12.3, Strategy 2, p.104).	**Response:** The Subregional Strategy does not preclude the use of alternative planning tools to achieve the key principles.
The transport and utilities infrastructure (especially in the Lake Rowlands catchment) is weak (i.e. lack of state or regional roads; lack of sewerage reticulation; only low voltage power lines) so the likelihood of rural industries and other commercial ventures was less likely to be economically viable and would require significant upgrades to infrastructure at a high cost.	**Response:** This is something that the market and merit assessment can decide so increased flexibility is more likely to be economically sustainable.
Zone E3 was being used by Orange City Council for their drinking water catchments (including the catchment for Suma Park Dam) so the use of the zone would increase compatibility in planning outcomes across the LGA boundary.	**Response:** Other Councils such as Cabonne have not used Zone E3 for the drinking water catchment so consistency is not mandatory if protections in place.
Lake Rowlands is currently used as a drinking water source for four (4) LGAs and is therefore a regionally strategic water source and supply. Other strategic studies suggested that Lake Rowlands may be expanded to increase supply and potentially service a wider area. Its strategic significance was deemed worthy of additional protections through regulation of land uses within the drinking water catchment. See the section below on the Public Health Act and Australian and NSW Guidelines for Drinking Water Management.	**Response:** The drinking water catchment overlay can provide sufficient protection for existing and future water security.
Suma Park Dam is currently the primary drinking water source for Orange City Council and it is expected that some regulation of land use within that catchment may be necessary. However, this was included in Zone E3 primarily for consistency in planning approach.	**Response:** The drinking water catchment overlay can provide sufficient protection for existing and future water security.
An alternate suitable zone may have been Zone RU2 Rural Landscape (as this zone was used for the drinking water catchment in Cabonne LGA). However, in Blayney LGA this zone had already been used for the original scenic protection zones in BLEP1998 and had a different focus, objectives, and land use permissibility.	**Response:** Utilising Zone RU1 Primary Production may be sufficient with the additional overlays in BLEP2012.

1.4. Process Overview

This Planning Proposal has been prepared in accordance with the requirements of:

- Letter from DPE dated 5/9/14 notifying Blayney Shire of amended procedures for drafting and notifications of local environmental plans;
- The *Environmental Planning & Assessment Act 1979* ('EP&A Act');
- The Department of Planning (October 2012) *'A guide to preparing planning proposals'*;
- Planning Circular No. PS12-006 – *Delegations and independent review of plan-making decisions*;
- *Blayney Local Environmental Plan 2012* ('BLEP2012').

A gateway determination under Section 56 of the EP&A Act is requested from the Department of Planning & Environment ('Department') to allow this planning proposal to be placed on public exhibition.

We also request delegation to Council (as the Relevant Planning Authority or RPA) of the power to make this amendment to the *Blayney Local Environmental Plan 2012* recommending that this rezoning is generally consistent with an endorsed strategy (primarily the *Sub-Regional Land Use Strategy 2008*) except for the recommendation in this Strategy to utilise Zone E3 for the drinking water catchments (as it did not consider the use of the drinking water catchment overlay as a suitable alternative).

We submit that there is sufficient detail in this Planning Proposal to justify a positive Gateway Determination considering the low complexity of the proposed amendment and limited chance of any significant impacts on adjacent land uses, the natural environment and the community.

2. PROPOSED AMENDMENT(S)

The key amendments (and/or retained planning controls) are as follows:

a) It is intended to amend the land use zone for all of the lands that are in Zone E3 Environmental Management in BLEP2012 and replace it with Zone RU1 Primary Production or alternatively Zone RU2 Rural Landscape (though this is not the preferred outcome). This will amend the following Land Zoning Maps: LZN_004; LZN_004A; LZN_005; LZN_005B; LZN_005C; LZN_007. As a result, the land use permissibility (without consent / with consent / prohibited) of Zone RU1 will apply to these lands (see table below).

b) Zone E3 will be removed from the Land Use Table in Part 2 of BLEP2012 as there are no other land utilising this zone;

c) Any reference to Zone E3 will be removed from the following clauses:
   i) Clause 4.1AA – Minimum subdivision lot size for community title
   ii) Clause 4.1A – Minimum subdivision lot size for strata plan schemes in certain rural and environmental zones
   iii) Clause 4.2A – Erection of dwelling houses or dual occupancies on land in certain rural and environmental protection zones.

d) The following minor amendments to land use permissibility will be made to Zone RU1 Primary Production - **Emergency service facilities** – permissible with consent

It is important to note that these amendments will **NOT** affect the following key controls:

a) There will be no impact on the minimum lot size for subdivision of those lands so no Lot Size Maps will be amended.

b) The Drinking Water Catchment Maps that trigger consideration under *Clause 6.5 – Drinking water catchment* will be retained and provide the key protection of the drinking water catchments (in addition to other factors to be considered as part of a merit assessment of any development application). This will meet the requirements of the *Public Health Act 2010* and the 2013 *NSW Guidelines for Drinking Water Management Systems*.

Council have elected to ensure that **intensive plant agriculture** and **intensive livestock agriculture** are permissible **with consent** in Zone RU1 if it were to include the drinking water catchment and would rely on the merit assessment process to ensure that development with consents have appropriate measures in place to protect the catchment and those that are unsuitable are not approved.

3. SITE ANALYSIS

A brief desktop review of known constraints and opportunities (see mapping in Appendix 3) has been considered to inform the proposed amendment and determine if there are other factors in addition to the drinking water catchment to consider when removing Zone E3 from these areas.

3.1. Topography

3.1.1. Slope & Gradient

The Subregional Strategy highlights that there are only very limited areas within the Lake Rowlands catchment and none within the Suma Park catchment where the slope exceeds 18 degrees and there would be a need to avoid significant development to protect against erosion and landslip.

3.1.2. Scenic Protection

BLEP2012 utilises Zone RU2 Rural Landscape to define scenic protection areas around the towns of Blayney and Carcoar (outside the catchments) due to the valley setting of these two settlements. No other parts of the Blayney LGA are deemed worthy of protecting for the purposes of scenic protection.

3.2. Water

3.2.1. Drinking Water Catchment

Obviously, the areas in consideration are both drinking water catchments as highlighted and defined on the Drinking Water Catchment Maps in BLEP2012 for both Lake Rowlands and Suma Park Dam. The Suma Park catchment falls within the former Central West Catchment Management Authority and Lake Rowlands falls within former Lachlan Catchment Management Authority (now Central Tablelands Local Lands Services).

3.2.2. Watercourses & Riparian Corridors

Both drinking water catchments, by their very nature include watercourses. The most significant of these are shown as riparian waterways on the Riparian Lands and Waterways Maps in BLEP2012. This includes, but it not limited to, Coombing Creek which flows past Barry and is fed by a watercourse from Neville before flowing into Lake Rowlands. The ESA Mapping – Sensitive Water Resources (see Appendix 3) shows most of the watercourses are major freshwater habitats with riparian qualities. It also shows that there are some limited areas in the drinking water catchments with very severe stream-bank erosion, these are less significant than in most other areas of the Shire and don't generally involve very severe gully erosion. The issue of stream protection can be addressed by the existing Clause 6.6 Riparian lands and watercourses during any development assessment processes.

3.2.3. Flooding & Stormwater Management

There are no Flood Planning Maps in BLEP2012 for the drinking water catchment areas. There is likely to be intermittent flooding along the watercourses through Neville and Barry and the rural areas but there is no historical evidence of a broad flood plain or other flood hazard that would significantly impact on future land uses or an appropriate zoning of this rural land. Any evidence of flooding can be addressed under Clause 6.1 Flood Planning.

3.2.4. Groundwater

The Natural Resource – Groundwater Vulnerability Maps in BLEP2012 in Appendix 2 (and the ESA – Sensitive Water Resources Maps in Appendix 3) highlight that there is a high groundwater vulnerability under the majority of the Suma Park catchment to the east of Millthorpe but very little groundwater vulnerability in the Lake Rowlands catchment. A rural zone is unlikely to significantly increase impacts on the groundwater systems. The issue of groundwater vulnerability can therefore be addressed by Clause 6.4 – Groundwater vulnerability if required for any development application and is not an

absolute prohibition on more intensive agricultural uses or rural industries where alternate water supplies are required/available.

3.3. Flora, Fauna & Potential Biodiversity

The Terrestrial Biodiversity Maps suggests that there are some features of the two drinking water catchments that may contain sensitive biodiversity (see opposite) and trigger Clause 6.3 of BLEP2012.

As the ESA – Sensitive Biodiversity Areas mapping shows (see Appendix 3), the majority of the highlighted areas are sensitive because there is less than 30% of that species remaining (orange) with 2-3 pockets of vegetation on over-cleared landscapes (brown) but no specific species are identified for protection. There are some pockets of remnant native vegetation but there is limited connectivity and these generally overlap with the sensitive biodiversity areas.

However, a rural zone is likely to have a similar effect in terms of future clearing and impacts and these sensitive areas are protected by the retention of the biodiversity overlay in BLEP2012 that does not require the additional protection of Zone E3 (that has little additional benefit/consideration in the development assessment process).

In addition, we have utilised Council's GIS data and the NSW Natural Resource Atlas to confirm there are no known threatened or endangered species (flora or fauna) or ecological communities in the drinking water catchments including no sensitive wetlands or reserves or former DECC estates. Generally the change of zoning is not likely to significantly increase activities that would impact on the Threshold Sustainability Criteria.

3.4. Bushfire

According to the Rural Fire Service (2009) *Bushfire Prone Land Map* there are only small pockets of bushfire prone land to the south and north east of Neville and very limited pockets to the east of Millthorpe. The change in zoning from environmental to rural is unlikely to significantly increase development on or near bushfire prone land and can be addressed through the development assessment process.

3.5. Land

3.5.1. Historical Land Use(s) & Contamination

There are no known listed contaminated sites listed in Blayney Shire within the drinking water catchments under the *Contaminated Land Management Act 1997*. The predominant historic use of land in these areas has been for grazing and other agricultural practices and there could be some expectation of chemical use with low level soil contamination. However, the change in zoning from environmental to rural will predominantly result in ongoing rural uses and contamination issues can be dealt with during the development assessment process for any sensitive uses.

3.5.2. Geology & Soils

As there are very few pockets of land with slope above 18 degrees, landslip is less likely to be an issue. The ESA – Sensitive Land Resource mapping for the Shire (See Appendix 3) suggests that the areas to the east of Millthorpe and around Neville/Barry/Hobbys Yards (i.e. within the drinking water catchments) are relatively free of sensitive land issues such as salt affected land, land capability classes 5-8, karst or soil regolith R4. The NSW Natural Resource Atlas mapping also suggests the areas are not affected by dryland salinity (this occurs generally to the east and south east of the Shire).

3.5.3. Mineral Potential & Mine Subsidence

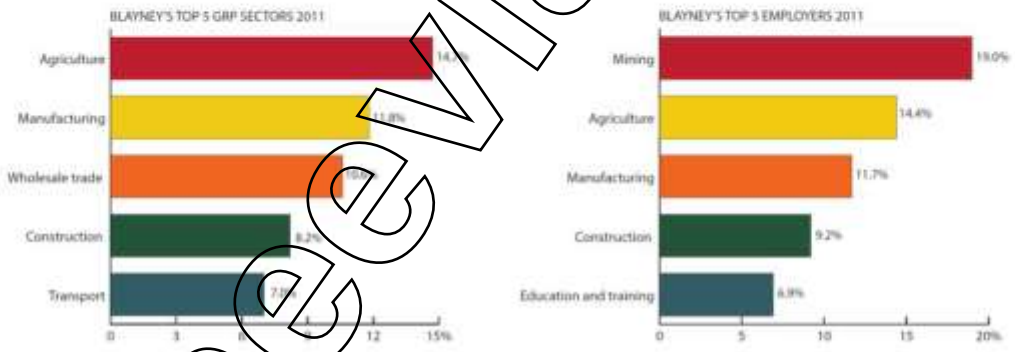
According to the Mineral Resources Audit Map (Aug, 2012)(see Appendix 3) prepared by the former Department of Mineral Resources (see map excerpt below) there are no existing or potential resource areas in the Suma Park catchment near Millthorpe and there is only one known existing extractive industry in the Lake Rowlands catchment known as Gordon's Quarry (NE of Barry). The change of zoning is unlikely to significantly increase development potential (particularly dwelling potential) in or around this industry as a rural zone is proposed and there is no change in the minimum lot size.

