

**INVERELL SHIRE COUNCIL**  
**NOTICE OF MEETING**  
**CIVIL & ENVIRONMENTAL SERVICES COMMITTEE**

2 November, 2017

A Civil & Environmental Services Committee Meeting will be held in the Committee Room, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 8 November, 2017, commencing at 9.00 am.

Your attendance at this Civil & Environmental Services Committee Meeting would be appreciated.

**P J HENRY PSM**

**GENERAL MANAGER**

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**A G E N D A**

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<b>SECTION A</b>	<b>APOLOGIES CONFIRMATION OF MINUTES DISCLOSURE OF CONFLICT OF INTERESTS/PECUNIARY AND NON-PECUNIARY INTERESTS PUBLIC FORUM BUSINESS ARISING FROM PREVIOUS MINUTES</b>
<b>SECTION B</b>	<b>ADVOCACY REPORTS</b>
<b>SECTION C</b>	<b>COMMITTEE REPORTS</b>
<b>SECTION D</b>	<b>DESTINATION REPORTS</b>
<b>SECTION E</b>	<b>INFORMATION REPORTS</b>
<b>SECTION F</b>	<b>GENERAL BUSINESS</b>
<b>SECTION G</b>	<b>CONFIDENTIAL MATTERS (COMMITTEE-OF-THE-WHOLE)</b>

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## Quick Reference Guide

Below is a legend that is common between the:

- Inverell Shire Council Strategic Plan;
- Inverell Shire Council Delivery Plan; and
- Inverell Shire Council Operational Plan.



# CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING

Wednesday, 8 November, 2017

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## Table of Contents

### SECTION/PAGE

CBD Roundabouts – Central Landscaping	E	3
Enclosed Dog Exercise Area	D	36
Fire and Rescue NSW – Service Delivery Inverell Fire District	D	1
Issues Paper - Review of Environmental Planning and Assessment Regulation 2000	E	1
NSW Draft Future Transport Strategy and Plan	D	34
Proposed State Environmental Planning Policy (Primary Production and Rural Development) 2017	E	2
Recreation Vehicle Sewer Dump Point Yetman	D	31
Request for Planning Proposal - Amendment to Inverell Local Environmental Plan 2012 - extraction of groundwater for commercial bottling purposes within the RU1 Primary Production zone	D	2
Works Update	E	5

MINUTES OF THE CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING  
HELD IN THE COMMITTEE ROOM, 144 OTHO STREET, INVERELL ON  
WEDNESDAY, 11 OCTOBER, 2017, COMMENCING AT 9.00 AM.

PRESENT: Cr P J Harmon (Chairperson), Crs D F Baker, M J Peters and S J Berryman.

Also in attendance: Crs J A Watts, C M Dight, P A King and A A Michael.

Paul Henry (General Manager), Brett McInnes (Director Civil and Environmental Services), Justin Pay (Manager Civil Engineering), Anthony Alliston (Manager Development Services) and Sharon Stafford (Executive Assistant).

Note: Cr McCosker was not present when the meeting commenced.

1. ELECTION OF CHAIRPERSON

Deferred pending arrival of Cr McCosker.

SECTION A

APOLOGIES:

There were no apologies received.

2. CONFIRMATION OF MINUTES

*RESOLVED (Berryman/Baker) that the Minutes of the Civil and Environmental Services Committee Meeting held on 13 September, 2017, as circulated to members, be confirmed as a true and correct record of that meeting.*

3. DISCLOSURE OF CONFLICT OF INTERESTS/PECUNIARY AND NON-PECUNIARY INTERESTS

There were no interests declared.

4. PUBLIC FORUM S13.5.6/10

The Chairperson noted that there were no members of the public registered to speak at the public forum session.

5. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil.

SECTION B  
ADVOCACY REPORTS

Cr Harmon Inverell Hospital Redevelopment

Cr Harmon provided the Committee with an update in respect of a positive meeting held on 9 October, 2017 with stakeholders regarding the redevelopment of the Inverell Hospital. Cr Harmon noted that as a result of the meeting the Health Chief has agreed to review the population figures that were used to plan the hospital redevelopment and further consultation will be undertaken.

At this juncture, the time being 9.12am, Cr McCosker arrived at the meeting.

6. ELECTION OF CHAIRPERSON

The General Manager advised Councillors of the requirements of Council's Meeting Code and the need to elect a Chairperson for the next one (1) year term.

The General Manager advised Councillors of the entitlement under the Code for the Mayor to Chair Committee Meetings. Cr Harmon declined to exercise the right to Chair the Meeting, inviting the General Manager to call for nominations for the position of Chairperson.

The General Manager called for nominations for the position of Chairperson:

Cr Harmon nominated Cr Baker. Cr Peters nominated Cr Berryman. Cr Berryman declined to accept the nomination.

Cr Baker being the only nomination was declared Chairperson for the ensuing one (1) year period.

At this juncture the time being 9.15am Cr Baker assumed the Chair.

SECTION D  
DESTINATION REPORTS

GM-A 1. BRUXNER WAY - PROPOSAL FOR FORMATION OF JOINT COMMITTEE S28.10.MR 462

At this juncture, the time being 9.18am, Cr Watts left the meeting and returned at 9.25am.

*RESOLVED (Harmon/Berryman) that the Committee recommend to Council that:*

- a) Tenterfield Shire Council be advised of Inverell Shire Council's in-principle support for the formation of the Bruxner Way Alliance; and*
- b) Cr Dight be nominated as Council's delegate on the Committee.*

2. INVERELL HIGH SCHOOL TRAFFIC MANAGEMENT S30.11.3

*RESOLVED (Harmon/Berryman) that the Committee recommend to Council that:*

- i) The information be received and noted; and*
- ii) A supplementary report regarding this matter be accepted.*

SUPPLEMENTARY SECTION D  
DESTINATION REPORTS

MCE-A 5. INVERELL HIGH SCHOOL TRAFFIC MANAGEMENT S30.11.3

*MOTION (Berryman/Harmon) that the Committee recommend to Council that:*

- i) The two proposed short term measures be endorsed in principle;*
- ii) Inverell High School be consulted regarding the two proposed options;*
- iii) Discussions with the School and the Department of Education include the prospect of establishing a staff carpark across the road from the school with the entry point to the carpark being located in George*

*Street; and*

- iv) The outcome of the consultations be reported back to the Committee.*

AMENDMENT (McCosker/Peters) that the Committee recommend to Council that:

- i) The proposed short term parallel parking measure in Brae Street be endorsed in principle;*
- ii) Inverell High School be consulted regarding the proposed option;*
- iii) Discussions with the School and the Department of Education include the prospect of establishing a staff carpark across the road from the school with the entry point to the carpark being located in George Street; and*
- iv) The outcome of the consultations be reported back to the Committee.*

The Amendment of being put to the meeting was LOST. The Motion on being put to the meeting was CARRIED.

Cr McCosker requested that his vote against the Motion be recorded.

#### SECTION D DESTINATION REPORTS

GM-N 3. INSURER'S REPORT – ROAD NETWORK S30.9.11

*RESOLVED (Peters/Berryman) that the Committee recommend to Council that Council maintain its current risk management approach of limiting access to Council's road network.*

MDS-A 4. RESIDENTIAL LAND REVIEW S18.6.51

At this juncture, the time being 10.07am, Cr Berryman left the meeting and returned at 10.09am.

Suspension of Standing Orders

*RESOLVED (Harmon/Berryman) that at this juncture, the time being 10.10am, the Chairperson sought agreement to suspend Standing Orders to enable an open discussion on the Residential Land Review.*

Resumption of Standing Orders

*RESOLVED (Harmon/Berryman) that at this juncture, the time being 10.25am, Standing Orders resumed and the Committee considered the balance of the Agenda.*

*RESOLVED (Peters/McCosker) that the Committee recommend to Council that:*

- i) Council continue in a facilitating role monitoring the situation and allow normal market forces to dictate the outcome. A further evaluation of residential land supply and take up could be completed in 12 months time;*
- ii) Council to investigate a partnership with a Community Housing Provider to possibly facilitate the release of new social housing stock options in Inverell;*
- iii) A report be brought back to the Committee for consideration on the*

*options available in respect of possibly reducing water contributions for developers;*

- iv) A report be brought back to the Committee on a proposal to call for Expressions of Interest for the identified Vernon Street land; and*
- v) The support for Structure Plans to be prepared for new residential areas be acknowledged.*

#### SECTION E INFORMATION REPORTS

- 1. WORKS UPDATE S28.21.1
- 2. RETURN AND EARN (CONTAINER DEPOSIT) SCHEME S31.3.6
- 3. PLANNING LEGISLATION FOR GROUP HOMES S18.6.12/100

*RESOLVED (Berryman/Harmon) that the items contained in the Information Reports to the Civil & Environmental Services Committee Meeting held on Wednesday, 11 October, 2017, be received and noted.*

#### SECTION H GOVERNANCE REPORTS

- 1. PERFORMANCE REPORTING ON ROAD MAINTENANCE COUNCIL CONTRACTS S1.2.3/09

*RESOLVED (Harmon/Berryman) that the information be received and noted.*

#### SECTION F GENERAL BUSINESS

Cr Harmon Positive Feedback

Cr Harmon was pleased to advise that that he recently received positive feedback on the presentation of Inverell from Cr Dawn Crichlow, Gold Coast City Council. Cr Crichlow also thought the Help for Homeless People stickers located in the CBD were a great initiative.

Cr Baker E Waste

Cr Baker requested an update in respect of E Waste.

The Director Civil & Environmental Services advised that the E Waste Recycling Program is now up and running and that there are a number of companies now in the market to collect E Waste. Product from Inverell is being collected, picked up and recycled as part of a larger scale project.

GM-A Cr Baker Cultural Council S26.5.7

On behalf of the Cultural Council Cr Baker requested a template that would assist in guiding the Committee through a community consultation process.

The General Manager advised that he would provide necessary documentation.

Cr Baker

Bindaree Beef

Cr Baker requested an update in respect of the development proposed for the abattoir complex.

The Manager Development Services confirmed that he has offered his assistance with progressing the application however noted that the offer has not been taken up at this time.

Manager  
Development  
Services

Inverell Aquatic Centre

The Manager Development Services briefed the Committee on the water quality of the Inverell pool and confirmed that standard practices and procedures are in place to ensure the quality of the water is maintained at a high level.

Cr Michael

Flood Gauges

Mr Mephram requested that his appreciation be passed onto Council for fixing the road that allows access to the flood gauge at Elsmore.