3.6. Agricultural Potential

3.6.1. Role of Agriculture in Blayney Shire

It is important to put this amendment in perspective of the role of agriculture in Blayney Shire. In 2011 (Australian Bureau of Statistics – Region Summary) the Blayney Shire (SA2) had 134,271ha of agricultural land (out of 164,254ha) of which there were 222,498ha sheep, 66,280 meat cattle and 1,021 dairy cattle – so it was dominated by grazing. Only very limited areas were used for broad-acre crops (2,590ha) and fruit and nuts excluding grapes (32ha). The agriculture, forestry and fishing industry employed the largest percentage (12.8%) of the workforce. The gross value of agricultural production was $38.2 million dollars.

On the CENTROC website summarised the Blayney Regional Overview 2011-2012 and stated that Agriculture ($34.9 million) was the biggest sector of the economy by gross regional product (see graph excerpt below) and employed the 2nd highest number of people in the Shire. It is for these reasons that this review seeks to consider replacing the Zone E3 with Zone RU1 Primary Production in the drinking water catchments.



Sources: AECgroup (2012), A.P.SHEERE CONSULTING (2013)

3.6.2. Agricultural Land Classification

Agricultural land classification refers to the agricultural capacity of the land and the restrictions on land use arising from landform, soils and agronomic data. The Land Capability of the Site has been mapped by NSW Agriculture using the eight (8) class system of the Soil Conservation Service (1988)/ former Department of Land & Water Conservation (2002) (See Agfact AC.25). According to the mapping in the Subregional Strategy (Local Profile – Figure 6.8 – Land Capability) most of the land in the drinking water catchments are in Class 2, 3 or 4 areas. Therefore, they have a high to moderate agricultural potential with limited areas suitable for cropping with soil conservation practices but are mostly suited to grazing and pasture improvement.

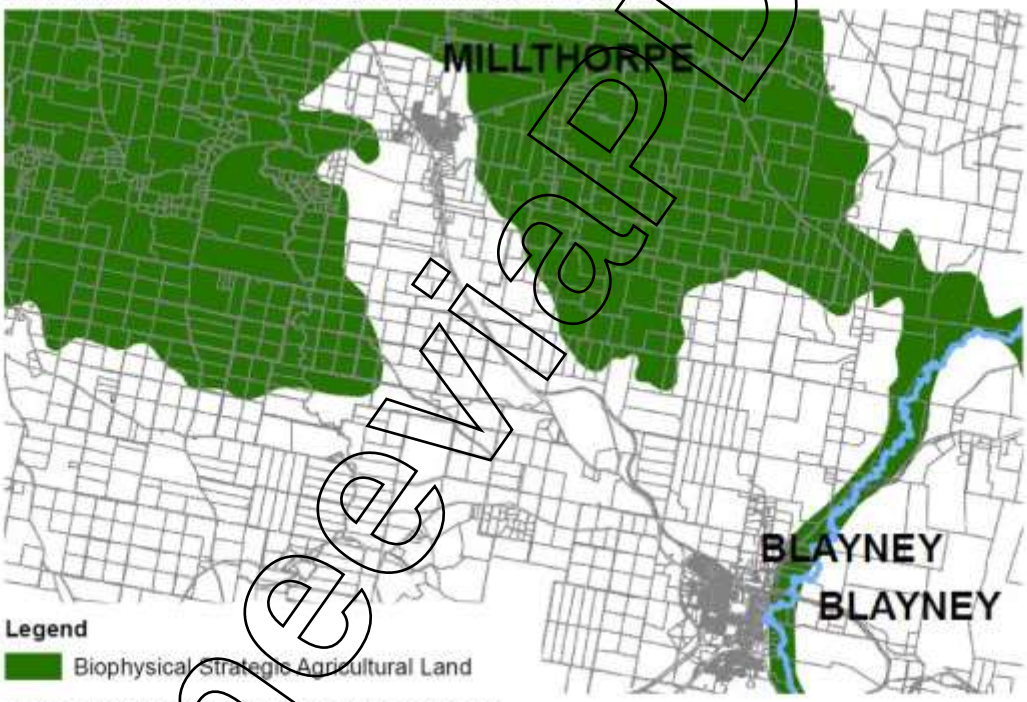
3.6.3. Central West Pilot Mapping Project

In 2011-2012 the NSW Department of Primary Industries (DPI) investigated a new process for mapping agricultural lands in a pilot project for the Central West including the Site. It looks at agricultural

development potential and resources and implications for land use planning. This study found that the majority of land in the drinking water catchments was potentially important grazing land and medium wool land, with more limited areas important for horticulture and viticulture land. This accords with the land capability classifications above.

3.6.4. Biophysical Strategic Agricultural Land Mapping

Biophysical Strategic Agricultural Land (BSAL) is land with high quality soil and water resources capable of sustaining high levels of productivity. The BSAL Mapping is given legal authority by *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* and is primarily a tool to avoid conflicts between mining and prime agricultural land. Strategic Agricultural Land Map Sheet STA_023 and STA_024 covers the Shire and demonstrates that there is biophysical strategic agricultural land to the east of Millthorpe (Suma Park catchment) but the Lake Rowlands catchment is not strategic agricultural land. A rural zoning would therefore be better suited to strategic agricultural land than an environmental zone, particularly where there are no other underlying environmental sensitivities other than the drinking water catchment.



EXCERPT FROM STRATEGIC AGRICULTURAL LAND SHEET STA_023.

3.7. Culture & Heritage

Whilst there are items of non-indigenous heritage and possibly Aboriginal heritage in these drinking water catchments, the change in zoning from environmental to rural is not expected to significantly increase development potential and with consent required for most new land uses this can be managed during the development assessment process.

4. PLANNING IMPLICATIONS

The following is a comparison between the planning controls (and likely development outcomes) between the use of Zone E3 Environmental Management and Zone RU1 Primary Production for the subject lands.

4.1. Zone Objectives

The objectives of both zones are set out as follows:

Zone E3 Environmental Management	Zone RU1 Primary Production	Zone RU2 Rural Landscape
• *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.* • *To provide for a limited range of development that does not have an adverse effect on those values.* • *To protect drinking water catchments from the impacts of development by minimising impacts on the quality and quantity of water entering drinking water storages.*	• *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.* • *To encourage diversity in primary industry enterprises and systems appropriate for the area.* • *To minimise the fragmentation and alienation of resource lands.* • *To minimise conflict between land uses within this zone and land uses within adjoining zones.* • *To enable function centres, restaurants and appropriate forms of tourist and visitor accommodation to be developed in conjunction with agricultural uses.*	• *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.* • *To maintain the rural landscape character of the land.* • *To provide for a range of compatible land uses, including extensive agriculture.* • *To encourage development that will not have an adverse impact on the environmental and scenic qualities of the existing landscape.*

The objectives between Zone E3 and Zone RU1/RU2 have significant differences in terms of their focus and the key issues facing land uses in each zone. Zone E3 is focussed on limiting development and protecting the environmental and cultural amenity of the area whilst Zone RU1 seeks to encourage agriculture and appropriate ancillary land uses for economic growth with land use conflicts been the key issue. Zone RU2 is still focussed on appropriate rural development but still seeks to avoid environmental and scenic impacts. An additional local objective was added to Zone E3 to protect drinking water catchments because this was the primary role of the zone when BLEP2012 was prepared. It is submitted that the primary role of the area that forms the drinking water catchment is actually its agricultural role and the drinking water catchment is a secondary (but equally important) role. A review suggests that the intent to limit development in Zone E3 is not appropriate for these rural areas and instead Council should be facilitating development and assessing environmental and social impacts on their merits. Zone RU1 obviously offers greater flexibility in terms of planning outcomes compared to Zone RU2.

4.2. Land Uses Permissible without Consent

Land uses permissible without consent for each zone are as follows:

Zone E3 Environmental Management	Zone RU1 Primary Production	Zone RU2 Rural Landscape
	Building identification signs	Building identification signs
Environmental protection works	Environmental protection works	Environmental protection works
Extensive agriculture	Extensive agriculture	Extensive agriculture
Home occupations	Home occupations	Home occupations

The land uses permissible without consent in Zones RU1/RU2 are very similar to Zone E3 with the exception of building identification signs. This is probably an oversight because building identification signs would have no impact on the drinking water catchment and are appropriate in these areas. Therefore, for these land uses either Zone RU1 or Zone RU2 is appropriate.

4.3. Land Uses Permissible with Consent

Land uses permissible with consent for each zone are as follows with our comments (colours – red is significant discrepancy / purple – minor discrepancy / green – same or similar outcomes for important land uses – remainder are not vital land uses for this discussion):

Zone E3 Environmental Management	Zone RU1 Primary Production	Zone RU2 Rural Landscape	Impact if Permissible
Agriculture & Terms Outside. This is the area where Zone E3 and possibly Zone RU2 do not provide the flexibility in agricultural uses that is recommended in the Subregional Strategy. It is submitted that whilst applications for intensive agriculture have a higher potential impact on the drinking water catchment they are likely to be limited in number/size. It is in appropriate to prohibit these uses and a merits assessment is the best way to achieve the desired outcomes. Zone RU2 provides only minor additional uses. Zone RU1 most flexible.			
Aquaculture	Aquaculture	Aquaculture	Same
Ext.Ag. without consent except dairy (pasture based) with consent	Ext.Ag. without consent	Ext.Ag. without consent	Similar but dairy (pasture based) relatively low impact
	Intensive livestock ag.		Possible need / higher impact
Intensive plant ag. except turf farming	Intensive plant ag.	Intensive plant ag.	Similar – turf farming unlikely
Animal boarding or training establishments	Animal boarding or training establishments		Same
Farm buildings	Farm buildings	Farm buildings	Same
	Forestry		Higher impact?
Residential & Terms Outside. There is no major discrepancy in permissibility for residential uses between the zones and minimum lot size will avoid additional dwelling potential and fragmentation of agricultural lands. No major impacts on drinking water catchment likely.			
Dual occupancies	Dual occupancies	Dual occupancies	Same
Dwelling houses	Dwelling houses	Dwelling houses	Same
Home-based child care	Home-based child care	Home-based child care	Same
Home businesses	Home businesses	Home businesses	Same
Home occupations (sex services)	Home occupations (sex services)	Home occupations (sex services)	Same