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

CR D F BAKER

CHAIRPERSON



**TO CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING 8/11/2017**

<b>ITEM NO:</b>	1.	<b>FILE NO:</b> S14.18.6/10
<b>DESTINATION 2:</b>	A community that is healthy, educated and sustainable	<b>C</b>
<b>SUBJECT:</b>	<b>FIRE AND RESCUE NSW - SERVICE DELIVERY INVERELL FIRE DISTRICT</b>	
<b>PREPARED BY:</b>	Paul Henry, General Manager	

**SUMMARY:**

Correspondence has been received from Fire & Rescue NSW concerning the permanent Station Office position at Inverell Fire Station. The Committee is being asked to consider the information provided and determine if Council wishes to take any action.

**COMMENTARY:**

The Acting Chief Supt Stephen Hirst, Area Commander Region North Regional Operations, Fire and Rescue NSW has written to Council advising that the permanent Station Office position at Inverell Fire Station will be transferring to the Tamworth Fire District.

Supt Hirst confirms this resource relocation is being undertaken to allow for 24 hour staffing by permanent firefighters in the Tamworth Fire District and that there will be no change to the 24 hour per day retained/casual firefighter operational response capacity within the Inverell fire district as a result of this action.

Council is currently seeking clarification as to the savings that will be achieved on operating costs for the Inverell Station and what impact this will have on the Fire & Rescue component of Council's annual Fire & Emergency Services Levy contribution. There is a verbal indication from the service's Zone Superintendent that savings are approximately \$130K pa.

It may also be prudent for Council to request additional details on changes to administrative arrangements that will flow from this action eg how will fire permits be issued.

The Zone Superintendent emphasised that the removal of the station officer will not affect the "standard of fire cover" for Inverell urban area.

The Committee is being asked to consider whether it wishes to take any action in respect of the advice received.

**RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:**

**Strategy:** C.03 Promote an ordered and safe Community.

**Term Achievement:** C.03.02 Appropriate management plans and facilities are developed and implemented in partnership with emergency services.

**Operational Objective:** C.03.02.01 To ensure the availability of an adequate emergency response service within the Shire to deal with the natural disasters and man made incidences.

**POLICY IMPLICATIONS:**

Nil.

**CHIEF FINANCIAL OFFICERS COMMENT:**

**LEGAL IMPLICATIONS:**

Nil.

**RECOMMENDATION:**

*A matter for the Committee.*

<b>ITEM NO:</b>	2.	<b>FILE NO:</b> S7.2.7/10
<b>DESTINATION 3:</b>	An environment that is protected and sustained	<b>E</b>
<b>SUBJECT:</b>	<b>REQUEST FOR PLANNING PROPOSAL - AMENDMENT TO INVERELL LOCAL ENVIRONMENTAL PLAN 2012 - EXTRACTION OF GROUNDWATER FOR COMMERCIAL BOTTLING PURPOSES WITHIN THE RU1 PRIMARY PRODUCTION ZONE</b>	
<b>PREPARED BY:</b>	Chris Faley, Development Planner	

**SUMMARY:**

Council has received an updated request to undertake a Planning Proposal to amend the *Inverell Local Environmental Plan 2012*, to permit the extraction of groundwater for commercial bottling purposes within the RU1 Primary Production zone.

Committee Members are being asked to consider recommending to Council that the Planning Proposal be submitted to the NSW Department of Planning and Environment's Gateway Panel for determination.

**COMMENTARY:**

At the Civil and Environmental Services Committee on 9 August 2017, the Committee considered a request from Kellie Shapland Town Planning to amend the *Inverell Local Environmental Plan 2012*, to enable a "water bottling facility" to be undertaken on the property 'Lochiel' 1586 Tarwoona Road, Camp Creek.

At the Ordinary Meeting of Council on 23 August 2017 it was resolved (Res 78/17):

*That:*

- i) Council not support the Planning Proposal by Kellie Shapland Town Planning to permit the extraction of groundwater from 'Lochiel' for commercial bottling purposes;*
- ii) Council advise Kellie Shapland Town Planning that Council is willing to consider a general Planning Proposal to permit the extraction of groundwater for commercial bottling purposes within the RU1 Primary Production zone;*
- iii) The applicant be responsible for the costs, in accordance with Council's Fees and Charges, associated with a general Planning Proposal to permit the extraction of groundwater for commercial bottling purposes within the RU1 Primary Production zone.*

Kellie Shapland Town Planning was advised of Council's resolution and has subsequently submitted a revised Planning Proposal to permit the extraction of groundwater for commercial bottling purposes within the RU1 Primary Production zone.

The revised Planning Proposal is included as Appendix 1 (D5-D30).

It is considered that the revised Planning Proposal is satisfactory and consistent with Council's recommendation. It is recommended that Council support the Planning Proposal to permit the extraction of groundwater for commercial bottling purposes within the RU1 Primary Production zone.

To facilitate the next step in the process, the Committee is asked to recommend to Council to support the submission of the Planning Proposal to the NSW Department of Planning and Environment's Gateway Panel for determination. If supported by the NSW Department of Planning and Environment, the proposal will be subject to a public exhibition period prior to further consideration by the Committee and Council.

It is also proposed to seek delegation for Council to undertake the functions of the Minister of Planning. This will grant Council the powers for preparing, exhibiting and gazetting the amendment to the ILEP 2012. This is known as the "gateway process" and would expedite the amendment.

#### **RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:**

**Strategy:** E.02 Council's strategies to achieve sustainable, productive use of rural lands and preservation of the rural qualities are implemented.

**Term Achievement:** E.02.01 Council's adopted strategic planning documents and development control plan are being implemented as the basis for future rural land use decisions.

**Operational Objective:** E.02.01.01 Develop and implement contemporary planning controls to encourage sustainable agricultural land uses and preserve the Shires rural qualities and landscapes.

#### **POLICY IMPLICATIONS:**

A Planning Proposal will amend the *Inverell Local Environmental Plan 2012*.

#### **CHIEF FINANCIAL OFFICERS COMMENT:**

Nil.

**LEGAL IMPLICATIONS:**

A Planning Proposal must be made in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

**RECOMMENDATION:**

*That the Committee recommend to Council that:*

- i) The Planning Proposal to amend the Inverell Local Environmental Plan 2012 to permit the extraction of groundwater for commercial bottling purposes within the RU1 Primary Production zone be submitted to the NSW Department of Planning and Environment's Gateway Panel for determination;*
- ii) That upon a positive Gateway determination being received from the NSW Department of Planning and Environment, the Director Civil and Environmental Services be authorised to undertake the procedural steps associated with the progress of the planning proposal, including any minor amendments and public exhibition; and*
- iii) That a further report be submitted in relation to this matter following public exhibition.*

## APPENDIX 1



## Request for Planning Proposal

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**Proposal to Enable Water Extraction and Bottling Facilities  
in the RU1 Primary Production Zone.**

Inverell Local Environmental Plan 2012

PREPARED FOR

Lochiel Projects Pty Ltd

September 2017

**KSIP** | KELLIE SHAPLAND  
TOWN PLANNING

## TABLE OF CONTENTS

TABLE OF CONTENTS .....	2
1. INTRODUCTION & CONTEXT .....	3
1.1. Brief & Background .....	3
1.2. Planning Controls - Permissibility .....	3
2. THE PLANNING PROPOSAL REQUEST .....	6
Part 1- Objectives and Intended Outcomes .....	6
Part 2 – Explanation of Provisions .....	6
Part 3 – Justification .....	6
Part 4 – Mapping .....	12
Part 5 – Community Consultation .....	12
Part 6 – Project Timeline .....	12
Summary and Conclusions .....	12

## ATTACHMENTS

- Attachment A- Consideration of State Environmental Planning Policies
- Attachment B- Consideration of Section 117 Directions

## 1. Introduction & Context

### 1.1. Brief & Background

In May 2017, Kellie Shapland Town Planning (KSTP) on behalf of Lochiel Projects Pty Ltd, lodged a request with Inverell Shire Council seeking a Planning Proposal to amend the Inverell Local Environmental Plan (LEP) 2012. The purpose of the request was to enable commercial water extraction for bottling at the 'Lochiel' property located at Tarwoona Road, Camp Creek.

This was a request for a site specific LEP amendment which was considered by Inverell Shire Council at its ordinary meeting of 23 August 2017. At this meeting it was resolved that:

- i) *Council not support the Planning Proposal by Kellie Shapland Town Planning to permit the extraction of groundwater from 'Lochiel' for commercial bottling purposes;*
- ii) *Council advise Kellie Shapland Town Planning that Council is willing to consider a general Planning Proposal to permit the extraction of groundwater for commercial bottling purposes within the RU1 Primary Production zone;*
- iii) *The applicant be responsible for the costs, in accordance with Council's Fees and Charges, associated with a general Planning Proposal to permit the extraction of groundwater for commercial bottling purposes within the RU1 Primary Production zone.*

In accordance with item (ii) of this resolution, this planning proposal request seeks a modification to the Inverell LEP 2012 to permit the extraction of groundwater for commercial bottling purposes within the RU1 Primary Production Zone.

This request has been prepared in accordance with the requirements of 'A guide to preparing planning proposals', (Department of Planning and Environment, 2016).

Section 1 of this report provides a background to the proposal. The Planning Proposal request is contained in Section 2.

### 1.2. Planning Controls - Permissibility

Prior to the gazettal of the Inverell LEP 2012 on 7 December 2012, the extraction of water and its associated bottling fell under the definition of a "rural industry" which was a use that was permitted with development consent under the Inverell LEP 1988 in the 1 (a) Rural (Agricultural) Zone.

Inverell LEP 2012 contains an amended definition of 'rural industry' which is:

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

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

This definition no longer covers the extraction of water and associated processing.

Other definitions which are associated with agricultural and extractive land uses include:

**agricultural produce industry** means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

**agriculture** means any of the following:

- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture.

**extensive agriculture** means any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

**extractive industry** means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

**extractive material** means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the Mining Act 1992.

Water extraction for commercial bottling purposes (which may be either on-site or off-site) does not strictly fall within any of these definitions and therefore this land use may be considered as a "commercial premises", which is prohibited in the RU1 Primary Production zone.

The effect of the gazettal of Inverell LEP 2012 using the state-wide standard template and definitions has been to prohibit a previously permitted rural land use. This is considered to be an unintended consequence of the standard LEP template.

In addition to the provisions contained in the Inverell LEP 2012, the extraction of groundwater in Inverell Shire is also controlled by the following legislation:

#### **Water Act 1912 (NSW)**

The Water Act controls the extraction of water, the use of water, the construction of works such as dams and weirs and the carrying out of activities in or near water sources in New South Wales where no water sharing plan is in place. This Act will be fully repealed when the Water Management Act is operational in its entirety.

#### **Water Management Act 2000 (NSW)**

The Water Management Act governs the issuance of new water licences, trading of licences and allocation of water resources in NSW where the water sources are 'regulated'; that is, where a water sharing plan is in place.

#### **Environmental Planning and Assessment Act 1979 (NSW)**

Under this Act, proposed developments require the submission and approval of a Development Application (DA) by the relevant approval authority before commencement. Consideration of the



impacts of a proposal on groundwater is required as part of the assessment of a DA. As part of the integrated development approval scheme, the consideration of contamination, protection of groundwater systems and other environmental health requirements can be incorporated into the conditions of consent.

**Contaminated Land Management Act 1997 (NSW)**

This Act regulates the management of currently contaminated site, including groundwater that has been impacted by point source pollution.

**Protection of the Environment Operations Act 1997 (NSW)**

This Act regulates the pollution of all water, including groundwater, in New South Wales. It empowers regulatory authorities to issue pollution licences which authorise pollution to certain capped levels and pollution notices which notify breaches of licences.

**Local Government Act 1993 (NSW)**

Councils have responsibilities under this Act to manage groundwater resources by the regulation of waste management and disposal practices, protection of environmentally sensitive areas, application of standards to the construction, operation and maintenance of various facilities and prevention of contamination and environmental degradation.

**Threatened Species Conservation Act 1995 (NSW), National Parks and Wildlife Act 1974 (NSW) and Fisheries Management Act 1995 (NSW)**

These Acts require that native species, particularly threatened species, communities and populations are protected unless otherwise authorised. Groundwater dependent ecosystems may be listed under these Acts.

**Environment Protection and Biodiversity Conservation Act 1999**

This Act applies 'controlled actions'. Controlled actions are actions that are proposed to take place in Commonwealth owned regions, activities that are to be carried out by the Commonwealth and activities that are likely to have a significant impact on a 'matter of national environmental significance'. Matters of national environmental significance include Ramsar wetlands as well as migratory and threatened species and communities, all of which could potentially be dependent on groundwater. Where a proposed activity related to a controlled action the activity must be referred to the Commonwealth Government for assessment by the Environmental Minister. In this way, the Commonwealth Government can oversee certain developments that will impact of groundwater.

This overview of legislation demonstrates that there are adequate controls in place to regulate the extraction of groundwater, and ensure that potential impacts are addressed, evaluated and controlled through the development application process.

This Planning Proposal request evaluates the strategic justification for the proposed amendment to the Inverell LEP 2012 to enable water extraction and bottling facilities in the RU1 Primary Production Zone.

## 2. The Planning Proposal Request

### PART 1- OBJECTIVES AND INTENDED OUTCOMES

The objective of this planning proposal is to elevate an amendment to the Inverell LEP 2012 enabling, with Councils consent, water extraction and bottling facilities on land zones RU1 Primary Production.

### PART 2 – EXPLANATION OF PROVISIONS

Tweed Shire Council has gone through a similar process as this proposal which involved amending the Tweed LEP 2014 to enable water extraction and bottling facilities within its RU2 Rural Landscape Zone (Tweed LEP 2014 (Amendment No. 16) gazetted on 8 July 2016). This was achieved through a specific Part 7 Additional local provisions enabling clause. A similar approach is proposed with respect to this planning proposal, in relation to the Inverell LEP 2012 Part 6 Additional local provisions.

Therefore, it is proposed to amend the Inverell LEP 2012 by inserting after clause 6.7, the following clause.

#### 6.8 Water bottling facilities in Zone RU1 Primary Production

- i) Despite any other provision of this Plan, development may be carried out with development consent for the purposes of a water bottling facility on land in Zone RU1 Primary Production if the consent authority is satisfied that development will not have an adverse impact on natural water systems or the potential agricultural use of the land.
- ii) Despite any other provision of this Plan, development may be carried out with development consent for the construction of a pipe or similar structure on any land for the purposes of conveying groundwater to a water bottling facility.
- iii) In this clause:  

**Water bottling facility** means a building or place at which groundwater from land in Zone RU1 Primary Production is extracted, handled, treated, processed, stored or packed for commercial purposes.

### PART 3 – JUSTIFICATION

This part of the planning proposal is split into the following sections:

Section A	Need for the planning proposal
Section B	Relationship to strategic planning framework
Section C	Environmental, social and economic impact
Section D	State and Commonwealth interests

Information provided under each section is presented as a response to questions listed in the Department of Planning and Environment's document '*A guide to preparing planning proposals*'.

#### **Section A – Need for the planning proposal**

##### **Question 1 - Is the planning proposal a result of any strategic study or report?**

No, the planning proposal request is being made by the owner of the 'Lochiel' property located at Tarwoona Road, Camp Creek, but would facilitate desirable outcomes that are put forward in various planning policies and strategic plans described in Section B.

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

A planning proposal is considered the best way of ensuring that there is no question over the interpretation of whether water extraction and bottling facilities are a land use that is permitted with consent in the RU1 Primary Production Zone, and thereby enabling an increased range of rural land uses, where they are demonstrated to be appropriate.

#### **Section B – Relationship to strategic planning framework**

##### **Question 3 - Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy or district plan or strategy (including any exhibited draft plans or strategies)?**

The Inverell Local government area is subject to the provision of the 'New England North West Regional Plan 2036' (NENWRP). The NENWRP 2036 contains a vision for '*Nationally valued landscapes and strong, successful communities from the Great Dividing Range to the rich black soil plains*'.

To achieve this vision, the NSW Government has:

*Acknowledged the opportunities provided by natural resources and strong communities and set the following regionally focused goals:*

- *A strong and dynamic regional economy*
- *A healthy environment with pristine waterways*
- *Strong infrastructure and transport networks for a connected future*
- *Attractive and thriving communities*

Development for water extraction and bottling facilities in the form proposed under Part 2 of this planning proposal is consistent with this vision statement as the outcome would utilise a natural resource to benefit the regional economy and communities, where it can be demonstrated through the development application process, that the use is sustainable.

The planning proposal is consistent with the relevant Goals and Directions contained in the Strategy as demonstrated on the following table.

**Table 1: New England North West Regional Plan**

Goal & Direction	Comment
<b>Goal 1: A strong and dynamic regional economy</b>  Direction 1: Expand agribusiness and food processing sectors  Direction 2: Build agricultural productivity  Direction 3: Protect and enhance productive agricultural lands  Direction 4: Sustainably manage mineral resources  Direction 5: Grow New England North West as the renewable energy hub of NSW  Direction 6: Deliver new industries of the future  Direction 7: Build strong economic centres  Direction 8: Expand tourism and visitor opportunities  Direction 9: Coordinate growth in the cities of Armidale and Tamworth	The proposal is consistent with this goal. However, to ensure that water extraction does not affect agricultural resources, the development application process will need to demonstrate that the site is suitable for water extraction. This is achieved through the application of proposed clause 6.8 of the Inverell LEP 2102.
<b>Goal 2: A healthy environment with pristine waterways</b>  Direction 10: Sustainably manage and conserve water resources  Direction 11: Protect areas of potential high environmental value  Direction 12: Adapt to natural hazards and climate change	The proposed clause will require the development application to demonstrate the suitability of the site for water extraction. The allocation of groundwater resources would be considered on a case-by-case basis as part of the development application process, with extraction rates controlled by the licensing requirements of the NSW Department of Primary Industries-Water.
<b>Control 3: Strong infrastructure and transport networks for a connected future</b>  Direction 13: Expand emerging industries through freight and logistics connectivity  Direction 14: Enhance transport and infrastructure networks  Direction 15: Facilitate air and public transport infrastructure  Direction 16: Coordinate infrastructure delivery	The development application process will address the suitability of any particular site for the transport of water to the market.

<b>Goal 4: Attractive and thriving communities</b> Direction 17: Strengthen community resilience Direction 18: Provide great places to live Direction 19: Support healthy, safe and social engaged communities  Direction 20: Deliver greater housing diversity to suit changing needs Direction 21: Deliver well planned rural residential housing Direction 22: Increase the economic self-determination of Aboriginal communities Direction 23: Collaborate with Aboriginal communities to respect and protect Aboriginal culture and heritage Direction 24: Protect the regions historic heritage assets	The Directions relating to housing are not relevant to this planning proposal. Existing policies and statutory procedures are in place to ensure that Aboriginal cultural and heritage issues, as well as historic heritage are addressed and considered during the development application process.
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**Question 4 - Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?**

Council has adopted the Inverell Strategic Plan 2009 – 2029. The Strategic Plan provides information on the aspirational goals (defined 'Destinations') for the Community, including the organisation's Mission and the Purpose.

The proposal is generally consistent with the relevant 'Destinations' identified in the table below.

**Table 2: Consistency with the Inverell Strategic Plan 2009 – 2029**

<b>Destination</b>	<b>Comment</b>
A recognised leader in the broader context	Consistent. The proposal will facilitate the broadening of the Shires economic base which is important for enhancing Inverells position in the Region.
A community that is healthy educated and sustainable	The proposal is not inconsistent with this destination
An environment that is protected and sustained	Consistent. The proposal facilitates groundwater extraction generally in the RU1 zone but the DA process and licensing process would ensure that only those properties suitable for groundwater extraction would be approved.
A strong local economy	The proposal provides an opportunity to expand the Shires economic base.
The community is supported by sustainable services and infrastructure.	Consistent. The proposal would not impact on local government services and the future development application would address impact on infrastructure.

**Question 5 - Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPP's) 7**

An assessment of relevant SEPP's is as contained in Attachment A. The proposal is not inconsistent with any provisions.

**Question 6 - Is the planning proposal consistent with the applicable Ministerial Directions (s117 Directions)?**

The following 117 Directions, discussed further in Attachment B, apply to the subject site:

- 1.2 Rural Zones;
- 1.5 Rural Lands;
- 2.3 Heritage Conservation;
- 3.3 Home Occupations
- 4.3 Flood Prone Land;
- 4.4 Planning for Bushfire Protection;
- 6.1 Approval and Referral Requirements, and
- 6.3 Site Specific Provisions.

No inconsistencies are considered sufficient to prevent the planning proposal from proceeding.

**Section C – Environmental, social and economic impact**

**Question 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?**

It is unlikely that there would be adverse impacts on critical habitat, threatened species, populations or ecological communities or their habitat as part of this planning proposal. The impacts of specific water extraction proposals will be assessed as part of the development application process.

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

*Water supply*

Water extraction and bottling facilities would only be located where there is an adequate water supply and in accordance with licensing requirements from New South Wales Department of Primary Industries – Water.

Groundwater is a public resource. In New South Wales, the entitlement (often call a license) to access and use this resource is granted by the NSW Office of Water (part of the Department of Primary Industries). The license generally specifies matters related with management of groundwater use such as volume of water permitted to be extracted, length of tenure and other conditions of use. One of the conditions is the permissibility of water extraction in a local environmental plan. Should this LEP amendment be finalised, development applications for water extraction facilities will be assessed by council, whilst granting a licence will remain a matter for the Office of Water.

Procedures are therefore in place as part of the existing approval framework to ensure that impacts on groundwater resources are appropriately identified and managed.



*Heritage*

Development applications for water extraction and bottling facilities will need to address potential impacts on Aboriginal and European heritage.