Zone E3 Environmental Management	Zone RU1 Primary Production	Zone RU2 Rural Landscape	Impact if Permissible
Tourist and Visitor Accommodation & Terms Outside. There is no major discrepancy in permissibility for tourist uses (except camping grounds which are unlikely).			
Bed and breakfast accommodation	Bed and breakfast accommodation	Bed and breakfast accommodation	Same
Farm stay accommodation	Farm stay accommodation	Farm stay accommodation	Same
	Camping grounds		Low likelihood / higher impact?
Eco-tourist facilities	Eco-tourist facilities	Eco-tourist facilities	Same
Commercial Premises & Terms Outside. There is a significant discrepancy in permissibility of commercial premises between Zone E3/RU2 and RU1. This is another area where Council is seeking increased flexibility for economic growth of businesses that are ancillary to agriculture including cellar door premises, plant nurseries, etc. Most inappropriate commercial premises are not likely to be viable in these areas or can be addressed through a merit based assessment. No major impacts on drinking water catchment likely. Zone RU2 provides only minor additional uses. Zone RU1 most flexible.			
Business premises and Office premises prohibited. Retail premises prohibited except for following:			
	Cellar door premises		Low likelihood / low impact
	Restaurants or cafes		Possible need but low economic viability outside villages
	Landscaping material supplies		Possible need but higher impact
	Plant nurseries	Plant nurseries	Possible demand / low impact
Roadside stalls	Roadside stalls	Roadside stalls	Same
	Function centres		Low likelihood / economic viability
Veterinary hospitals	Veterinary hospitals	Veterinary hospitals	Same
Rural Industries & Industries & Storage. There is a significant discrepancy in permissibility of rural industries between Zone E3/RU2 and RU1. This is another area where Council is seeking increased flexibility for economic growth of rural industries that are associated with agriculture including agricultural produce industries etc. Most inappropriate industries are not likely to be viable in these areas or can be addressed through a merit based assessment even though industrial uses are likely to have a higher potential impact on the drinking water catchment. Zone RU2 provides only minor additional uses. Zone RU1 most flexible.			
	Ag. produce industry	Ag. produce industry	Possible need / impact depends on use
	Livestock processing		Low likelihood / higher impact
	Sawmill or log process.		Low likelihood / impact
	Stock & sale yards		Low likelihood / low impact
Home industries	Home industries	Home industries	Same
	Depots		Possible need / Low impact

Zone E3 Environmental Management	Zone RU1 Primary Production	Zone RU2 Rural Landscape	Impact if Permissible
Signage. The error of not permitting building identification signs without consent should be fixed. Otherwise same.			
Building identification signs	(without consent)	(without consent)	Should be without consent
Business identification signs	Business identification signs	Business identification signs	Same
Recreation. Broadly the permissibility of recreation uses is similar between the zones and major and outdoor recreation facilities have a low likelihood in these areas or could be addressed through merit assessment. No major impacts on drinking water catchment likely. Zone RU2 more restrictive than E3.			
Boat launching ramps / Boat sheds	Boat launching ramps / Boat sheds	Boat launching ramps / Boat sheds	Same
Water recreation structures	Water recreation structures	Water recreation structures	Same
Jetties / Moorings	Jetties / Moorings	Jetties / Moorings	Same
Recreation areas	Recreation areas	Recreation areas	Same
Recreation facilities (major)	Recreation facilities (major)		Low likelihood
Recreation facilities (outdoor)	Recreation facilities (outdoor)		Low likelihood
Environmental facilities	Environmental facilities	Environmental facilities	Same
Extractive industries	Extractive industries	Extractive industries	Same
Industrial training facilities	Industrial training facilities		Possible need / Low impact
Community Infrastructure. Broadly the permissibility of community infrastructure is similar between the zones. Emergency services facilities should be permitted with consent in Zone RU1/RU2 (error). Any inappropriate uses can be addressed through merit assessment. No major impacts on drinking water catchment likely. Zone RU2 more restrictive than E3.			
Cemeteries	Cemeteries	Cemeteries	Same
Community facilities	Community facilities		Low likelihood (mostly in village centres)
	Correctional centres		Low likelihood
Emergency services facilities			**Error – Should be permissible with consent in RU1**
Information and education facilities	Information and education facilities		Possible need / Low impact
	Research stations	Research stations	Possible need but low likelihood
Infrastructure. Council supports applications for infrastructure where a merit assessment is suitable. The addition of truck depots in Zone RU1 would not be a significant impact on the drinking water catchment. May consider adding 'water reticulation systems' and 'water storage facilities' to Zone RU1 and RU2.			
Roads	Roads	Roads	Same
	Airstrips		Low likelihood
Helipad/Heliport	Helipad/Heliport	Heliport	Low likelihood
	Truck depots		Possible need / low impact

Zone E3 Environmental Management	Zone RU1 Primary Production	Zone RU2 Rural Landscape	Impact if Permissible
	Waste or resource management facilities	Waste or resource management facilities	
	Water supply systems	Water supply systems	Possible need
Water reticulation systems	Water reticulation systems are sub-term to water supply systems	Water reticulation systems are sub-term to water supply systems	Same
Water storage facilities	Water storage facilities is a sub-term to water supply systems	Water storage facilities is a sub-term to water supply systems	Same
	Water treatment facilities	Water treatment facilities	Low likelihood
Open cut mining	Open cut mining	Open cut mining	Same

In conclusion, it can be seen that Zone RU1 is significantly more flexible with regard to agricultural land uses and commercial premises where these can be shown to be ancillary to agriculture and this would suggest that Zone RU1 is the preferred zone for the drinking water catchment land. Potential impacts on the drinking water catchment can be managed through merit assessment. Zone RU2 is sometimes slightly more flexible than Zone E3 but also sometimes more restrictive so it is not recommended.

4.4. Existing Minimum Lot Size & Dwellings

The minimum lot size for subdivision in both Zone E3 Environmental Management and Zone RU1 Primary Production is 100 hectares and will remain at this size so there is no need to amend any Lot Size Maps in BLEP2012 and no impact in terms of additional dwelling potential or fragmentation of agricultural lands. Any new dwellings would need to have approval for any on-site effluent management anyway so there is a low chance of significant impact on the drinking water catchment.

4.5. Drinking Water Catchment Overlay

It is proposed to retain the existing Drinking Water Catchment Maps and Clause 6.5 – Drinking water catchment in BLEP2012. This is the primary control that can be used to ensure development will avoid, or minimise/mitigate its impacts on the drinking water catchment if the zoning is changed. However, it must be understood that this may mean that complying development is not available in these areas (see more detail on Exempt and Complying Development below).

4.6. Exempt & Complying Development

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 ('SEPP Code') sets out a variety of circumstances when development can be classified as either 'Exempt development' or 'Complying development'.

The key aim of the SEPP Code is to provide streamlined assessment processes (with potential for reduced development costs and processes) for development that complies with state-wide development standards including:

a) Exempt development that may be carried out without the need for development consent as it is likely to have minimal environmental impact; and
b) Complying development that offers a fast-track approvals process where development meets the requirements of the SEPP Code and can be assessed by an accredited certifier.

Council supports the use of exempt and complying development where impacts can be appropriately managed. However, historically the complexity of these processes has reduced the use of exempt and complying development paths so people have tended to lodge development applications.

The SEPP Code includes the following and we have highlighted where the relevant sections may be applicable in the rural and environmental zones of the drinking water catchments:

Part 2 - Exempt Development Codes includes the General Exempt Development Code; Advertising and Signage Exempt Development Code; and Temporary Uses and Structures Exempt Development Code. Generally exempt development can occur in both environmental and rural zones as long as it meets the requirements in the SEPP Code so there is little difference in outcome between the zones. However, often there are less prescriptive standards in rural zones (where visibility is an issue) but this does not include Zone E3.	
Complying Development Codes	
1) Part 3 - General Housing Code	Clause 3.1 - Only applies to specific development in Zones R1, R2, R3, R4 or RU5. Only relevant to village of Neville in drinking water catchment.
2) Part 3A - Rural Housing code	Clause 3A.1 - Only applies to specific development in Zones RU1, RU2, RU3, RU4, RU6 and R5 (No mention of Zone E3) but would apply if a rural zone adopted. Predominantly about new 1-2 storey housing and ancillary structures
3) Part 4 - Housing Alterations Code	Applies to internal alterations to existing dwellings and ancillary development (in all zones)
4) Part 4A – General Development Code	Applies to bed and breakfast accommodation, home businesses, tent/marquees, community event booths, stages/platforms etc.
5) Part 5 – Commercial and Industrial Alterations Code	Applies to an internal alteration to a building used for any purpose other than residential, heavy industry, sex services or restricted premises and change of uses.
6) Part 5A – Commercial and Industrial (New Buildings and Additions) Code	Applies to specified development in business, industrial, and special use zones only. Not applicable to catchments.
7) Part 6 – Subdivisions Code	Applies to strata subdivision of multi-dwelling housing or a building other than a dual occupancy which is unlikely in catchment.
8) Part 7 - Demolition Code	Applies to demolition of a dwelling, ancillary development, swimming pool, industrial building, or a commercial building.
9) Part 8 – Fire Safety Code	Applies to fire sprinkler systems and fire safety systems in specified circumstances.

The key issue is that the complying development code for rural housing does not apply to Zone E3 Environmental Management so an application for a dwelling and associated structures will always require a development application.

However, it is important to note that under Division 2 of the SEPP Code development is often excluded from being either exempt or complying if it is **located within a drinking water catchment** including:

1) *Clause 1.19 – Land on which complying development may not be carried out*
   a) *Subclause (1) – Specific land exemptions for General Housing Code and Rural Housing Code*
      i) *Subsection (j) – Unsewered land* [this would include all of the drinking water catchments in Blayney LGA]
      (1) *Subsection (ii) in any other drinking water catchment identified in any other environmental planning instrument* [this would include BLEP2012].

b) *Subclause (4) – Specific land exemptions for Housing Alterations Code and General Development Code* states that complying development must not be carried out on unsewered land:

(1) *Subsection (b) in any other drinking water catchment identified in any other environmental planning instrument* [this would include BLEP2012].

Therefore, in Zone RU5 (Neville), Zone R5 (Neville and Barry) and Zone E3 or RU1 in the rural areas complying development is excluded because of the drinking water catchment and these areas being unsewered. This has significant implications because there are no current plans for reticulated sewer in either of these villages.

One future suggestion for the current review of Exempt & Complying Development in the Western Region is that dwellings requiring on-site effluent systems could be managed through the Section 68 approval process for the on-site systems whilst still allowing complying development for the dwelling component ensuring that drinking water catchments are protected from effluent and stormwater where required.

5. SUBREGIONAL LAND USE STRATEGY

5.1. Background

Council and the Department of Planning and Environment ('Department') have approved and adopted the GHD (2008) *Subregional Rural and Industrial Land Use Strategy* ('Subregional Strategy'). This is the relevant land use strategy applying to all land outside of the main towns/villages in Blayney LGA including the drinking water catchments. The Subregional Strategy was approved by the NSW Government by letter dated 30 June 2011 from the former NSW Department of Planning & Infrastructure.

5.2. Strategies and Actions

The key strategies and actions are set out in the Final Strategy Section 9 – Agriculture and Section 10 – Industry (relevant to Rural industry in particular), and Section 12 – Natural and Scenic Environment (particularly relating to water quality).