*Traffic*

Future development applications for water extraction and bottling facilities will need to address this issue in detail.

**Question 9 - How has the planning proposal adequately addressed any social and economic effects?**

It is considered that water extraction and processing facilities are suitable rural land use which in general terms are consistent with the rural amenity. Again, site specific assessment would occur through the development application process, as mandated by the existing planning framework for assessing impacts of proposed development on scenic landscape.

This land use also results in positive economic impacts through additional rural employment and an alternative land use for property owners.

**Section D – State and Commonwealth Interests****Question 10 - Is there adequate public infrastructure for the planning proposal?**

Making an alteration to the Inverell LEP 2012 to facilitate the approval of water extraction and bottling facilities on rural land is unlikely to raise any significant public infrastructure issue. Each proposal would be assessed on its merits at the development application stage to ensure that the development can be adequately serviced.

**Question 11 - What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Views of relevant government authorities would be sought by Council as part of the statutory planning proposal process.

**PART 4 – MAPPING**

This planning proposal does not include mapping.

**PART 5 – COMMUNITY CONSULTATION**

This part of the planning proposal would be completed following receipt of the Department of Planning and Environment's Gateway determination.

**PART 6 – PROJECT TIMELINE**

This section would be completed following the Gateway Determination.

**SUMMARY AND CONCLUSIONS**

It is intended that the Inverell LEP 2012 be amended to provide that a 'water bottling facility' a (as defined in proposed Clause 6.8) is a land use that is permissible with consent on land zoned RU1 Primary Production. The preferred method to achieve this is by including an Additional Local Provision in Part 6 for water bottling facilities in zone RU1 Primary Production.

Evaluation of this desired outcome, carried out in this Planning Proposal indicates that the proposed amendment is broadly consistent with the New England North West Regional Plan, applicable State Environmental Planning Policies and Ministerial Directions provided under Section 117 of the Environmental Planning & Assessment Act 1979.

The proposal would enable an alternative rural land use that broadens the Shire's economic base, where it can be demonstrated that water extraction is suitable and sustainable.

The proposal is considered to be justified in terms of consistency with relevant planning policies, the desirability of broadening the rural economic land base and opportunities, and the ability of existing development controls to ensure that water extraction and bottling facilities are only located where it has been demonstrated to be suitable.



Kellie Shapland Town Planning Pty Ltd  
ATF Kellie Shapland Town Planning Trust ABN 64 117 972 983

PO Box 421, Murwillumbah NSW 2484  
t: 0438 725 283  
e: [kellie@tweedtownplanner.com.au](mailto:kellie@tweedtownplanner.com.au)  
w: [www.tweedtownplanner.com.au](http://www.tweedtownplanner.com.au)

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#### Usage Statement

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#### Document History

Version	Purpose	Issue Date	To whom
Draft v.1	Client Review	14 September 2017	Garry Hill
Final	ISC Lodgement	16 September 2017	ISC, Garry Hill

## **Attachment A**

Consideration of State Environmental Planning Policies

**Consideration of State Environmental Planning Policies Relative to the  
Planning Proposal Request for Water Extraction and Bottling  
Facilities**

State Environmental Planning Policy (SEPP)	Applicable to Inverell LGA	Consistency	Reason for inconsistency/comment
SEPP No.1 – Development Standards	Yes	Not relevant	Not applicable
SEPP No. 14 – Coastal Wetlands	No	Not applicable	Not applicable
SEPP No. 19 - Bushland in Urban Areas	No	Not applicable	Not applicable
SEPP No. 21- Caravan Parks	Yes	Not relevant to the planning proposal	Not applicable
SEPP No.26 – Littoral Rainforests	No	Not relevant	Not applicable
SEPP No. 30 - Intensive Agriculture	Yes	The proposal does not involve intensive agriculture	Not applicable
SEPP No. 33 – Hazardous and Offensive Development	Yes	Not relevant to the planning proposal	Not applicable
SEPP No. 36 - Manufactured Home Estates	Yes	Not relevant to the planning proposal	Not applicable
SEPP No 44 - Koala Habitat Protection	Yes	Individual development applications will need to address the provisions of this Policy	Consistent
SEPP No. 47 – Moore Park Showground	No	Not applicable	Not applicable
SEPP No 50 - Canal Estate Development	Yes	Not relevant	Not applicable
SEPP No.52 - Farm Dams and Other Works in Land and Water Management Plan Areas	No	Not relevant	Not applicable
SEPP No. 55 - Remediation of Land	Yes	Consistent	No land is proposed to be rezoned. No sensitive land uses over and above agricultural uses which are already permitted in this zone would occur. Notwithstanding, this issue would need to be addressed as part of any development application.
SEPP No.62 - Sustainable Aquaculture	Yes	Not relevant to planning proposal	Not applicable
SEPP No.64 - Advertising and Signage	Yes	Not relevant to planning proposal	Not applicable

State Environmental Planning Policy (SEPP)	Applicable to Inverell LGA	Consistency	Reason for inconsistency/comment
SEPP No 65 - Design Quality of Residential Flat Development	Yes	Not relevant to planning proposal	Not applicable
SEPP No 70 - Affordable Housing (Revised Schemes)	No	Not applicable	Not applicable
SEPP No 71 - Coastal Protection	No	Not applicable	Not applicable
SEPP (Affordable Rental Housing) 2009	No	Not relevant to planning proposal	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	Yes	Not relevant to planning proposal	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Yes	Consistent	Not applicable
SEPP (Housing for Seniors or People with a Disability) 2004	Yes but not applicable as it doesn't relate to a residential zone, or land adjacent to a residential zone	Consistent	Not applicable
SEPP (Infrastructure) 2007	Yes	Consistent	Not applicable
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	No	Not applicable	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	Consistent	Consistent. The proposal does not impact on the provisions of this plan. Nothing in this planning proposal will alter the permissibility of mining or extractive industries.
SEPP (Miscellaneous Consent Provisions) 2007	Yes	Not relevant to proposal	Not applicable
SEPP (Rural Lands) 2008	Yes	Consistent	This SEPP identifies rural planning principles (clause 7) that must be taken into account when a Council prepares a planning proposal. These are brought into effect through a s117 Direction, which is discussed in a separate Table. The proposal is considered to be consistent with this policy.
SEPP (State and regional Development) 2011	Yes	Not relevant to proposal	Not applicable
SEPP (State Significant Precinct) 2005	Yes	Not relevant to proposal	Not applicable

State Environmental Planning Policy (SEPP)	Applicable to Inverell LGA	Consistency	Reason for inconsistency/comment
SEPP (Western Sydney Employment Area) 2009	No	Not applicable	Not applicable
SEPP (Western Sydney Parklands) 2009	No	Not applicable	Not applicable

## **Attachment B**

Consideration of Section 117 Directions

Consideration of s117 Directions – Planning Proposal Request – Water Extraction and Bottling Facilities

S.117 DIRECTION	APPLICATION	RELEVANCE TO THIS PLANNING PROPOSAL
<b>1. Employment &amp; Resources</b>		
1.1 Business and Industrial Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	Not Applicable
1.2 Rural Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).	This planning proposal will not alter the zone of any rural land or impact on rural housing provisions. The planning proposal is consistent with this Direction.
1.3 Mining, Petroleum Production and Extractive Industries	Applies when a relevant planning authority prepares a planning proposal that would have the effect of: <ul style="list-style-type: none"> <li>a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials; or</li> <li>b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</li> </ul>	Nothing in this planning proposal will prohibit or restrict exploration or mining. It will however facilitate the extraction of water from the RUI zone for bulk supply or bottling.
1.4 Oyster Aquaculture	Applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in impacts on a Priority Oyster Aquaculture Area.	Not applicable
1.5 Rural Lands	Applies where: <ul style="list-style-type: none"> <li>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary); or</li> <li>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</li> </ul>	This planning proposal will affect land which is zoned RUI. It is consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008 as follows: <ul style="list-style-type: none"> <li>(a) <i>the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas – the proposed amendment is not intended to undermine or create conflict with agriculture or other rural land uses, but rather facilitate other economic</i></li> </ul>

Consideration of s117 Directions – Planning Proposal Request – Water Extraction and Bottling Facilities

S.117 DIRECTION	APPLICATION	RELEVANCE TO THIS PLANNING PROPOSAL
	The planning proposal is to be consistent with the relevant sections of SEPP (Rural Lands) 2008.	<p>activity in rural areas.</p> <p>(b) <i>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 – water extraction and bottling facilities have traditionally been undertaken in rural areas as rural industries. The proposal does not alter the nature and issues associated with agriculture but rather clarifies that this is an acceptable land use in the RU1 – Primary Production Zone.</i></p> <p>(c) <i>social and economic benefits of rural land use and development – the use of rural land for commercial water extraction and the success that existing facilities have experienced in other areas demonstrates that this can have beneficial social and economic impacts.</i></p> <p>(d) <i>in planning for rural lands, to balance the social, economic and environmental interests of the community – the nature of rural land use is changing and the socio-economic interests of the community will be best served by permitting both traditional and alternative forms of rural development.</i></p> <p>(e) <i>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 – the future development applications will require consideration of the physical environment in which the development will be located as well as its visual impact.</i></p> <p>(f) <i>the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities – the planning proposal does not involve rural</i></p>



**Consideration of s117 Directions – Planning Proposal Request – Water Extraction and Bottling Facilities**

S.117 DIRECTION	APPLICATION	RELEVANCE TO THIS PLANNING PROPOSAL
		<p>housing however does have the potential to contribute to the welfare of rural communities by providing employment opportunities associated with the development of rural land.</p> <p>(g) <i>the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing – the proposal does not provide for rural housing</i></p> <p>(h) <i>ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General. This planning proposal is consistent with the New England North West Regional Plan, as discussed in the Planning Proposal request.</i></p>
<b>2 Environment and Heritage</b>		
2.1 Environment Protection Zones	<p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".</p>	The planning proposal does not alter or remove any environment protection zone.
2.2 Coastal Protection	The objective of this direction is to implement the principles in the NSW Coastal Policy and applies to the coastal zone, as defined in the Coastal Protection Act 1979.	Not applicable.
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance and applies to all relevant planning authorities.	Inverell LEP 2012 currently contains provisions that are consistent with this Direction. This planning proposal will not alter those provisions.