5.2.1. Section 9 – Agriculture

The objective of Section 9 is to *'protect and promote agriculture in the Sub-Region, having regard to its economic value and contribution to the regional, state and national economies.'* It is for this reason that this Proposal submits that Zone E3 is potentially unduly restrictive on the range of agriculture and ancillary uses that could be permissible in what has traditionally been a rural area (albeit with a drinking water catchment zone). This Proposal does not propose to affect minimum lot size that may increase fragmentation of rural lands. The following strategies and actions (Section 9.3) are relevant:

Strategy	Policy Actions	Comment
1. Provide for the economic growth of the rural area and maintain and enhance rural job opportunities	1.1 Ensure agriculture is given priority in planning and land use decision making. 1.2 Encourage a wide variety of agricultural activities within the agricultural zones. 1.3 Encourage the development of intensive agricultural industries where they can be serviced with necessary infrastructure and in appropriate locations to avoid land use conflicts.	Zone E3 is somewhat restrictive in terms of intensive agricultural land uses and rural industries that could potentially be supported in the drinking water catchments. This contradicts the Strategy recommendations. Zone RU1 is the most flexible. Zone RU2 is only slightly more flexible.
2. Protect agricultural land resources	2.1 Adopt the land use designations in Figure 6.1 including Primary Production / Rural Landscape / Forestry / Rural Small Holdings	BLEP2012 is roughly consistent with Figure 6.1 in the Strategy. However, the Strategy failed to resolve the conflict between use of agricultural zones and environmental zones in the drinking water catchments.
3. Minimise the fragmentation of agricultural land	3.3 Consider including performance-based criteria for minimum lot size with an ancillary dwelling for intensive forms of agriculture as a local provision.	This Proposal does not affect the minimum lot size or fragmentation or dwelling permissibility. No impact.
4. Promote sustainable management of natural resources for primary production	4.1 Ensure planning policy supports efficient and sustainable irrigation practices on farms. 4.3 Investigate with industry the potential for re-use and recycling of waste products… 4.4 Locate and design primary industry and associated land uses to minimise potential	The original intent of using Zone E3 was to limit some uses that may have higher impacts on the drinking water catchment. However, it is possible to meet these recommendations through

Strategy	Policy Actions	Comment
	hazards, such as chemical spills, particularly onto productive land and watercourses. 4.5 Develop programs with primary industries to address drainage and management of irrigation wastewater to prevent adverse impacts.... 4.8 Create environmentally sensitive area overlays with associated assessment clauses...	greater flexibility and merit assessment processes and programs to educate primary industries to minimise impacts. The use of the drinking water catchment overlay assists with determining impacts. Proposal not inconsistent with Strategy.
5. Protect and enhance forestry resources AND 6. Promote the forestry industry in the sub-region	5.2 Encourage the development of forestry in locations where the impact on water resources is appropriately managed ... 6.1 Encourage State Forests, existing private forestry operators and landowners to expand existing forests or introduce new commercial forestry	Private forestry is prohibited in Zones E3 & RU2 but permissible with consent in Zone RU1 which would provide more flexibility to assess impacts on catchments. Expansion of forestry is consistent with Zone RU1.
7. Prevent and manage land use conflicts AND 10. Prepare controls for specific land uses 11. Provide guidelines for development associated with viticulture.	7.1 Prepare specific controls for the agricultural land uses and regulate them through the LEP or DCP. 10.1 Prepare specific controls in the LEP and/or DCP for [a range of agricultural and associated land uses]. 11.1 Prepare guidelines and controls on the location of wineries and cellar doors, dwelling houses, tourist facilities and accommodation.	Council submits that an outright prohibition through use of Zone E3 is less appropriate than providing merit controls in the DCP to control key impacts on the drinking water catchment. It is difficult to predict what lands could support these additional uses without impacting agriculture so flexibility is a more sensible way forward.

Overall, the replacement of Zone E3 with Zone RU1 would be broadly consistent with the recommendations as long as there are other controls (like Clause 6.5 of BLEP2012) that would protect natural resources and reduce land use conflicts.

5.2.2. Section 10 – Rural Industry & Tourism

The objective of Section 10 is to *'provide adequate opportunities for employment-generating activities that will support the community and the economy of the Sub-Region'*.

Rural Industries: The Strategy states *'[g]iven the importance of rural industries in the Sub-Region, demand for agricultural value adding and processing industries could emerge. The zoning provisions in the rural area would need to be flexible to accommodate these industries, however development controls would need to be developed to ensure that impacts on surrounding agricultural activities were minimised.'*

It is for this reason that this Proposal submits that Zone E3 is potentially unduly restrictive on the range of rural industries that could be suitable to support economic growth in rural areas such as the drinking water catchments.

Unlike standard industrial types, rural industries must often occur in proximity to the primary industries/ agriculture for efficiency. There is potentially sufficient transport and infrastructure in the drinking water catchments to support a wide range of rural industries that would not conflict with the industrial zones in Blayney or quasi-industrial uses in key villages. Broadly, however, the replacement of Zone E3 with Zone RU1 is consistent with allowing flexibility in rural areas as long as impacts are managed in the assessment process.

Strategy	Policy Actions	Comment
12. Encourage the establishment of enterprises that value-add to the agricultural industry	12.1 Permit rural industries within the Primary Production and Rural Small Holdings zones. 12.2 Allow for the development of value-adding activity, such as packing sheds and processing facilities, which complement primary industry in the local area. 12.4 Examine opportunities for co-location of intensive primary industries and compatible processing activities to reduce land use conflict and achieve efficiencies ...	The proposal is consistent with have flexibility in the rural zones for compatible rural industries. The only discrepancy is determining whether existing rural areas in drinking water catchments require an environmental zone or are better suited to a rural zone. The recent North Coast review suggests that rural zones are more suited to drinking water catchments.

Tourism: The Strategy states *'[t]ourism planning needs to avoid any adverse impacts on agriculture and should concentrate low impact rural tourism, particularly where it includes overnight accommodation, in and around rural towns.'*

Strategy	Policy Actions	Comment
15. Identify land that is appropriate for tourism development	15.5 Encourage sustainable rural tourist facilities in rural zones including farm stays, ecotourism resorts and associated facilities through the development of a DCP	As the land use permissibility between Zones E3, RU1 and RU2 is not significantly different for tourism uses then the amendment will have little impact.
17. Promote and enhance those qualities of the region that attract tourists	17.5 Require rigorous site analysis and innovative design for any tourism development in environmentally sensitive areas.	This is something best managed through a DCP and merit assessment controls for tourism land uses.

Mining:

Strategy	Policy Actions	Comment
11. Protect known and potential mineral and extractive resources	11.2 Known resources and areas of identified high mineral potential would not be unnecessarily sterilised by inappropriate zoning or development. 11.5 Development for the purposes of mines and extractive industries would be permitted in the Primary Production zone.	As the land use permissibility between Zones E3, RU1 and RU2 is not significantly different for mining / extractive industry uses then the amendment will have little impact. There is only one known mining location and increased agricultural and rural industries are unlikely to conflict with its ongoing use.

5.2.3. Section 12 – Natural and Scenic Environment

The objective of Section 12 is to *'ensure that natural resources, the scenic environment and conservation values are preserved for the benefit of current and future generations'*.

Water Quality: The Strategy states that *'[h]ealthy water resources and catchments in the Sub-Region are critical to the wellbeing of both the Sub-Region due to the region's vital role for the agricultural industry. Protection of water quality and quantity is one of the highest priorities for the region and attention must be given to the cumulative impact of land uses and management of these resources. Provision of suitable buffers to development is critical in facilitating appropriate outcomes for natural resources, including groundwater and surface water.'*

Strategy	Policy Actions	Comment
2. Control development in drinking water catchments	**2.1 Implement a specific environmental protection zoning for land within the drinking water catchments.** 2.2 Restrict the type and intensity of development permissible in the drinking water catchment. 2.3 Develop specific performance criteria based on the most current government endorsed Water Quality and River Flow Objectives, to be applied to all development in the drinking water catchment to further minimise adverse impacts.	This is the core reason why Zone E3 was used in BLEP2012. However, the Strategy was perhaps remiss in not considering the use of the drinking water catchment overlay as a suitable tool to achieve a similar outcome. With that control (and further controls in the DCP) there is the potential to restrict inappropriate development in the catchments and minimise adverse impacts. **Council submits that inconsistency with Policy Action 2.1 is not sufficient to refuse this Proposal if the other strategies are addressed.**
1. Ensure development does not have a detrimental impact on nearby water bodies.	1.1 Development to be located an appropriate distance from waterways. 1.4 On-site effluent management is to be in accordance with an adopted DCP for On-Site Sewage Management and the NSW Government's Environment and Health Protection Guidelines. 1.6 Identify and map environmentally sensitive waterways.	

The Subregional Strategy recommends that Council implement a specific environmental protection zoning for land within the drinking water catchments and, in particular, the Strategy Area maps suggested in the legend that this would be an 'Environmental Management' zone and Zone E3 is listed as one of the possible zones to be applied to the new local environmental plan in Chapter 15 – Recommendations for LEPs.

However, the Strategy also recommends the use of 'drinking water catchment' overlays and the use of the Standard Instrument Local Provision for drinking water catchment protection. Therefore, it could be argued that this clause meets the objectives for water quality protection set out in the Strategy as an alternative to an environmental zone.

Biodiversity: It is not intended that the change in zoning would remove the use of the Terrestrial Biodiversity mapping or the Riparian Corridors and Waterways mapping that trigger additional controls in BLEP2012 to protect these significant resources. However, it is important to note that the two drinking water catchments do not include a significant amount of areas identified as sensitive biodiversity or riparian corridors (see Section on Site Analysis) so the impacts of this proposal are likely to be limited and can be addressed through a merit assessment process.

Scenic Quality: The additional permitted land uses in Zone RU1 are primarily for a rural zone and have a low impact (when appropriately designed) on scenic quality.

Environmental Hazards: The drinking water catchments do not have any significant flooding or bushfire threats over and above other rural lands so the proposed amendment to Zone RU1 is unlikely to result in inappropriate development in environmental hazard areas.

6. NSW NORTHERN COUNCILS ENVIRONMENTAL ZONES REVIEW

6.1. Area / Reason for the Review

The Department of Planning and Environment (DPE) has highlighted that the issue of environmental zoning is currently being reviewed by Councils along the North Coast of NSW. The reason for this review was that there was concern that councils were introducing environmental zones and overlays as they updated their LEPs without evidence of the environmental significance of the land and, in some cases, these zones were being applied to rural and agricultural land which has the potential to limit the use of this land for agricultural purposes.

The review applies to the zoning of land in Ballina, Byron, Lismore, Tweed and Kyogle LGAS. It is an independent review by Parsons Brinckerhoff. The *Northern Councils E Zone Review Interim Report* (30 September 2013) was placed on public exhibition in May/June of 2014 and is under consideration by DPE. DPE has provided preliminary responses to the Interim Report but no formal position has been adopted with regard to environmental zonings.

Whilst the review only applies to those specific LGAs at this time, some of the considerations and principles raised by the Interim Report are relevant to the discussion of the use of Zone E3 in Blayney Shire.

6.2. Key Recommendations & Criteria

The relevant consultant's key draft recommendations are as follows (taken from DPE Frequently Asked Questions Sheet:

a) *Environmental zones should only be applied to those areas which have important environmental values, based on validated ecological evidence;*
b) *Land that does not meet the criteria should be zoned according to its primary use;*
c) *Where an environmental value is identified which may not warrant an environmental zone, it should be protected through an environmental overlay on the LEP map which an accompanying clause. The consultant considers environmental values which should be managed in this way are* ***drinking water catchment areas****, scenic protection areas, coastal risk areas and terrestrial biodiversity;*
d) *Extensive agriculture should be permitted without consent on E3 zoned land;*
e) *Aesthetic values should be removed as an attribute from the E3 zone.*

In effect the consultant is suggesting that on the North Coast drinking water catchment areas are best protected by adopting a drinking water catchment overlay and the DPE has agreed that where this is the only issue then this is appropriate. Where there is cleared land used for agricultural or rural purposes it should be given an appropriate rural zoning if there are not substantial environmentally sensitive areas. The DPE does not support the use of overlays for scenic protection or terrestrial biodiversity.

The consultant has recommended the application of a set of criteria for applying the E3 zone as follows (excerpt from Interim Report, p.77 – see below).

In response, the land in Blayney's E3 zone does not meet criteria 1-2 & 4-6 as it does not contain rainforest; old growth forest; rare, endangered or vulnerable forest ecosystems; coastal foreshore or coastal hazard; or on vegetated land where the vegetation is critical (i.e. to prevent erosion, landslides, flood or drought, etc.).

The only criterion that is partially met is Criteria No.3 – as there are identified riparian corridors through the lands but these do not contain any wetland or estuarine vegetation. The riparian corridors are identified on the Riparian Lands and Waterways Maps and receive protection under Clause 6.6 – Riparian land and watercourses so it may not need an Environmental Zone to protect the riparian outcomes.

E3 Criteria	
1	Land identified within a validated spatial dataset comprising areas of all types of rainforest other than SEPP 26 mapped areas
2	Land identified within a validated spatial dataset comprising areas of old-growth forest, defined as an ecologically mature forest where the effects of disturbances are now negligible (Commonwealth of Australia 1997)
3	Land identified within a validated spatial dataset comprising areas of riparian, wetland and estuarine vegetation other than SEPP 14 mapped areas
4	Land identified within a validated spatial dataset comprising areas of rare, endangered and vulnerable forest ecosystems based on criteria defined by the Joint ANZECC/MCFFA National Forest Policy Statement Implementation sub-committee (JANIS) (Commonwealth of Australia 1997).
5	Land identified within a validated spatial dataset comprising areas of native vegetation on coastal foreshores and land subject to coastal hazards (as listed under the *Coastal Protection Act 1979*), including climate change effects.
6	Land identified within a validated spatial dataset comprising areas of land where strict controls on development should apply. Such land includes those areas of native vegetation where the ecosystem services provided by the vegetation is critical including: ▪ where the risks of severe erosion and landslides are extremely high (i.e. steep land) and the consequences are potentially catastrophic ▪ where native vegetation that is critical to watershed protection (i.e. when vegetation protects against catastrophic floods or drought and the destruction of fisheries where spawning grounds are protected by mangroves or riparian forests).

Therefore, it is submitted that the criteria suggested in the Interim Report for the application of an E3 Zone is only partially met but has no significant environmental resource that requires protection and, therefore, the land should be returned to an appropriate rural zone.

6.3. Implications of E Zone Review

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

The Fact Sheet also suggests this position will be applied state-wide and that the Minister for Planning will in the future issue a direction to councils about the criteria that must be used when applying an E2 or E3 zone. This would apply when a council sought to amend their local environmental plans.

Blayney may be taking a small risk in seeking the removal of the E zone before the Department has finalised its position. However, it could be argued that the Blayney LGA has quite a different set of circumstances to the North Coast Councils and should be considered on its own merits and should not have to wait for the North Coast matter to be resolved. Also, there appears to be a relatively clear direction to remove E zones when there is an additional drinking water catchment overlay / protection and no other matters of environmental significance and it is not expected this will change.

It is important to note that any land use zone and/or drinking water catchment overlay only is considered when a development application is lodged for a particular land use, though it may also affect where complying development can occur. If a land use does not require an application then it will not need to address these criteria.

7. PUBLIC HEALTH ACT & DRINKING WATER GUIDELINES

7.1. Public Health Act 2010 (NSW)

It is important to note that under the *Public Health Act 2010* there are a number of obligations including but not limited to Clause 25 – Quality assurance programs that states:

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

(2) The regulations may make provision for or with respect to any of the following:

(a) the tests on water and other substances to be carried out by a supplier of drinking water pursuant to this Division,

(b) the records to be maintained by a supplier.

(3) The Chief Health Officer may, by notice in writing, exempt a supplier of drinking water or class of suppliers from subsection (1) if the Chief Health Officer is satisfied that the supplier, or class of suppliers, is subject to other appropriate licensing or other regulatory requirements.

Under Clause 34 of the Regulations it further expands on these requirements by stating:

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

(2) A supplier of drinking water must provide the Director-General with a copy of its most recent quality assurance program.

(3) The Director-General may arrange for the review of a quality assurance program of a supplier of drinking water at any time.

A **supplier of drinking water** includes, amongst other,

(c) a water supply authority within the meaning of the Water Management Act 2000,

(d) a local council or a county council exercising water supply functions under Division 2 of Part 3 of Chapter 6 of the Local Government Act 1993,

7.2. Guidelines

Section 3.3 of the ***Australian Drinking Water Guidelines 2011*** (updated Dec 2013) states that *'prevention is an essential feature of effective drinking water quality management. Preventative measures are those actions, activities and processes used to prevent hazards from occurring or reduce them to acceptable levels'*. In particular, there should be a 'multiple barrier approach' and 'preventative measures should be applies as close to the source as possible, with a focus on prevention in catchments rather than sole reliance on downstream control'. It then goes on to state on p.28-29:

Catchment management and source water protection

Catchment management and source water protection provide the first barrier for the protection of water quality. Where catchment management is beyond the jurisdiction of drinking water suppliers, the planning and implementation of preventive measures will require a coordinated approach with relevant agencies such as planning authorities, catchment boards, environmental and water resources regulators, road authorities and emergency services.

Effective catchment management and source water protection include the following elements:

- developing and implementing a catchment management plan, which includes preventive measures to protect surface water and groundwater;
- ensuring that planning regulations include the protection of water resources from potentially polluting activities, and are enforced;
- promoting awareness in the community of the impact of human activity on water quality.

Whether water is drawn from surface catchments or underground sources, it is important that the characteristics of the local catchment or aquifer are understood, and the scenarios that could lead to water pollution are identified and managed. The extent to which catchment pollution can be controlled is often limited in practical terms by competition for water and pressure for increased development in the catchment.

Effective catchment management has additional benefits. By decreasing contamination of source water, the amount of treatment and quantity of chemicals needed is reduced. This may lead to health benefits through reducing the production of treatment by-products, and economic benefits through minimising operational costs.

In surface water catchments, preventive measures can include:

- selection of an appropriate source water (where alternatives exist);
- exclusion or limitations of uses (e.g. restrictions on human access and agriculture);
- protection of waterways (e.g. fencing out livestock, management of riparian zones);
- use of planning and environmental regulations to regulate potential water-polluting developments (e.g. urban, agricultural, industrial, mining and forestry);
- use of industry codes of practice and best practice management;
- regulation of community and on-site wastewater treatment and disposal systems;
- stormwater interception.

In addition, the 2013 ***NSW Guidelines for Drinking Water Management Systems*** reiterates these requirements and requires suppliers of water to prepare a Drinking Water Management System (DWMS) to address risks in their catchments. The document at p.15 states that:

> *'catchments can be protected by limiting access by humans and animals, limiting land use to non-polluting types that will not contribute to risk and the use of buffer zones. Development controls can be used to ensure that development within catchments is appropriate. Planning Instruments such as Local Environmental Plans (LEPs) may be used to help protect catchment integrity, for example inclusion of local provisions which restrict land use within catchments to types that will not pose a risk to water quality.'*

The Public Health Unit of NSW Health (representative Marnie Page) has reiterated these regulations and overarching controls at several recent conferences including EDAP (April/May 2014) and the Central West Planners Group (November 2014).

We have not yet determined if the Central Tablelands Water authority has prepared a Drinking Water Management System in accordance with the guidelines to comply with the Public Health Act but it was partly their original direction to include Zone E3 in BLEP2012 and the drinking water catchment overlay. We expect that a full and complete response from CTW prior to or during the public exhibition process will assist in a decision relating to these issues.

7.3. Land Use that may Conflict with these Requirements

Zone E3 permits **intensive plant agriculture** (excluding **turf farming**) with consent but prohibits **intensive livestock agriculture** (which was part of the original reason for Zone E3 to differentiate it from Zone RU1).

It is for these reasons that Council have elected to ensure that **intensive plant agriculture** and **intensive livestock agriculture** are permissible **with consent** in Zone RU1 if it were to include the drinking water catchment and would rely on the merit assessment process to ensure that development with consents have appropriate measures in place to protect the catchment and those that are unsuitable are not approved.

7.4. Other Councils

It is important to note that there are discrepancies between Councils in the region on this issue. A number of Councils have drinking water catchments and do not define / map these areas for the purposes of their LEPs. Many of these have utilised rural zoning for these catchments and generally these permit a wide variety of rural uses including some forms of intensive agriculture (often without consent).

However, differences with Council may relate to the strategic nature of their drinking water catchments, the perceived risk and planning response, appropriate development control using other tools / methods, or less awareness of the changing guidelines/regulations for water suppliers. Whatever the reasons, Blayney Shire Council must form its own opinion (in collaboration with the key stakeholders) on the issue.

8. COMPLETED KEY STAKEHOLDER CONSULTATION

We have already approached a number of the key stakeholders during the preparation of this Planning Proposal (See Appendices for copies of all relevant correspondence) as follows:

8.1. Department of Planning & Environment (DPE)

The following key meetings have occurred with officers at DPE:

Date	Department Officers	Comments/Outcomes
16/9/14	Meeting with Erin Strong of DPE Dubbo	Brief overview of the Planning Proposal and relationship to the North Coast review of E Zones. Erin had also previously discussed this with the Director of Environmental Services (Mark Dicker) at Blayney Shire.
2/10/14	Telephone discussion & emails with Noo Porima of DPE Sydney	Arrangement for DPE to prepare the SILEP mapping for the Planning Proposal based on MapInfo files to be provided to the Department.
20/11/14	Telephone discussions with Erin Strong of DPE	Discussions regarding the permissibility with consent of intensive plant agriculture in the drinking water catchment in Zone RU1, particularly, whether there was a method to permit it without consent in Zone RU1 whilst permitting with consent in the catchment with the same zone.

8.2. Office of Environment & Heritage (OEH)

The following key meetings have occurred with officers at OEH:

Date	Department Officers	Comments/Outcomes
2/10/14	Email to Erica Baigent. Brief discussion with David Kerring	Email overviewing Planning Proposals and seeking preliminary comments to assist in drafting.
Late Oct	Telephone discussion Erica Baigent, Conservation Officer	Erica referenced the submission made to Blayney Council during the public exhibition of BLEP2012. This submission is in the Appendices. In summary OEH supported the exclusion of **intensive livestock agriculture** and **intensive plant agriculture** and **water treatment facilities** from the E3 zone which has been applied to the drinking water catchment. Therefore, they are less likely to support the proposed introduction of Zone RU1 with these land uses being permissible with consent.

8.3. NSW Agriculture

The following key meetings have occurred with officers at NSW Agriculture:

Date	Department Officers	Comments/Outcomes
2/10/14	Mary Kovac – Resource Management Officer – NSW Agriculture	The broad intent of the proposed rezoning and removal of Zone E3 was not considered a critical issue for NSW Agriculture as a rural zoning was proposed. There would be more flexibility for agricultural uses which is consistent with their charter. For this reason, NSW Agriculture is happy to be notified as part of the public exhibition process and does not need to comment prior to lodgement of the Planning Proposal.

8.4. Central Tablelands Water (CTW)

The following key discussions have occurred with officers at CTW:

Date	Department Officers	Comments/Outcomes
18/11/14	Gavin Rhodes – General Manager of CTW	Meeting with Mr Rhodes explaining the proposed outcomes in the drinking water catchment for Lake Rowlands for which CTW is the responsible water authority. The requirements under the *Public Health Act 2010* and the 2013 *NSW Guidelines for Drinking Water Management Systems* were highlighted. A copy of the draft Planning Proposal was provided to Mr Rhodes by email on the same date for comment.

8.5. Central Tablelands Local Land Services (LLS)

The following key meetings have occurred with officers at OEH:

Date	Department Officers	Comments/Outcomes
2/10/14	Email to Casey Proctor of LLS	Email overviewing Planning Proposals and seeking preliminary comments to assist in drafting. No comment yet received.

8.6. NSW Health

The following key discussions on this topic have occurred with officers from NSW Health:

Date	Department Officers	Comments/Outcomes
April/May 2014	Marnie Page, EHO, Public Health Unit	Discussions at the EDAP Conference (Cowra) on how Blayney came to have Zone E3 and a drinking water catchment overlay for its catchments and support for this position.
5 Nov 2014	Marnie Page, EHO, Public Health Unit	Reiteration at the Central West Planners Forum (Parkes) of support for protection of drinking water catchments in Blayney and concerns about removal of any protections as part of this Planning Proposal.

9. PLANNING PROPOSAL

The layout of this section is in accordance with the requirements of the Department of Planning's document dated October 2012 entitled '*Guide to preparing planning proposals*'.

9.1. Part 1 – Objectives and Intended Outcomes of Proposed Instrument

Part 1 of the planning proposal should be a short, concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be easily understood by the general community.

The objective of this planning proposal is to made amendments to *Blayney Local Environmental Plan 2012* ('BLEP2012') to facilitate a wider range of land uses (primarily agricultural and rural industrial land uses) in the drinking water catchments of Blayney Shire.