Consideration of s117 Directions – Planning Proposal Request – Water Extraction and Bottling Facilities

S.117 DIRECTION	APPLICATION	RELEVANCE TO THIS PLANNING PROPOSAL
2.4 Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles. This direction applies to all relevant planning authorities.	The proposal does not enable land to be developed for the purpose of a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's	Does not apply to the Inverell Local Government Area.	Not Applicable
<b>3: Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	<p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <p>(a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),</p> <p>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>The objective is to encourage a variety and choice of housing types, to make efficient use of existing infrastructure and services and to minimise the impact of residential development on the environment and resource lands.</p>	Not Applicable.
3.7 Caravan Parks and Manufactured Home Estates	The objective of this direction is to provide for a variety of housing types, and to provide opportunities for caravan parks and manufactured home estates. This direction applies to all relevant planning authorities.	This proposal does not seek development for the purposes of a caravan park or manufactured homes estate.
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling-houses without the need for development consent.	This proposal does not alter home occupation provisions in the Inverell LEP 2012.
3.4 Integrating Land Use and Transport	Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	The planning proposal does not affect urban land.

**Consideration of s117 Directions – Planning Proposal Request – Water Extraction and Bottling Facilities**

S.117 DIRECTION	APPLICATION	RELEVANCE TO THIS PLANNING PROPOSAL
3.5 Development Near Licensed Aerodrome	Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.	The planning proposal does not create, alter or remove a zone or provision relating to a licensed aerodrome.
3.6 Shooting Ranges	This direction applies when a relevant planning authority proposes a planning proposal that will affect, create, alter or remove a zone or provision relating to land adjacent to and/or adjoining an existing shooting range.	Not applicable
<b>4. Hazard and Risk</b>		
4.1 Acid Sulfate Soils	Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	Not applicable
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.  This direction applies to land that is within a Mine Subsidence District proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961, or has been identified as unstable land.	This proposal does not impact on any mine subsidence area.
4.3 Flood Prone Land	Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.  A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).  A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environment Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.	The planning proposal will not rezone any land. Inverell LEP 2012 already contains a flood planning clause that would apply to any development application that is on flood prone land.
4.4 Planning for Bushfire Protection	Applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.	Some land zoned RUT in Inverell Shire is identified as bushfire prone land. This will be a consideration in the assess.

Consideration of s117 Directions – Planning Proposal Request – Water Extraction and Bottling Facilities

S.117 DIRECTION	APPLICATION	RELEVANCE TO THIS PLANNING PROPOSAL
	In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.	ment of any development application for the water extraction and bottling facility. Consultation will be required with NSW Rural Fire Service.
<b>5. Regional Planning</b>		
5.1 Implementation of Regional Strategies	Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	This direction does not apply to the Inverell Local Government Area.
5.2 Sydney Drinking Water Catchments	Applies when a relevant planning authority prepares a planning proposal that applies to the hydrological catchment.	The proposal is not within this catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Applies to certain local government areas when a relevant planning authority prepares a planning proposal for land mapped as: (a) State significant farmland, or (b) regionally significant farmland, or (c) significant non-contiguous farmland.  The objective is to ensure that the best agricultural land will be available for current and future generations, to provide more certainty on the status of the best agricultural land, and to reduce landuse conflicts.	This direction does not apply to the Inverell Local Government area, however Council will consider farmland issues when a development application is made.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Applies when a relevant planning authority prepares a planning proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.	Not applicable
5.8 Second Sydney Airport Badgerys Creek	The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.	Not applicable
5.9 North West Rail Link Corridor Strategy	The objective of this direction is to promote transit-oriented development and manage growth around train stations and to ensure development is consistent with the Corridor Strategy and precinct Structure Plans.	Not Applicable

**Consideration of s117 Directions – Planning Proposal Request – Water Extraction and Bottling Facilities**

S.117 DIRECTION	APPLICATION	RELEVANCE TO THIS PLANNING PROPOSAL
5.10 Implementation of Regional Plans	Applies to land to which a Regional Plan has been released by the Minister for Planning	Consistent. The consistency of the proposal with the New England North West Regional Plan is discussed in Table 1 of the Planning Proposal request.
<b>6. Local Plan Making</b>		
6.3 Approval and Referral Requirements	<p>A planning proposal must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <p>(i) the appropriate Minister or public authority, and</p> <p>(ii) the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General),</p> <p>prior to undertaking community consultation in satisfaction of section 57 of the Act.</p>	The planning proposal will not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.
6.2 Reserving Land for Public Purposes	A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning and Environment (or an officer of the Department nominated by the Director-General).	The planning proposal does not create, alter or reduce land reserved for a public purpose.
6.3 Site Specific Provisions	<p>Applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p> <p>The objective is to discourage unnecessarily restrictive site specific planning controls. This direction applies to all relevant planning authorities.</p>	The planning proposal seeks to permit water extraction and bottling facilities land use in the entire zone rather than on a site specific basis. Therefore, it is consistent with the objective of this Direction.
<b>7 Metropolitan Planning</b>		
7.1 The Metropolitan Strategy	This direction applies to Sydney metropolitan Councils only	Not Applicable

Consideration of s117 Directions – Planning Proposal Request – Water Extraction and Bottling Facilities

S.117 DIRECTION	APPLICATION	RELEVANCE TO THIS PLANNING PROPOSAL
7.2 Implementation for Greater Macarthur Land Release Investigation	Does not apply to Inverell Local Government Area	Not applicable

<b>ITEM NO:</b>	3.	<b>FILE NO:</b> S21.8.16
<b>DESTINATION 5:</b>	The communities are served by sustainable services and infrastructure	<b>S</b>
<b>SUBJECT:</b>	<b>RECREATION VEHICLE SEWER DUMP POINT YETMAN</b>	
<b>PREPARED BY:</b>	Michael Bryant - Manager Environmental Engineering	

**SUMMARY:**

The purpose of this report is for Council to consider the provision of a recreation vehicle sewer dump point at Yetman.

**COMMENTARY:**

The investigation into the feasibility of a sewer dump point (SDP) at Yetman was initiated by a question without notice from Cr Berryman at the March 2017 Civil and Environmental Services committee meeting.

SDP's provide the mobile traveller with a convenient and environmentally friendly means of managing their wastewater when visiting the region and assist in attracting visitors.

The demand for a SDP at Yetman is unknown, however once installed and publicised would attract visitors to the area. At present in the NSW / Queensland border rivers region there are SDP's at Tenterfield, Texas and Goondiwindi. Further afield there are SDP's at Ashford, Warialda, and Inglewood.

As there is no reticulated town sewerage system at Yetman, the usage of the SDP would need to be restricted to removable cassettes containing black water (sewage), typically of 15 litre capacity. Large motor homes can have black water storage tanks from 70L to 250L capacity and therefore access would need to be denied by restricting vehicular access to the dump point.

Grey water comprising shower and sink water from recreation vehicles is normally disposed of on grassed areas when away from caravan parks.

The most appropriate location for a SDP at Yetman would be at the Lions Park, adjacent the public toilet block. This area is on public view and accessible to visitors travelling along Bruxner Way. The Council owned Yetman Caravan Park was also considered, however the SDP cannot be connected to the on site sewage treatment system as disinfectants associated with black water from recreation vehicles would kill off the treatment process. Access within the caravan park would also be difficult. The SDP requires a separate septic tank storage which can be pumped out as required.

Appendix 2 (D33) shows the approximate location of the proposed SDP at Lions Park. Should Council proceed with installation the location would be more accurately defined to avoid the existing septic tank system associated with the toilet block and to cater for parking and traffic movements in the area.

The SDP would incorporate a 3,000L septic tank with the receptacle mounted on top of the tank. The town water service to the toilet block would be extended to provide for the rinsing of cassettes and the dump point receptacle.

The estimated cost to install the SDP is \$10,000.

Assuming an average dump volume of 20L, the 3,000L septic tank would cater for approximately 150 dumps before requiring emptying by a septic waste collection contractor, approximately 2.5 times per year.

Council operational staff based at Yetman would monitor and maintain the SDP and arrange for a pump out as required. Each pump out would cost around \$400, and at an assumed frequency of 2.5 times per year would equate to \$1,000pa. The total annual operation and maintenance cost including septic tank pump out would be subject to actual usage of the facility, however for estimating purposes \$2,000pa has been assumed.

SDP's have been in place around Australia for a number of years now and whilst there were initial concerns about possible illegal use such as dumping of trade waste or damage to the receptacle, there has been limited reported misuse. It is not known whether the situation would be any different in a smaller community such as Yetman. The SDP's at Inverell, Ashford and the Copeton Dam Northern Foreshores have not experienced any reported misuse.

#### **RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:**

**Strategy:** S.03 Council provides equitable services, consistent with available resources and priorities to meet the Shire's identified needs and preferences.

**Term Achievement:** S.03.01 Services and programs that Council provides are determined based on equity, customer requirements and community benefits, best value and excellence.

**Operational Objective:** S.03.01.01 Appropriate services and programs are selected based on considerations of equity, best value, relevance and benefit to the community.

#### **POLICY IMPLICATIONS:**

Nil.

#### **CHIEF FINANCIAL OFFICERS COMMENT:**

Council's Sewer Fund could provide sufficient Capital and Maintenance funding for this project without impacting on the long term integrity of the Sewer Fund.

#### **LEGAL IMPLICATIONS:**

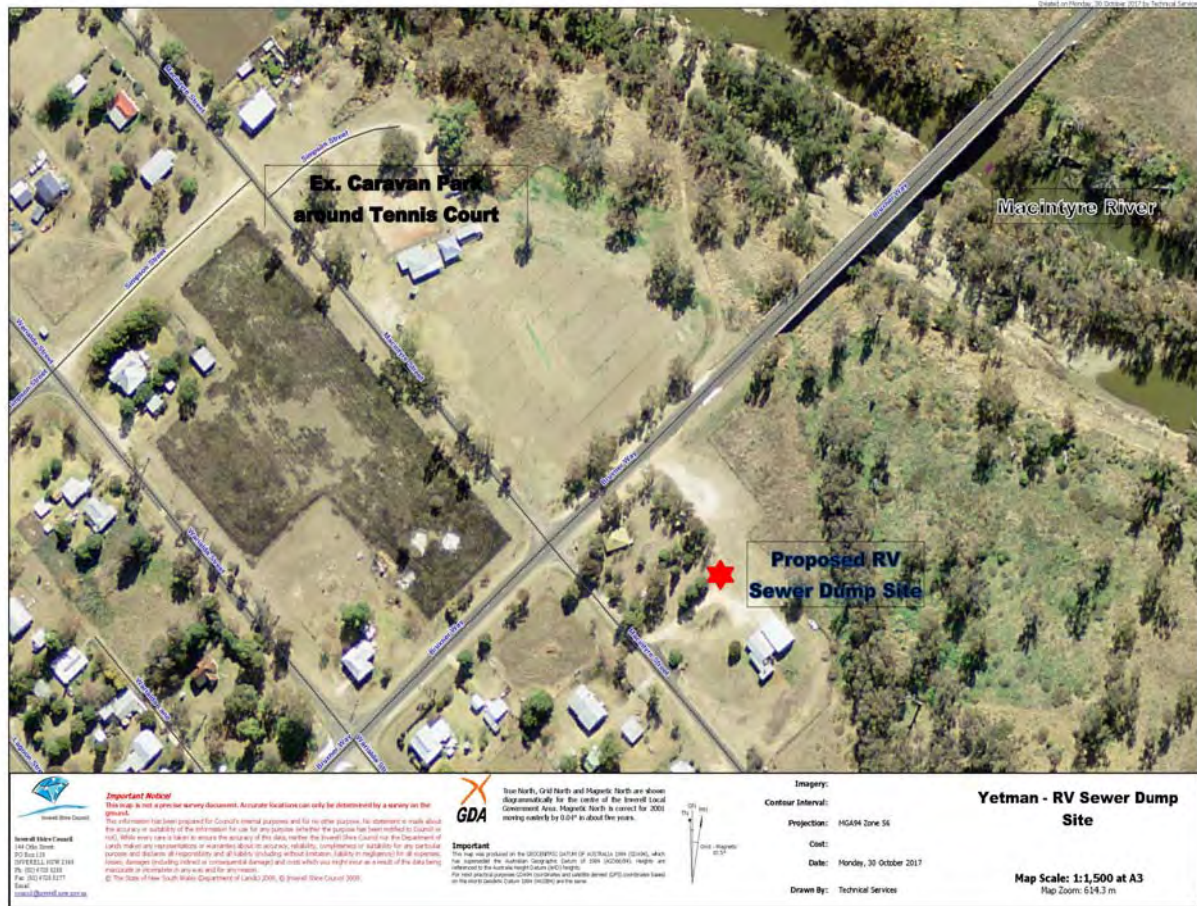
Nil.

#### **RECOMMENDATION:**

*A matter for the Committee.*



## APPENDIX 2



<b>ITEM NO:</b>	4.	<b>FILE NO:</b> S30.9.8
<b>DESTINATION 5 :</b>	The communities are served by sustainable services and infrastructure.	<b>S</b>
<b>SUBJECT:</b>	<b>NSW DRAFT FUTURE TRANSPORT STRATEGY AND PLAN</b>	
<b>PREPARED BY:</b>	Justin Pay, Manager Civil Engineering	

**SUMMARY:**

The New South Wales (NSW) Government has released the draft future transport strategy and supporting plans. The strategy and plans are open for feedback until 3 December, 2017 with the final strategy to be released in 2018. The Committee are being asked to identify any matters they may wish to be addressed in a submission in response to the draft strategy.

**COMMENTARY:**

The NSW Government has released the draft future transport strategy and supporting plans. The draft strategy updates the 2012 long term master plan for NSW. It is a forty year plan that is supported by separate plans for Greater Sydney, Regional NSW, road safety, transport and tourism. The State Government have indicated that a freight and ports plan will be released shortly.

The Future Transport 2056 Strategy and supporting plans are open for feedback until 3 December 2017 with the final strategy to be released in 2018. The draft plans paper is available on the Future Transport website – <https://future.transport.nsw.gov.au/>. A hard copy of the Strategy can be made available to any Councillor upon request.

In summary, the Draft Future Transport 2056 Strategy and Draft Regional NSW Services and Infrastructure plan are based on a “Hub and Spoke Regional Transport Network Model”. Both documents continually reinforce the importance of Regional Cities and Centres, of which the documents identifies Tamworth and Armidale in the New England North West region.

Every part of the strategy is aimed at delivering the following six outcomes:

1. Customer Focused
2. Successful Places
3. Growing Economy
4. Safety and Performance
5. Accessible Services
6. Sustainability

The strategy discusses technological advances (digital applications, driverless vehicles and drones) including their potential impacts and opportunities. It also highlights the need for updated transport infrastructure investment models. It is noted on page 37 of the strategy that:

“Australian Governments are currently investigating heavy vehicle road reforms aimed at turning the provision of heavy vehicle road infrastructure into an economic service where feasible. This would see a market established that links the needs of heavy vehicle users with the level of service they receive, the charges they pay and the investment of those charges back into road services”. It is not clear what form this “market” may take or how it may impact transport within our Shire.

The Draft Regional NSW Services and Infrastructure plan outlines a number of transport initiatives and breaks them into four prioritised, time frame based categories, being:

1. Initiatives committed (0 – 10 years)
2. Initiatives for investigation for potential commitment (0 – 10 years) - Subject to Business Case Development
3. Initiatives for investigation for potential commitment (10 – 20 years) - Subject to Business Case Development
4. Visionary initiatives for investigation for potential commitment (20+ years) - Subject to Business Case Development

The strategy also provides initiatives for investigation for each region. The proposed initiatives for the New England North West region are presented on pages 45 and 46 with the only direct infrastructure initiatives for Inverell Shire being potential upgrades for the Gwydir Highway and Bruxner Way. This is representative of the importance that both documents place on improving the East-West movement of transport and freight.

The Manager of Civil Engineering (MCE) is currently undertaking a more detailed analysis with a view to formulating a submission prior to the due date. Committee Members are encouraged to provide any comment to MCE prior to the November Council meeting to be incorporated in any submission.

#### **RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:**

**Strategy:** S.08 Civil infrastructure is secured, maintained and used to optimum benefit.

**Term Achievement:** S.08.01 An asset management strategy is in operation for civil infrastructure that optimises its use and maintains it to agreed standards fit for its contemporary purpose.

**Operational Objective:** S.08.01.01 An Asset Management Strategy for Civil assets is developed, maintained and implemented.

#### **POLICY IMPLICATIONS:**

Nil.

#### **CHIEF FINANCIAL OFFICERS COMMENT:**

Nil.

#### **LEGAL IMPLICATIONS:**

Nil.

#### **RECOMMENDATION:**

*That the Committee recommend to Council that:*

- i) The information be received and noted; and*
- ii) After considering the strategy, Councillors provide any feedback to the Manager of Civil Engineering, prior to the November Council meeting, so that it may be incorporated into any future submission.*

<b>ITEM NO:</b>	5.	<b>FILE NO:</b> S11.1.2
<b>DESTINATION 3:</b>	An environment that is protected and sustained	<b>E</b>
<b>SUBJECT:</b>	<b>ENCLOSED DOG EXERCISE AREA</b>	
<b>PREPARED BY:</b>	Phil Sutton, Environmental Compliance Coordinator	

**SUMMARY:**

Council previously requested the further investigation of a proposal for an enclosed dog exercise area. Subsequent research has been undertaken and additional information provided for the consideration of the Committee. The Committee is being asked what action, if any, it wishes to take in respect of this matter.

**COMMENTARY:**

In response to a request from the RSPCA (Inverell Branch) for the provision of an enclosed dog exercise area, Council at its ordinary meeting on the 24 May, 2017 resolved the following:

*That:*

- i) Sinclair Park is not a location preferred by Council to establish a fenced, off-leash dog exercise area;*
- ii) Further investigations into an alternate site be carried out, including costings.*

The benefit of providing a designated public area for dogs to run free and exercise has long being recognised. Indeed, Council has a legislative responsibility in accordance with the *Companion Animals Act 1998* to provide at least one off leash area. Historically these off-leash areas have tended to be un-fenced and dog owners are required to ensure their animals are under effective control and do not create nuisance issues. In recent years, a number of Councils (particularly metropolitan and large regional) have provided dedicated enclosed dog exercise areas. The demand for such has been based around providing off leash areas for dogs where they are in a controlled environment removing the risk of any conflict with cars, bikes and pedestrians.

Whilst enclosed dog exercise areas obviously vary in scale and amenity, the following elements would be consistent with 'best practice' facilities provided by other Councils:

- Around 0.4 hectares (4000m<sup>2</sup>) in area.
- Relatively flat to slightly undulating site.
- A construction that will suit the landscape.
- Natural shade with the ability to maintain sight line across the facility.
- Low maintenance surface (grass, woodchip).
- Internal pathways.
- One or two shelters.
- Bench seating.
- Dog agility and exercise equipment.
- Defined area for small dogs and puppies.
- Drinking fountains.

- Black mesh fencing 1.5 – 1.7 metres high.
- Double gate entrance.
- Maintenance gates for vehicular access.
- Signage.
- Dog bag dispensers and bins.
- Suitable car parking and amenities.
- Pathways connecting the facility to parking and amenities.

One of the reasons the RSPCA suggested Sinclair Park was due to its prominence on a main thoroughfare and therefore accessibility to visitors. Staff have investigated a number of sites throughout the town precinct (including those on main thoroughfares) that may be suitable for a fenced off-leash exercise area. Consideration was given to the following areas:

- The existing off-leash area in Campbell Street - the area is flood prone and the only areas suitable for a fenced compound would be subject to rapid flowing water, therefore eliminating any type of structure.
- Northey Park - the park is a dedicated memorial park which has a pedestrian thoroughfare throughout. Any suitable fenced area would impinge on the thoroughfare and have a noise impact on nearby residents. Parking and access to amenities would be an issue.
- Lake Inverell – Lake Inverell may have areas suitable, but the fenced site would be a fair distance from the parking lot and amenities. Consideration would have to be given to the regulated 10 metre buffers from food preparation, picnic and play areas. Potential impact to residents would be minimal.
- Eucalypt Drive – the area generally to the south of the netball precinct. The land is very rough and would need a lot of preparation before a compound could be established. Proximity to the netball canteen would need to be considered. The area has limited amenities and access to water would be an issue. The area is remote and would be difficult for travellers to locate. The area has also been identified in Council's draft Open Spaces Strategy as a future athletic zone.
- Old Bundarra Road – the precinct between the skate park and BMX track. The area would be suitable with acceptable flood impacts. There is pedestrian access from Campbell Street and vehicular access from the Warialda and Glen Innes entries to Inverell. There would be minimal noise impact and ample parking. The area offers shaded cover and an undulating natural surface. The closest amenities are in the adjacent Lions Park. The area has been identified in the draft Open Spaces Strategy as an adult sports/adventure area.

Costs associated with construction of a fenced area of 4000m<sup>2</sup> would be:

- Fencing, gates and labour - \$23 - \$25,000
- 3 aluminium table/chair combinations - \$10,500
- 4 posts and waste disposal bags - \$1,400
- 60-100 metres pathway \$15,000
- Water connection and associated equipment \$2,500
- Signs - \$1,000
- Bins - \$300
- APPROXIMATE TOTAL CONSTRUCTION COST - **\$ 56,000**

Ongoing maintenance and operational costs are estimated around \$4,000 per annum.

Of the areas investigated the Old Bundarra Road site would be considered the most suitable should Council wish to pursue an enclosed exercise area for dogs. Whilst the site may not be as prominent as Sinclair Park it is considered suitable signage could easily direct visitors to the location. The proximity of amenities in Lions Park would not be an unreasonable distance from the site.

Irrespective of location consideration should also be given to the possibility of unsupervised dogs in an enclosed area becoming aggressive with each other, potentially causing harm. The provisions of the *Companion Animals Act 1998* would equally apply to such enclosed areas.