The current Zone E3 Environmental Management is considered overly restrictive in terms of land use permissibility and the existing *Clause 6.5 – Drinking water catchments* and the associated Drinking Water Catchment Maps provide sufficient protection to assess a wider range of agricultural and other land uses on their merits without compromising the importance of protecting the drinking water catchments and drinking water quality.

9.2. Part 2 – Explanation of Provisions to be included in Proposed Instrument

Part 2 of the planning proposal provides a more detailed statement of how the objectives or intended outcomes are to be achieved by means of amending an existing local environmental plan.

The proposed mechanism(s) to achieve the objective(s) in Part 1 above is to amend *Blayney Local Environmental Plan 2012* (BLEP2012) as follows:

a) Amend the land use zone for all of the lands that are in Zone E3 Environmental Management in BLEP2012 and replace it with Zone RU1 Primary Production. This will amend the following Land Zoning Maps: LZN_004; LZN_004A; LZN_005; LZN_005B; LZN_005C; LZN_007. As a result, the land use permissibility (without consent / with consent / prohibited) of Zone RU1 will apply to these lands (see table below).

b) Zone E3 will be removed from the Land Use Table in Part 2 of BLEP2012 as there are no other land utilising this zone and potentially the reference to Zone E3 Environmental Management can be removed from all Land Zoning Maps;

c) Any reference to Zone E3 will be removed from the following clauses:
   i) Clause 4.1AA – Minimum subdivision lot size for community title
   ii) Clause 4.1A – Minimum subdivision lot size for strata plan schemes in certain rural and environmental zones
   iii) Clause 4.2A – Erection of dwelling houses or dual occupancies on land in certain rural and environmental protection zones.

d) The following minor amendments to land use permissibility will be made to Zone RU1 Primary Production - **Emergency service facilities** – permissible with consent

Council's preference is for Zone RU1 Primary Production to replace Zone E3 Environmental Management. However, in the alternative if this is not acceptable to key stakeholders / agencies, Zone RU2 Rural Landscape is put forward as the alternative.

An excerpt from BLEP2012 providing the objectives and permitted land uses in Zone RU1 or RU2 is set out in the above section reviewing the potential planning outcomes. The proposed land uses would be consistent with the objectives and permissible land uses in this zone.

9.3. Part 3 – Justification of Objectives, Outcomes & Process for Implementation

Part 3 of the planning proposal provides a justification that sets out the case for the making of the proposed instrument. The overarching principles that guide the preparation of planning proposals are:

- The level of justification should be proportionate to the impact the planning proposal will have;
- It is not necessary to address the question if it is not considered relevant to the planning proposal (as long as a reason is provided why it is not relevant);
- The level of justification should be sufficient to allow a Gateway determination to be made with the confidence that the instrument can be finalised within the time-frame proposed.

As a minimum a planning proposal must identify any environmental, social and economic impacts associated with the proposal. Generally detailed technical studies are not required prior to the Gateway determination.

The Director General has set out the following requirements as matters that must be addressed in the justification of all planning proposals:

SECTION A

1) *Is the planning proposal the result of any strategic study or report?*
2) *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

SECTION B

3) *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?*
4) *Is the planning proposal consistent with a council's local strategy or other local strategic plan?*
5) *Is the planning proposal consistent with applicable State Environmental Planning Policies?*
6) *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

SECTION C

7) *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*
8) *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*
9) *Has the planning proposal adequately addressed any social and economic effects?*

SECTION D

10) *Is there adequate public infrastructure for the planning proposal?*
11) *What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?*

The following justification sets out the case for the amendment to BLEP2012.

9.3.1. SECTION A

1) Is the planning proposal the result of any strategic study or report?

This planning proposal has not been initiated by a strategic study or report but does seek to address some of the recommendations of the Councils of Blayney, Cabonne and Orange City (2008) *Subregional Land Use Strategy* ('Subregional Strategy') prepared by GHD in 2008 that has been adopted by both Council and the NSW State Government. Whilst the Subregional Strategy recommended an Environmental Management zone for the drinking water catchments, it perhaps did not consider the potential to utilise a drinking water catchment overlay instead and to meet the recommendations for agriculture that are more suited to the historical use of these lands. Therefore, it could be argued that this Proposal seeks to provide alternate planning controls in BLEP2012 that meet the underlying principles and recommendations of the Strategy.

2) Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The only two ways that Council could approve the additional land uses (predominantly intensive agriculture and some ancillary commercial premises) would be to either change the zoning or to add these uses as Additional Permitted Uses to BLEP2012. It is our understanding that Additional Permitted Uses are not preferred for this purpose (particularly when Zone E3 would then 'mimic' Zone RU1 with no additional distinction/separation in outcome). In addition, the North Coast E Zone Interim Report suggests that the removal of Zone E3 over drinking water catchments is likely to be the preferred solution by key stakeholders where the drinking water catchment is protected by other controls (such as the drinking water catchment overlay/clause and other environmentally sensitive mapping/clauses).

9.3.2. SECTION B

3) Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

As stated above, the GHD (2008) Subregional Strategy applies to the rural and environmentally zoned lands (outside of key settlements) across the Councils of Cabonne, Blayney and Orange City. The Strategy included a local profile, issues paper and final strategy. The primary recommendations are in Part D – Land Use Strategies in the Final Strategy (July 2008), in particular:

a) Section 9 – Agriculture;
b) Section 10 – Industry (including rural industry / tourism etc.);
c) Section 12 – Natural and Scenic Environment.

The proposed development is consistent with the principles set out in the sections relating to agriculture and industry and with most of the key environmental concerns relating to the drinking water catchments.

However, the Subregional Strategy made the recommendation to include all of the drinking water catchments in Zone E3 Environmental Management – which was somewhat inconsistent / at odds with the recommendations for agriculture and rural industry in the other sections considering that the drinking water catchments are primarily rural rather than environmentally sensitive areas.

Council considers that the inclusion of a range of environmentally sensitive area maps and standard instrument clauses (including but not limited to drinking water catchment maps) meets the environmental principles of the Strategy but offers an alternative set of planning controls to achieve the same outcome.

As a result, the Proposal can be seen to be consistent with the underlying principles of the Strategy (albeit with a different planning approach) so we submit that the Planning Proposal can be considered under delegation to Council if the Gateway Determination is positive.

4) Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The Subregional Strategy addressed above and in Section 5 of this Proposal is the primary strategy that directly addresses rural and environmental areas outside of the key towns/villages in Blayney LGA.

The only other local strategy that has high level objectives for development in Blayney LGA is the *Community Strategic Plan 2025*. Its purpose is to identify the community's main priorities and aspirations for the future and to plan strategies for achieving those goals. The Proposal can be seen to be consistent with these goals and aspirations including, in particular the

5) Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with all of the State Environmental Planning Policies as follows:

SEPP No.30 – Intensive Agriculture One of the reasons for making this proposed change in zoning is to potentially permit intensive livestock agriculture in the drinking catchment if suitable mechanisms to protect the environment and water quality are maintained. This SEPP defines when intensive livestock agriculture will require development consent and consideration of public feedback, pollution, and measures to mitigate potential adverse impacts. Therefore, this SEPP provides additional protections through the development assessment process and supports this proposed amendment.
SEPP No.44 – Koala Habitat Protection Blayney is a listed LGA to which this SEPP applies. This policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas. The change in zoning will not substantially affect the predominantly rural outcomes that already occur within the drinking water catchments. The biodiversity overlay and control in BLEP2012 will also aid in protecting significant stands of native vegetation through the area. Therefore, the Proposal is consistent with this SEPP.
SEPP No.55 – Remediation of Land This policy applies to the whole State including the Site. Under Clause 6, contamination and remediation is to be considered in zoning or rezoning proposals. The change from an environmental zone to a rural zone is only expected to increase the permissibility of intensive agricultural uses and some rural industries and associated commercial premises. It is not expected that this change of zoning will result in increased land use conflicts with potentially contaminated lands. This can be addressed as part of any development application for these additional uses as they require consent. If any contamination is found then it will be remediated in accordance with SEPP55 and the relevant guidelines / policies. Therefore, the Proposal is consistent with this SEPP.
SEPP No.62 – Sustainable Aquaculture Aquaculture is already permitted with consent in Zone E3 so any amendment to Zone RU1 or RU2 where aquaculture is also permitted with consent will have no impact and will be consistent with this SEPP.
SEPP No.64 – Advertising and Signage To the extent that this Proposal seeks to amend the permissibility of land uses in Zone RU1 Primary Production to enable building identification signs without consent – it is consistent with objectives of this SEPP to ensure signage is compatible with the amenity and visual character of these areas as building identification signage is generally low impact.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007 This SEPP applies to land identified as having mineral potential. The most relevant map is the Mineral Resource Audit map provided by the former Department of Mineral Resources in 2010. As demonstrated in the Site Analysis Section above, there are no existing or potential resource areas in the

Suma Park catchment near Millthorpe and there is only one known existing extractive industry in the Lake Rowlands catchment known as Gordon's Quarry (NE of Barry) and the change of zoning is unlikely to significantly increase development potential (particularly dwelling potential) in or around this industry as a rural zone is proposed and there is no change in the minimum lot size. Therefore, the Proposal is consistent with this SEPP.

SEPP (Infrastructure) 2007

This SEPP is concerned with appropriate opportunities for infrastructure development throughout the State. The proposed rural zone would not be inconsistent with future infrastructure provision. Neither area is located on a State or Regional Road or a railway line. The primary infrastructure is likely to be water storage and reticulation as part of Lake Rowlands. The change in zoning is unlikely to significantly increase development potential (particularly dwelling potential) so traffic generation is unlikely to require RMS consideration. Therefore, the Proposal is consistent with this SEPP.

SEPP (Rural Lands) 2008

This policy aims to facilitate the orderly use and development of rural lands, identify Rural Planning Principles, reduce land use conflicts, and identify State significant agricultural land.

The Rural Planning Principles are as follows:

(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,

(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,

(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,

(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,

(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,

(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,

(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,

(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

Again, the change from an environmental to a rural zoning is likely to be consistent with the Rural Planning Principles and is aimed at increasing agricultural opportunities whilst providing appropriate alternative mechanisms to protect natural resources like the drinking water catchment. Therefore, the Proposal is consistent with this SEPP.

SEPP (Exempt and Complying Development Codes) 2008

This SEPP is addressed in more detail in Section 4.6 of this Proposal. Whilst one aim of changing the zoning was to enable more complying development in the drinking water catchment areas, the fact that most development would involve on-site effluent management would preclude it from being complying development under this Code – so there is no substantial change in permissibility /process under this SEPP.

6) Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is consistent with all of the relevant Ministerial Directions as follows:

1. Employment & Resources - 1.2 Rural Zones (1 July 2009)

This direction seeks to protect rural zoned land from being rezoned for another use or increase the permissible density of that land. The variation from environmental zoned land to rural zoned land is consistent with this direction. The agricultural potential of the lands has been addressed also in the Site Analysis Section above.

1. Employment & Resources - 1.3 Mining, Petroleum Production and Extractive Industries This Planning Proposal has demonstrated that the proposed development will not impact on any known or likely mineral resources in the area according to the former Department of Mineral Resources – Audit Map 2012. This has been addressed also in the Site Analysis Section above.
1. Employment & Resources - 1.5 Rural Lands The objectives of this direction are to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes. The key justification for the amendment from an environmental to a rural zone for this land is to achieve these objectives.
2. Environment & Heritage - 2.3 Heritage Conservation Whilst there are listed heritage items and potential for Aboriginal cultural heritage within the drinking water catchments, the change in zoning to a rural zone is not likely to significantly increase development potential or impacts on heritage or cultural items. This has been addressed also in the Site Analysis Section above.
3. Housing, Infrastructure & Urban Development - 3.4 Integrating Land Use and Transport (1 July 2009) Objectives of this direction seek to improve access to transport and reduce travel demand. The proposed rural zone will not significantly increase development requiring additional infrastructure and rural uses are appropriate in a rural zone.
4. Hazard & Risk - 4.3 Flood Prone Land This direction applies to all land that may be flood prone land in accordance with the *Floodplain Development Manual 2005* and has been addressed also in the Site Analysis Section above. Whilst there is always a chance of flooding along the key watercourses in each catchment, historically this has been minor and is unlikely to significantly affect development potential for rural land uses. Any known flood impacts can be addressed during the assessment process.
4. Hazard & Risk - 4.4 Planning for Bushfire Protection As stated in the Site Analysis Section above, there are only limited areas of bushfire prone land within both catchments and these are unlikely to significantly affect the development potential of the land for rural and associated uses. Each development application can address site specific issues in accordance with *Planning for Bushfire Protection 2006*.