The provision of an enclosed dog area was not considered when Council undertook its Open Space Strategy. The consultant who prepared the Strategy has been asked to comment on this proposal and further detail will be provided as part of the report regarding submissions made in response to the Draft Open Space Strategy. It is considered important that Council determines the priority and location of such a facility within the context of the Open Spaces Strategy.

Council's Manager Development Services will prepare a report to the December 2017 meeting of Council regarding the outcome of the exhibition of the Draft Open Space Strategy.

#### **RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:**

**Strategy:** E.05 Manage human impacts on the Shire's unique diversity of plants and animals.

**Term Achievement:** E.05.02 Council has a partnership program in place to promote companion animal welfare.

**Operational Objective:** E.05.02.01 To assist in the welfare of companion animals in the Shire by promoting and protecting them through the development and adoption of sound animal welfare standards and practices.

#### **POLICY IMPLICATIONS:**

Nil.

#### **CHIEF FINANCIAL OFFICERS COMMENT:**

No specific budget allocation has been provided in the 2017-2018 budget. This matter will require further consideration should Council choose to establish an enclosed dog exercise area.

#### **LEGAL IMPLICATIONS:**

The *Companion Animals Act 1998* requires that a local authority provides at least 1 designated public off-leash area.

#### **RECOMMENDATION:**

*That the Committee recommend to Council that the decision in respect to the provision of an enclosed dog exercise area be deferred until the final consideration of Council's Open Spaces Strategy.*

**TO CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING 8/11/2017**

<b>ITEM NO:</b>	1.	<b>FILE NO:</b> S18.6.29
<b>DESTINATION 3:</b>	An environment that is protected and sustained	<b>E</b>
<b>SUBJECT:</b>	<b>ISSUES PAPER - REVIEW OF ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000</b>	
<b>PREPARED BY:</b>	Chris Faley, Development Planner	

**SUMMARY:**

The NSW Department of Planning and Environment have commenced a review of the *Environmental Planning and Assessment Regulation 2000*. The first step of this review is the release of an Issues Paper. Committee is requested to note this information.

**COMMENTARY:**

On 29 September, 2017, the NSW Department of Planning and Environment released an Issues Paper in relation to the review of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

The public consultation period on the Issues Paper is from 29 September, 2017 until 24 November, 2017. The Issues Paper has been circulated separately to Committee Members.

The review of the EP&A Regulation follows proposed changes to the Regulation's parent Act, the *Environmental Planning and Assessment Act 1979* (EP&A Act). While the EP&A Act provides the overarching framework for the planning system in NSW, the EP&A Regulation supports the day-to-day requirements of this system.

The EP&A Regulation contains key operational provisions for the NSW planning system, including those relating to:

- Planning instruments, including requirements and procedures for planning proposals and procedures for making and amending development control plans;
- Procedures relating to development applications and complying development certificates;
- Existing uses and designated development;
- Requirements for environmental assessment under Part 5 of the EP&A Act and applications for State significant infrastructure;
- Environmental Impact Statements;
- Building regulation and subdivision certification;
- Fees and charges, including fees for development applications, building certificates and other planning services;
- Development contributions, including the preparation of contributions plans;
- Planning certificates, which provide information about land; and
- Other miscellaneous matters, including amounts for penalty notices (or fines) that may be issued for breaches of the EP&A Act and the Regulation, provisions for planning bodies (the Planning Assessment Commission and Independent Hearing and Assessment Panels), development by the Crown, and record keeping requirements for councils.



The objectives of the review of the EP&A Regulation are to:

- Reduce administrative burden and increase procedural efficiency (e.g. by removing any outdated rules which make the system hard to use);
- Reduce complexity; and
- Establish a simpler, more modern and transparent planning system.

Feedback received in response to this issues paper will be used to inform the preparation of a draft regulation, which will be released for consultation in 2018.

Council's Development Services staff support the objectives of the review of the EP&A Regulation. It is intended that Council's Manager Development Services make an online submission to the NSW Department of Planning and Environment in support of the review.

Should any Committee Members have any further comments after reviewing the Issues Paper, they are requested to advise the Manager Development Services to incorporate into his submission.

<b>ITEM NO:</b>	2.	<b>FILE NO:</b> S18.6.29
<b>DESTINATION 3:</b>	An environment that is protected and sustained	<b>E</b>
<b>SUBJECT:</b>	<b>PROPOSED STATE ENVIRONMENTAL PLANNING POLICY (PRIMARY PRODUCTION AND RURAL DEVELOPMENT) 2017</b>	
<b>PREPARED BY:</b>	Chris Faley, Development Planner	

#### **SUMMARY:**

The NSW Department of Planning and Environment have exhibited an Explanation of Intended Effect for a proposed *State Environmental Planning Policy (Primary Production and Rural Development) 2017* and associated reforms. Committee is requested to note this information.

#### **COMMENTARY:**

On 23 October 2017, the NSW Department of Planning and Environment placed on exhibition an Explanation of Intended Effect for a proposed *State Environmental Planning Policy (Primary Production and Rural Development) 2017* and associated reforms.

The Explanation of Intended Effect describes a package of complementary reforms, including proposed *State Environmental Planning Policy (Primary Production and Rural Development) 2017*, intended to update and improve the operation of the NSW planning framework as it applies to primary production and rural development. It aims to support the delivery of commitments in the NSW Government's Right to Farm Policy.

The Right to Farm policy supports farmers in exercising their right to undertake lawful agricultural practices without conflict or interference arising from complaints from neighbours and other land users. A key approach to the Right to Farm Policy is the strengthening of land use planning.

The Explanation of Intended Effect for the proposed *State Environmental Planning Policy (Primary Production and Rural Development) 2017* is currently on exhibition until 18 December, 2017. A copy of the Explanation of Intended Effect and the NSW Government's Right to Farm Policy has been circulated separately to Committee Members.

The proposed *State Environmental Planning Policy (Primary Production and Rural Development) 2017* and associated reforms will:



- Repeal the following State Environmental Planning Policies:
  - *State Environmental Planning Policy (Rural Lands) 2008*;
  - *State Environmental Planning Policy No. 30 – Intensive Agriculture*;
  - *State Environmental Planning Policy No. 52 – Farm Dam and Other Works in Land and Water Management Plan Areas*;
  - *State Environmental Planning Policy No. 62 – Sustainable Aquaculture*; and
  - *Sydney Regional Environmental Plan No. 8 – Central Coast Plateau Areas*.
- Transfer and amend provisions currently located in the repealed State Policies into a *State Environmental Planning Policy (Primary Production and Rural Development) 2017*;
- Transfer certain provisions from the repealed State Policies into Ministerial Planning Directions under Section 117 of the *Environmental Planning and Assessment Act 1979*;
- Transfer certain provisions from the repealed State Policies into Standard Instrument Local Environmental Plans; and
- Update various definitions within State Instrument Local Environmental Plans and the *Environmental Planning and Assessment Regulation 2000*.

Currently only two of the intended State Policies to be repealed are used regularly in Inverell, being *State Environmental Planning Policy (Rural Lands) 2008* and *State Environmental Planning Policy No. 30 – Intensive Agriculture*. Despite the intended repeal of *State Environmental Planning Policy (Rural Lands) 2008* and *State Environmental Planning Policy No. 30 – Intensive Agriculture*, their planning controls will be reproduced in different legislation and continue to apply, albeit with a few minor amendments.

At present, planning provisions for rural land use and agriculture are fragmented across a large number of planning policies and legislation. On review of the Explanation of Intended Effect, it would appear the reforms are primarily a consolidation of planning provisions for rural land use and agriculture.

It is considered that the proposed *State Environmental Planning Policy (Primary Production and Rural Development) 2017* and associated reforms will not fundamentally alter planning for rural lands and development in Inverell. Furthermore, the reforms are unlikely to significantly impact local farmers or their Right to Farm.

<b>ITEM NO:</b>	3.	<b>FILE NO:</b> S30.9.9
<b>DESTINATION 5:</b>	The communities are served by sustainable services and infrastructure.	<b>S</b>
<b>SUBJECT:</b>	<b>CBD ROUNDABOUTS - CENTRAL LANDSCAPING</b>	
<b>PREPARED BY:</b>	Justin Pay, Manager Civil Engineering	

#### **SUMMARY:**

Council has recently received a number of queries regarding landscaping in the central island of a number of roundabouts in the Inverell Town Central Business District (CBD). This report is intended to provide relevant information regarding the traffic engineering principals and construction standards relevant to this matter.

**COMMENTARY:**

Council has a number of roundabouts where landscaping of the central island has been used to provide visual amenity and also for traffic engineering purposes. Such roundabouts are located at the intersections of the following streets:

- Otho Street and Campbell Street
- Captain Cook Drive and Wood Street
- Ashford Road and Wood Street.

Council has recently received a number of queries regarding the landscaping of these intersections, with many road users complaining that sight distance is reduced. These complaints stem from the lack of understanding from the road using public regarding the safe use of roundabouts. Roundabouts are designed in a way that reduces the number of conflict points when compared to a standard intersection, which in turn improves safety. In order for the maximum safety benefit to be achieved, operating speeds whilst using the roundabout need to be minimised.

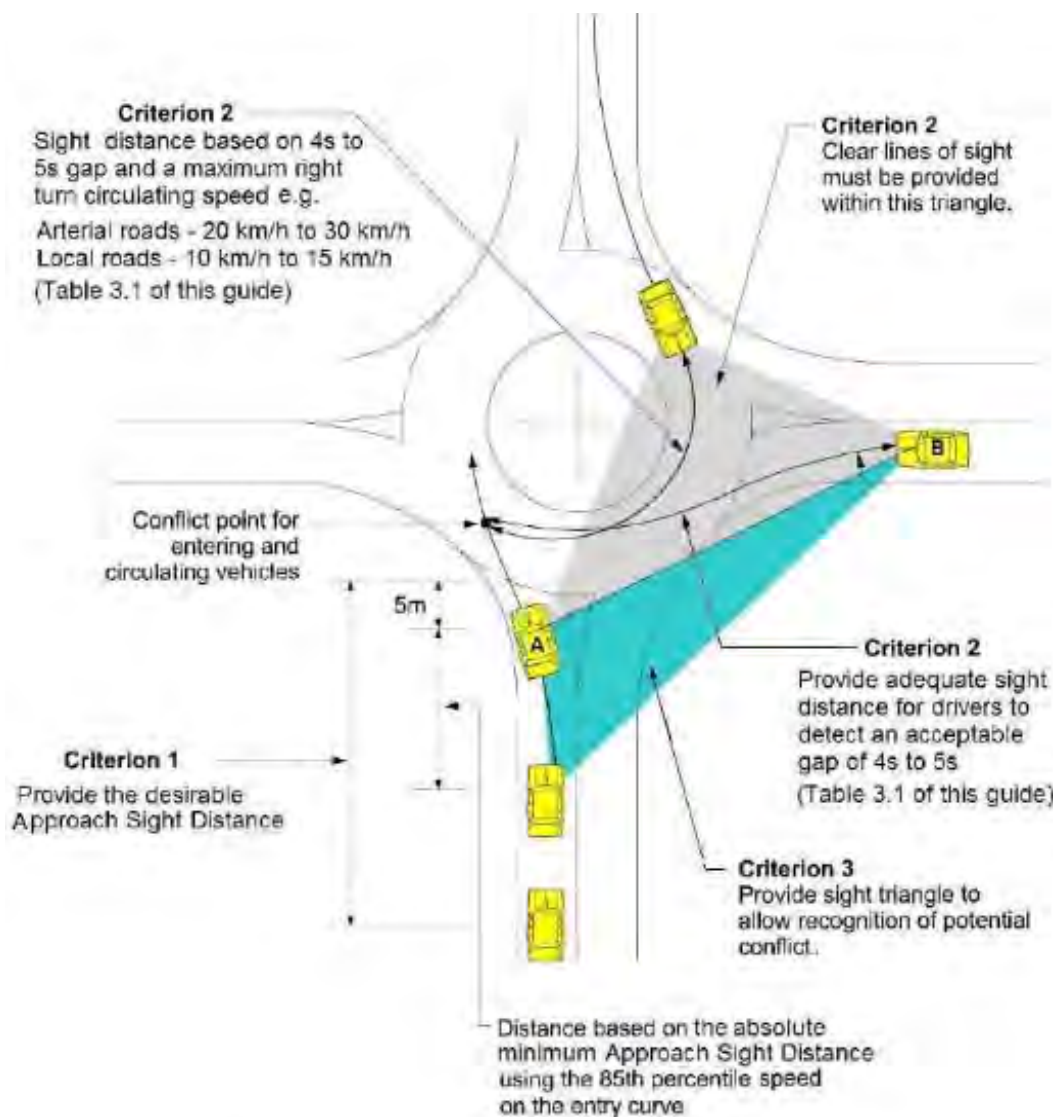
Recently Council engaged the services of experienced specialist Transport, Traffic and Parking Engineer, Glen Holdsworth to provide consultancy services regarding the design of the proposed roundabout at the intersections of the Gwydir Highway, Chester Street and Bundarra Road. Whilst Mr Holdsworth was in town he made inspections of the various roundabouts in the CBD and he provided the following:

*“Landscaping of the central island of roundabouts has long been practiced for both civic design and traffic engineering reasons. In the case of traffic engineering, such landscaping has the effect to provide a ‘backdrop’ to the intersection, thereby increasing motorist awareness of the intersection and reducing traffic speeds on intersection approaches due to a reduction in the vista through the intersection. Provided that adequate and appropriate sight distances consistent with CBD operating speeds are provided across intersection corners, there should be no traffic engineering reasons why the central island cannot be heavily landscaped. It is an irony in traffic engineering that the benefit of reducing sight distances to cause a reduction in traffic speeds.*

*Notwithstanding the above principles, there are standards which apply to determining sight distance requirements across the central islands of roundabouts. These standards are described in AustRoads Guide to Road Design, Part 4B : Roundabouts. The relevant Figure 3.1 (p13) from that standard is reproduced below.*

*The AustRoad’s standard also states “... the top of vegetation within the roundabout should not impede sight distance for a driver entering the roundabout to a vehicle moving around the central island measured to car indicator height of 0.65 m (Figure 3.1). However, on very large roundabouts landscaping can be higher outside of areas over which a driver’s sight lines pass.”*

*The roundabouts which have been the subject of community complaint should be tested against the AustRoads standard shown below. It is my expectation that the standards would be satisfied at the subject roundabouts, particularly for roundabouts which have (or could have) a mountable central island perimeter”.*



Each roundabout in the CBD has been tested against the relevant Austroads standard and all are compliant.

NRMA has recently undertaken a campaign to better educate drivers with respect to the rules and operations of roundabouts. Their focus is on equipping road users with correct understanding of road rules in order to make our roads safer. They have provided a simple one page summary of useful information about the topic as well as an informative short video. These resources can be found on the NRMA website at: <https://www.mynrma.com.au/cars-and-driving/driver-training-and-licences/resources/roundabout-rules-explained>

<b>ITEM NO:</b>	4.	<b>FILE NO:</b> S28.21.1/10
<b>DESTINATION 5:</b>	The communities are served by sustainable services and infrastructure.	<b>S</b>
<b>SUBJECT:</b>	<b>WORKS UPDATE</b>	
<b>PREPARED BY:</b>	Justin Pay, Manager Civil Engineering	

**SUMMARY:**

This report is intended to keep Council updated on the capital works and maintenance programs.

**COMMENTARY:****SR 199 Auburn Vale Road Pavement Widening and Rehabilitation – McBrides Lane to Masons Lane – Stage 1**

Stage one of this project involved the widening and pavement rehabilitation of a 1.3km section of Auburn Vale Road from McBrides Lane to Masons Lane (chainage 1.9km to chainage 3.2km south of Inverell) and was completed on 1 August, 2017. Stage two is the widening and pavement rehabilitation from Masons Lane to Minnamurra Lane (chainage 3.4km to 4.5km south of Inverell). The budget allocation for both stages is \$1M.

Stage two has been postponed as the works would not have been completed prior to the Christmas break period. This stage of the project will commence early in the new year.

**Tin Tot - Neil McCosker Bridge Replacement**

This project involved the replacement of the old timber deck with precast concrete components, a cast insitu concrete deck and associated road works on the Graman Road from Willowie Road to Karoola Road, a total distance of 630 metres. The budget allocation for this project is \$1M and is jointly funded by the NSW State government (\$800,000) and Council (\$200,000).

Works have now been completed on this project with a two coat seal placed on 19 October, 2017. Guardrail and signage were erected last week with the line marking to be completed in the next couple of weeks.

Below is a photograph of the completed bridge and approaches.



**MR 137 Inverell – Bonshaw Road Pavement Widening and Rehabilitation – ‘Frazers Creek’ Stage Three**

This project involves the widening and pavement rehabilitation of a 920 metre section of the Inverell-Bonshaw Road, chainage 72.1km to 73.1km north of Inverell. This particular project is the final stage of a larger 4.0km pavement rehabilitation program of this road. The budget allocation for stage three is \$415K.

This project is at practical completion with the pavement works completed last week. Heavy patching is underway on a failed section of road on the northern end just outside of the project site. A primer seal is planned for 1 November, 2017.

**MR 187 “Cucumber Creek” Pavement Widening and Rehabilitation**

This project involves widening and rehabilitation of the section of Yetman Road north of Cucumber Creek, including upgrades to a number of significant drainage structures. Currently \$2.1M is allocated to the project from multiple sources. The project will be completed in stages with the exact length to be rehabilitated dependent on final design. It is anticipated the total extent of works will be between 4 and 5kms. Stage one of the project incorporates the area from 62.6km to 64.0km north of Inverell. Pavement works for stage one will commence following completion of the Tin Tot Bridge approaches, drainage work for this section has already commenced.

With the completion of the Tintot Bridge, Council staff are now currently relocating to Cucumber Creek in preparation to commence pavement works early in November.

**Oliver Street (Central Plaza Car Park)**

This project involved rehabilitation, pavement resurfacing and expansion of the Central Plaza car park in Oliver Street. As well as associated drainage and kerb and gutter works in Oliver Street, between Vivian Street and Lawrence Street, Inverell. Council's budget allocation for this project is \$340K and Council is also undertaking private works in conjunction with the works on Council assets.

Works commenced late August 2017 with the construction of the temporary car park on the corner of Oliver Street and Lawrence Street. This temporary car park is to be utilised as public parking whilst construction works are undertaken along Oliver Street and in the IGA car park.

Works were staged to minimise disruptions to businesses in close proximity to the worksite and minimise disruptions to the community wanting to access the CBD.

Pavement surfacing and line marking is now complete with landscaping, block work and fencing currently underway. The car park has been opened to the public at the completion of the asphalt and line marking works on 14 October, 2017. The light poles have been installed and are awaiting connection to the street light circuit. All works are planned to be completed by mid November.

Below is a photograph of the car park after completion of the asphalt and line marking with landscaping and fencing underway.





#### **SR 218 Old Stannifer Road Bitumen Seal Extension**

This project involves significant vegetation clearing, table drainage works, pavement widening and overlay and bitumen sealing a section of Old Stannifer Road from the end of the existing bitumen for approximately one kilometre (1.72km to 2.88km east of Bundarra Road, Gilgai). Currently \$395,281 is allocated to this project.

Works are due to commence on 13 November, 2017 with the pre-clearing assessment and vegetation clearing and continuing with drainage works, pavement works. Works are planned to be completed by mid December 2017.

#### **Maintenance Grading**

Maintenance grading works were undertaken on the following roads during October 2017.

SR 60 Nullumanna Rd	37.6km
SR 109 Cherry Tree Hill Rd	14.7km
SR 231 Pineleigh Lane	3.0km
SR 173 Delungra Bypass	7.7km
SR 232 Poolbrook Rd	5.9km
SR 227 Wandera Lane	3.4km
SR 250 Roseneath Lane	1.0km
SR 174 Abbots Lane	4.8km
SR 45 Penhans Rd	3.5km
SR 23 Bedwell Downs Rd	11.0km
SR 34 Sandy Creek Rd	6.7km
SR 74 Graman Rd	22.8km
SR 63 Beaumont Rd	2.8km
Total	124.9km

#### **Reactive /Spot Grading**

No Reactive/spot grading works were undertaken during October 2017.

**Heavy Patching**

Heavy patching works were undertaken on the following roads during October 2017.

SH 12 Gwydir Hwy	1850m <sup>2</sup>
MR 137 Bonshaw Inverell Rd	1760m <sup>2</sup>
SR 210 Staggs Lane	304m <sup>2</sup>
SR 262 Goonoowigall Lane	390m <sup>2</sup>
UI087 Harland Street	24m <sup>2</sup>
UI044 Carlyle Street	90m <sup>2</sup>
UI145 Osterley Terrace	160m <sup>2</sup>
UI020 Bimbadean Drive	36m <sup>2</sup>
Total	4614m <sup>2</sup>

**2016/2017 Gravel Resheeting Program**

Gravel re-sheeting works were undertaken on the following roads during October 2017.

SR 54 Emmaville Road	6.3km
Total	6.3km

**Other Maintenance Activities**

Council's State, Regional and Local Roads, Urban and Village Street maintenance activities, such as bitumen patching, drainage and shoulder repairs as well as vegetation control, are continuing as required. Town maintenance will continue as programmed.

**RECOMMENDATION:**

*That the items contained in the Information Reports to the Civil and Environmental Services Committee meeting held on 8 November, 2017 be received and noted.*