9.3.3. SECTION C

7) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

As stated in the Site Analysis Section above, there are no known critical habitats or threatened species, populations or ecological communities, or their habitats within the drinking water catchments – though it is appreciated that there is remnant native vegetation and sensitive biodiversity due to historic vegetation removal in these areas. However, this issue is best addressed through merit assessment of each development application in accordance with the Biodiversity Maps and Riparian Lands and Waterways Maps in BLEP2012.

8) Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The key planning outcome of the replacement of Zone E3 with Zone RU1 is that it will potentially permit with consent a range of intensive agricultural land uses, rural industries, and some agriculturally related commercial premises. As these will require development consent, there is the opportunity to ensure that environmental impacts including water for irrigation, effluent management, chemical usage and storage, transport and infrastructure demand, and land use conflicts can be appropriately addressed through the assessment process.

9) Has the planning proposal adequately addressed any social and economic effects?

The significant economic benefits of ensuring appropriate flexibility in rural areas to encourage appropriate rural and ancillary land uses is consistent with all major state policy and the Subregional Strategy. The only economic challenges are to ensure that new developments are economically viable, particularly when they are more distant from major infrastructure but zoning should not preclude the possibility of these land uses being considered. From a social perspective, the existing rural communities want Council to consider new more intensive rural developments and address any land use conflicts on a case-by-case basis. Social impacts are likely to be low from the proposed changes in planning tools to achieve similar development outcomes.

9.3.4. SECTION D

10) Is there adequate public infrastructure for the planning proposal?

Public infrastructure includes a range of infrastructure (e.g. roads), utilities (e.g. water, electricity, gas etc.), access to key services (retail, employment, health etc.) and access to open space and recreation. The proposed amendment from an environmental zone to a rural zone is not expected to significantly increase development potential or reliance on public infrastructure. However, if there are applications for intensive livestock agricultural, rural industries, or ancillary commercial premises the impacts on key infrastructure can be determined and managed through appropriate conditions and contribution plans. For most rural uses the public infrastructure is adequate.

11) What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Section 10 of this Proposal sets out the consultation to-date with the key NSW Government authorities relevant to this rezoning and proposed development including the Department of Planning & Environment (DPE), Office of Environment and Heritage (OEH), Local Lands Services (LLS), and NSW Agriculture. Their responses are included in Section 7. No Commonwealth authorities are believed to be relevant to this application but this can be determined at the Gateway stage.

9.4. Part 4 – Maps (where relevant) showing Intent of Planning Proposal

This Planning Proposal seeks to amend the land use zone for all of the lands that are in Zone E3 Environmental Management in BLEP2012 and replace it with Zone RU1 Primary Production. This will amend the following Land Zoning Maps: LZN_004; LZN_004A; LZN_005; LZN_005B; LZN_005C; LZN_007. No other maps require amendment in BLEP2012. The proposed amendments will be prepared in SILEP format by DPE (see Appendix 4).

9.5. Part 5 - Community Consultation

9.5.1. Key Stakeholders

The key stakeholders for this Site include:

a) Department of Planning & Environment (Gateway Determination process);
b) Office of Environment & Heritage (within DPE) relating to environmental and water issues;
c) Local Land Services (LLS) including the former Lachlan Catchment Management Authority;
d) Orange City Council and Cowra Council as the adjacent local government authorities.

Additional stakeholders that may need to be notified when the Planning Proposal is on public exhibition include:

a) The affected land owners;

b) NSW Department of Primary Industries (NSW Agriculture) – regarding the increased agricultural potential of the land which they are likely to support;
c) NSW Department of Primary Industries (Office of Water) – regarding treatment of the drainage lines / watercourses and water licencing for intensive agriculture (if required).
d) NSW Trade & Investment - Crown Lands Division – if any Crown land exists in these areas;
e) NSW Health – Public Health Unit (re drinking water catchment protection).

9.5.2. Proposed Notification

In addition to the previous notification of key stakeholders during the preparation of this Planning Proposal, Council is likely to provide a letter notifying all key stakeholders listed above of the dates that the Planning Proposal is on public exhibition and providing opportunity for further submissions (if required). Council is also expected to provide a letter notifying all adjoining land owners that the Planning Proposal is on public exhibition and providing opportunity for further submissions (if required).

9.5.3. Proposed Public Exhibition & Community Notification

Public Exhibition

Council will provide public notice of a proposed resolution to rezone land and specify a 28 day period during which submissions may be made to Council.

Notice will include:

a) Notification in the *Blayney Chronicle* newspaper prior to the public exhibition period;
b) Written notification to all land owners in the deferred areas (as noted above);
c) Provision of a copy of the Gateway Determination, Planning Proposal and supporting information at the Council Offices in Blayney.
d) Any other requirements of the Gateway Determination made by the Department.

Submissions

Council will accept public submissions up to the close of the public exhibition period. All public submissions will be reviewed and summarised. The outcomes of any public hearing (if required) will also be considered prior to making a recommendation to Council.

Public Hearing

Under Section 57 of the EP&A Act Council must arrange a public hearing in respect of a planning proposal if one is requested by a key stakeholder or member of the public. The public hearing must be presided over by someone who is not a councillor or employee of Council (in the last five years). The presiding person should make a report available to Council on the outcomes of the public hearing.

APPENDICES / ANNEXURES

1. Completed Application Forms (DPE Requirements)

a. Request for Initial Gateway Determination

b. Attachment 1 – Information Checklist

c. Attachment 4 – Evaluation Criteria for the Delegation of Plan Making Functions

~~d. Council's resolution to send the written Planning Proposal to DPE~~

2. BLEP2012 Maps (Existing Planning Controls)

a. Land Zoning Maps LZN_004 / 004A / 005 / 005B /005C / 007

b. Drinking Water Catchment Maps DWC_004 / 005 / 007

c. Riparian Land & Waterways Maps RIP_004 / 005 / 007

d. Natural Resource – Biodiversity Maps NRB_004 / 005 / 007

e. Natural Resource – Groundwater Vulnerability Maps NRG_004 / 005 / 007

f. Sewage Treatment Plant and Waste Depot Buffer Map STB_005B

3. Site Analysis Maps

a. Aerial Photographs of Drinking Water Catchments with Watercourses

b. Environmentally Sensitive Areas – Sensitive Water Resources 2008

c. Environmentally Sensitive Areas – Biodiversity and Native Vegetation 2008

d. Environmentally Sensitive Areas – Sensitive Land Resources 2008

e. Mineral Resource Audit Map 2012

f. RFS Bushfire Prone Land Map 2009

g. Testing of E3 Zone Environmental Constraints – Lake Rowland's catchment

h. Testing of E3 Zone Environmental Constraints – Suma Park catchment

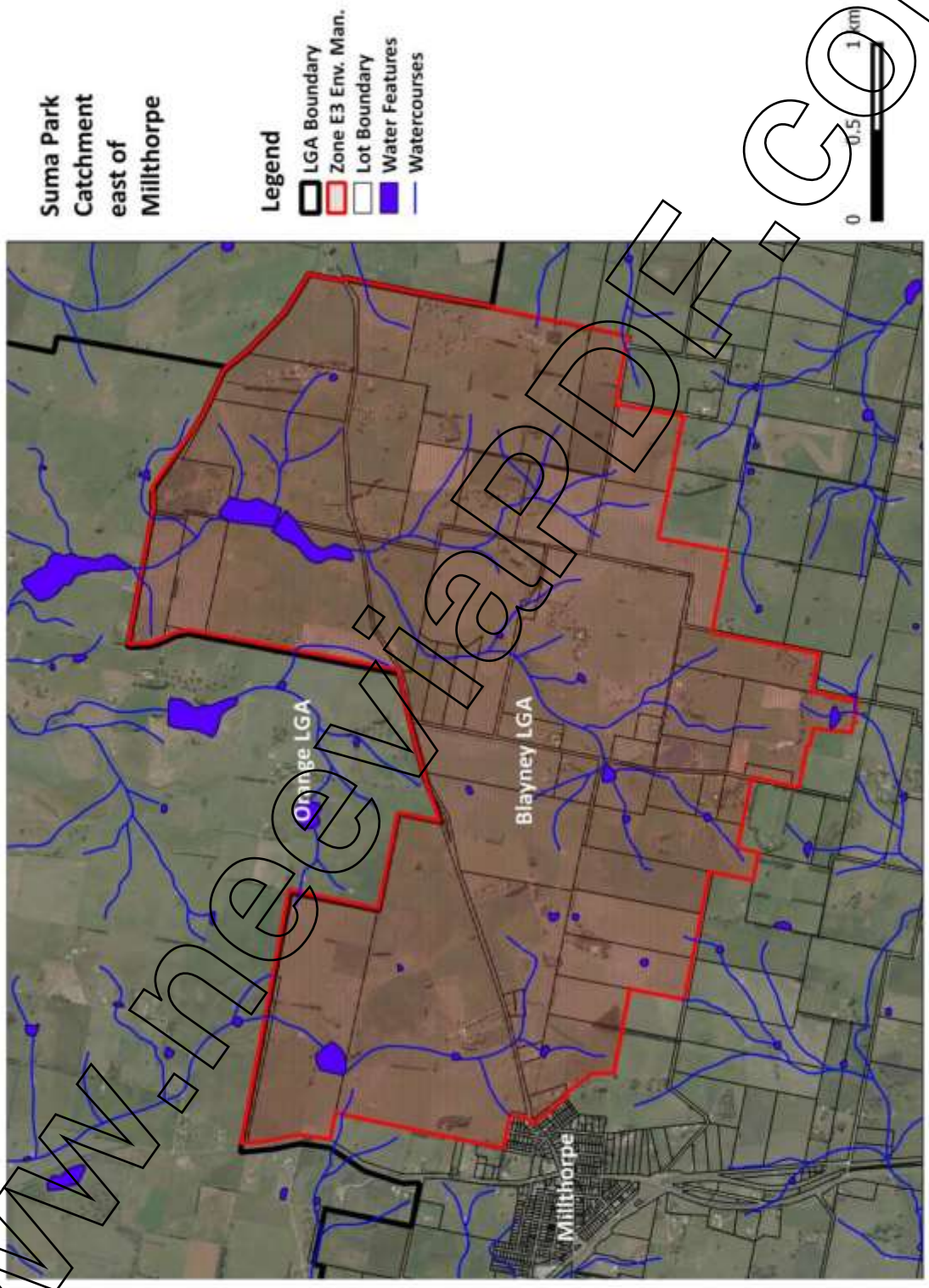
4. Proposed new Land Zoning Maps for BLEP2012

5. Key Recent Correspondence / Consultation

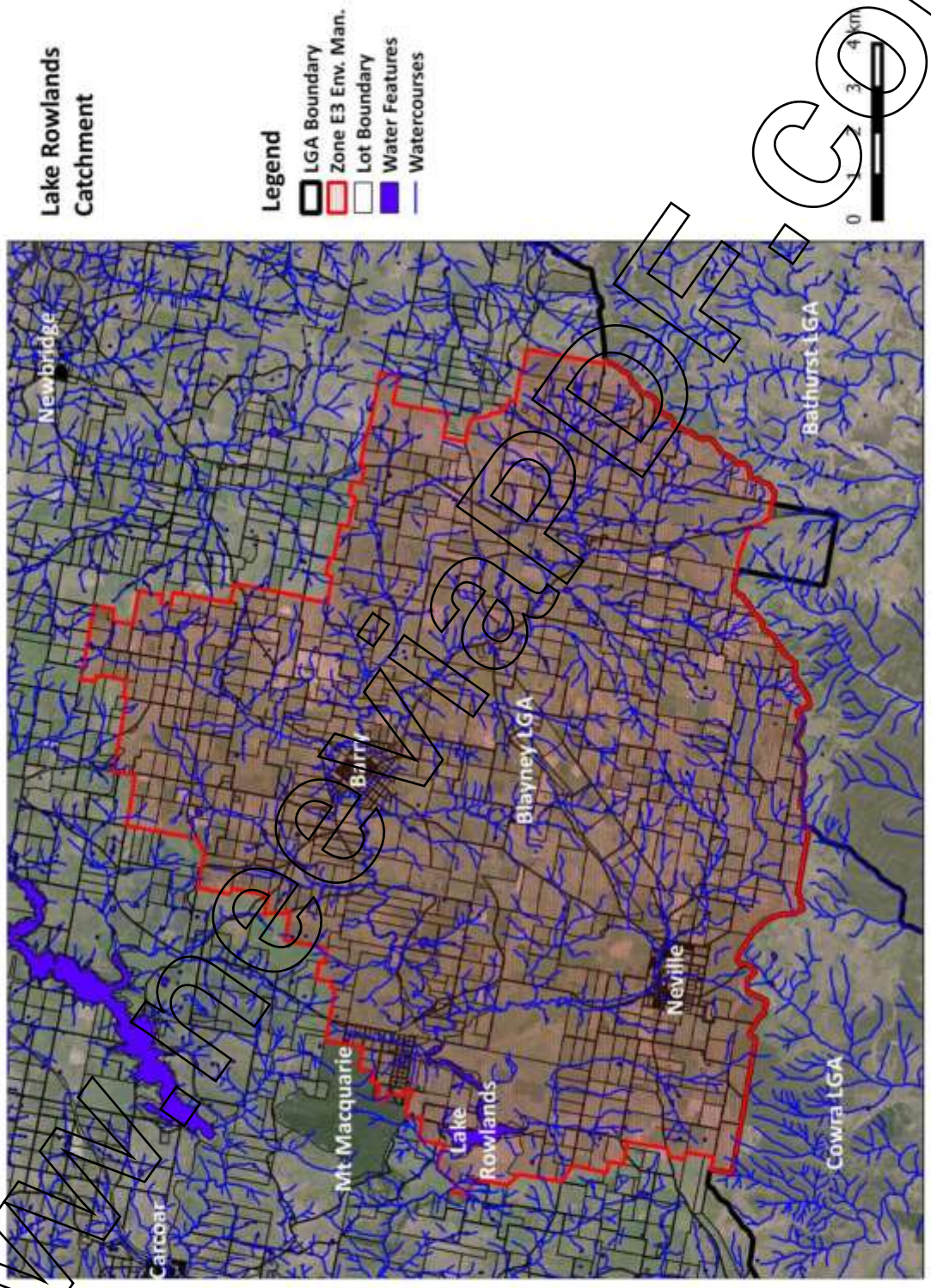
a. Department of Planning & Environment

b. Office of Environment & Heritage

c. Orange City Council / Cowra Council



Planning Proposal to amend Planning Controls in the Drinking Water Catchments, Blayney Shire NSW



MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE MEETING
HELD ON THURSDAY 13 NOVEMBER 2014
AT THE BLAYNEY SHIRE COUNCIL DEPOT

Meeting commenced at 10.00am

PRESENT

Cr Kevin Radburn (Chair), Reg Rendall (Paul Toole Representative), Peter Foran (NSW Police), Sharon Grierson (Roads and Maritime Services) and Geoff Paton (Blayney Shire Council).

APOLOGIES

Iris Dorsett (Road Safety Officer) and Jackie Barry (Roads and Maritime Services).

CONFIRMATION OF MINUTES

RESOLVED: That the minutes of the previous Traffic Committee Meeting held on Friday 15 August 2014 be confirmed to be a true and accurate record of that meeting. (Peter Foran/Reg Rendall)

TRAFFIC REGISTER

Update provided and information noted.

CORRESPONDENCE

Carcoar Village Association – Brady Road, Carcoar
RESOLVED

- That the LTC recommends Council writes to RMS and advises that LTC does not support a reduction in the speed zone.
- That Council put up kangaroo sign and a 'wildlife' sign (if delegated to Council). (Peter Foran/Kevin Radburn).

Lyndhurst Traffic Issues
RESOLVED:

- The LTC advises that on completion of speed zone review, RMS and Council will assess the signage on side roads. (Reg Rendall/Kevin Radburn).

GENERAL BUSINESS

Blayney Supa IGA Loading dock

- Letter and emails to Metcash noted and also noted that cannot do anything further.

Blayney to Bathurst (B2B) – Sunday 12 April 2015

- Approval as per last year's conditions with additional request that:

- Parking plan for the start area is developed (which must ensure not parking in front of fire stations) as per document.
- No parking on any footpaths.
- Advice RMS through the TMP of alternate routes.
- Additional VMS at Crookwell.
- Formal nominated Controller /Liaison person for start of all events, within designated place at all times.
- Coffee vans in front of Centrepoint.

Formal Adoption of B-Double Permit Application
RESOLVED:

- That the LTC recommends Council approve the Lockinda P/L B-Double Permit application, with the requirement that the vehicles be fitted with Road Friendly Suspension. (Peter Foran/Kevin Radburn).

Carcoar Cup Road Markings

- Committee agreed Council should send strongly worded letter relating to:
  - Use of permanent road marking, reinforcing Roads Act.
  - Nomination time frames under 'Guide to Traffic and Transport Management for Special Events'.
- Also Council to send letter advising of issues with existing TMP/TCP and offer to work with organiser to develop improved documentation.

INFORMAL MATTERS

Monthly Road Safety Reports – July, August, September and October 2014
Reports were noted.

Newbridge Road

- Council to write to RMS and request a Speed Zone Review on Newbridge Road from start of existing 100km/hr zone to Village Road.

Review of Double Lines – Gold Street, Mandurama

- RMS to review double lines from Gold Street, Mandurama to the north. Council has no objection.

Speed Zone Authorizations

- Council welcome to send Speed Zone Authorisations to Local Highway Patrol for road works, particularly if expecting issues or works are for significant period.

FUTURE MEETING DATES

- Friday 12 December 2014
- Friday 20 February 2015
- Friday 17 April 2015
- Friday 19 June 2015
- Friday 21 August 2015

- Friday 16 October 2015
- Friday 11 December 2015

MEETING CLOSE

The meeting closed at 11.40am.

MINUTES OF THE BLAYNEY SHIRE CEMETERY FORUM MEETING
HELD ON THURSDAY 21 AUGUST 2014
AT MEETING ROOM 2 BLAYNEY SHIRE OFFICES

Meeting commenced at 5.03pm.

PRESENT

Councillor Geoff Braddon, Councillor Kevin Radburn, Kevin Radburn (Senior), Graham Mendham, Vicki Pulling, Hayley Lavers and Mark Dicker.

APOLOGIES

Gerry Nolan and Candice Braddon

CONFIRMATION OF MINUTES

The minutes of the previous meeting held on 21 August 2014 were confirmed to be a true and accurate record of that meeting (Kevin Radburn Senior/Graham Mendham)

DECLARATIONS OF INTEREST

Nil.

GENERAL BUSINESS

Lyndhurst

- No parking available and the road width is very narrow. Is it possible to widen the width of the road with a grader on both sides to create an area to park.
- Can the 80kmph signs on the Mid Western Highway be relocated further towards Cowra, potentially to the top of the hill as it is dangerous trying to turn.

Neville

- The boundary fence of the cemetery and the road is flat.
- Can money be put into the budget for future rabbit proof fencing of all cemeteries.
- If Council could by the materials, volunteer labour could be supplied by the communities.

Millthorpe

- Vehicle access behind old church and cemetery on the Northern side is being damaged by cars: review access needs and block off.

Media campaign

- Chair Braddon raised the idea of Council undertaking a promotion to raise awareness that the community can purchase a plot or niche wall now (or prior to passing away). Small discounts could be offered to

increase sales and it would make it easier on families when loved ones do pass away as it is one less matter to deal with.

- Can a handout be put together by Council regarding final resting options available to assist those in preparing for funerals within the Blayney LGA.

NEXT MEETING

The next meeting of the Cemetery Forum will be held on Thursday 12 February 2014 commencing at 5.00pm.

MEETING CLOSE

The meeting closed at 5.50pm.

WBC Alliance Report for Council meeting December 2014

(Prepared by the Executive Manager, WBC Alliance)

Fit for the Future:

I am providing facilitation and project support to the Councils as they prepare their responses to FFF. I am involved in a number of actviities and actions including;

- attending the OLG Practitioner workshop in Dubbo on 3 December to seek information on completing the FFF Templates and Responses
- Attending the Centroc JO Pilot workshop in Blayney on 27th November
- Assisting the GM Cabonne facilitate a workshop with Councillors on 9th December and providing project management support to the Project team established at Cabonne (including preparing a project plan)
- Assisting the GM Blayney facilitate workshop with Councillors on 17th December and Staff on 18th December
- Assisting Acting GM Wellington in the preparation of report and information for the 17th December Council meeting (and attending same)
- Working on templates and tools that may assist councils in their responses

Asset Management Software:

The Alliance Councils are working together on a joint Request for Quotation for the supply of Asset Management software. The RQF closed on 13 November with 8 providers applying. The evaluation team (Directors Infrastructure from each council) short listed 3 companies that have been invited to demonstrate the system. These demonstrations will take place:-

- Asset Finda – in Wellington 10 December
- Assetic and Open Office – in Cabonne 15 December

Staff from Engineering and Finance from each council will participate and evaluate the system. From this the successful vendor will be selected.

The shortlisted providers have all indicated that there will be discounts offered for more than one council purchasing the system and with all of them there will be savings achieved through joint implementation and training.

IPR and Budget Projects - Wellington

I facilitated a workshop on 29th October for Managers and Directors with the aim of:

- Revisiting the IPR framework
- Preparing for development of Operational Plan and budget for 2015/16 (this work must be completed by 12 December)
- Providing training in the use of new IPR software which will greatly assist in the management of the plans and reporting on outcomes

Directors and Managers now have until 12 December to complete this work. It is critical that this timeframe is met, otherwise it will be very difficult to meet the timelines for budget for 15/16.

Risk Management Training:

Joint Risk Management training was held in Blayney on the 19 and 20th November with 40 staff from the Alliance councils attending. Feedback was very positive and each of the councils will now be able to further implement risk management strategies and management through their councils. This joint initiative resulted in an estimated saving of $23 700 from discount offered by the provider for joint delivery.

Meeting of Alliance Board:

The WBC Board met in Cabonne on 12th November. This was the last meeting of the Board for 2014. The key agenda item was Fit for the Future and gave the Board members and opportunity to discuss strategies and how they will respond. In the meantime they recommend that the Alliance take a "business as usual approach" and continue to find ways to work together to achieve savings and efficiencies.

Next WBC Board meeting:

The next scheduled meeting of the Board will be 4th March in Cabonne.

WBC Executive Manager Report to December 2014 Council Meeting

End of year:

As this will be my last report to the Councils for 2014 I would like to take this opportunity to wish Councillors and staff all the very best for the Christmas and New Year season. 2014 has again produced some great outcomes for the Alliance Councils by working together. I continue to enjoy the role I hold and to have the honour to work with such wonderful staff and leaders in the councils. There is no doubt that 2015 will bring major challenges and decisions for all councils. I look forward to providing support to your Councils where I can.

RECOMMENDATION

THAT the information be noted.