

INVERELL SHIRE COUNCIL
NOTICE OF MEETING
CIVIL & ENVIRONMENTAL SERVICES COMMITTEE

9 November, 2018

A Civil & Environmental Services Committee Meeting will be held in the Committee Room, Administrative Centre, 144 Otho Street, Inverell on Wednesday, 14 November, 2018, commencing at 9.00 am.

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

P J HENRY PSM

GENERAL MANAGER

A G E N D A

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SECTION B	ADVOCACY REPORTS
SECTION D	DESTINATION REPORTS
SECTION E	INFORMATION REPORTS
SECTION F	GENERAL BUSINESS
SECTION H	CONFIDENTIAL MATTERS (COMMITTEE-OF-THE-WHOLE)

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, 14 November, 2018

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MINUTES OF THE CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING
HELD IN THE COMMITTEE ROOM, 144 OTHO STREET, INVERELL ON
WEDNESDAY, 10 OCTOBER, 2018, COMMENCING AT 9.00 AM.

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

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), Scott Norman (Director Corporate and Economic Services) and Anthony Alliston (Manager Development Services).

SECTION A

APOLOGIES:

There were no apologies received.

1. CONFIRMATION OF MINUTES

RESOLVED (McCosker/Berryman) that the Minutes of the Civil and Environmental Services Committee Meeting held on 12 September, 2018, as circulated to members, be confirmed as a true and correct record of that meeting.

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

There were no interests declared.

3. PUBLIC FORUM S13.5.6/11

At this juncture, the time being 9.03 am, the Chair welcomed the members of the public and opened the Public Forum Session by inviting members of the public to speak:

Sam Bucknell Inverell Shire Volunteers Network S3.15.16
Local Volunteers Register

Sam Bucknell presented to the Committee on the concept of an Inverell Shire Volunteers Network. It would involve an online community noticeboard where organisations or associations would list their requirements and contact details.

Sam asked for Council's support to develop the idea and host the Register on Council's website.

Kevin Dunn Cultural and Exhibition Centre S5.10.145
National Transport Museum

Kevin Dunn expanded on his previous presentation on a Cultural and Exhibition Centre to be built behind the National Transport Museum, facing the McIntyre River. A site map of the proposed location was provided to the Committee. He detailed aspects of the planned business model. This was to address Councillors' concerns the proposal would not be financially sustainable. The building would be developed using the green energy philosophy with solar panels over the 10,000m² roof. This would provide a revenue stream in addition to the income from hosting events. He emphasised that there is currently some unique funding opportunities and

the facility would benefit the entire community and complement both the National Transport Museum and the Pioneer Village.

Kevin was seeking assistance with a site survey and to identify other partners to further develop the idea.

At this juncture, the time being 9.12 am, the Public Forum Session closed and the Committee resumed the balance of the Agenda.

4. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

SECTION B
ADVOCACY REPORTS

Cr Harmon Rural Crime Prevention Workshop S3.10.4

Cr Harmon attended the Rural Crime Prevention Workshop on 9 October, 2018. It was a proactive initiative by NSW Police which was well supported and well attended. Key topics of discussion were gun laws and illegal hunting.

SECTION D
DESTINATION REPORTS

1. TRANSFER OF CROWN ROAD – CARL TOMES LANE S28.10.SR134

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

- i) Council accept control of Carl Tomes Lane as a Council Public Road; and*
- ii) Management Policy – Road Hierarchy be amended to include the updated classifications for Carl Tomes Lane to “Rural Minor” for its entire length.*

2. PROCUREMENT OF BITUMEN AND AGGREGATE SERVICES – 2018-2019 BITUMEN RESEALING PROGRAM – LISTING S28.28.5/02

RESOLVED (Harmon/Peters) that the Report in relation to the Procurement of Bitumen and Aggregate Services associated with the 2018-2019 Bitumen Resealing Program be considered at a Closed Committee as:

- i) the matters and information are ‘commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.’ (Section 10A(2)(d)(i) of the Local Government Act, 1993);*
- ii) on balance the public interest in preserving the confidentiality of the information outweighs the public interest in openness and transparency in Council decision-making by discussing the matter in open meeting; and*
- iii) all reports and correspondence relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.*

3. RESIDENTIAL LAND REVIEW S18.6.51

RESOLVED (Berryman/Harmon) that the Committee recommend to Council that the Water Contribution Subsidy Contribution Scheme be updated consistent with the following:

- i) *A subsidy in the amount of \$2,570 per lot is offered on the water contribution for all new standard density residential lots created and offered to the market;*
- ii) *The subsidy applies for the period of the 2018 and 2019 calendar years;*
- iii) *The subsidy is capped at a maximum of 75 lots;*
- iv) *The subsidy only applies in the R1 General Residential Zone;*
- v) *The subsidy not apply to multi-unit dwelling developments;*
- vi) *The subsidy only applies for lot releases of 1 into 3 lots or greater; and*
- vii) *The subsidy only applies for lot releases that are considered Subdivision Certificate ready and have a marketing arrangement in place.*

4. PETITION REGARDING VEGETATION IN FRAZERS CREEK - ASHFORD VILLAGE S18.6.17

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

- i) *The information in the report be received and noted;*
- ii) *Staff undertake further investigation and liaison with relevant Government Agencies to determine an appropriate course of action;*
- iii) *A further report be presented to the Committee outlining the findings of the investigation; and*
- iv) *The lead author of the petition be formally advised of Council's course of action.*

5. URBAN WORKS PROGRAM S28.21.1/11

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

- i) *The information in the Urban Works Program be noted;*
- ii) *The following addition be made to the Urban Works Program as presented; As part of the ongoing Inverell Town Centre Redevelopment Plan, that detailed site and engineering design plans be prepared for Bryon Street between Campbell and Lawrence Street.*

6. HIGHER MASS LIMIT ASSESSMENT - WARIALDA, YETMAN, BINGARA, BUNDARRA, GUYRA, AND INVERELL-BONSHAW ROADS S15.8.48

RESOLVED (Peters/Berryman) that the Committee recommend to Council that the entire length of the Warialda Road, Yetman Road, Bingara Road, Bundarra Road, Guyra Road and Inverell-Bonshaw Road within the Inverell Shire be approved for Higher Mass Limit vehicle access and that these routes be included in the Roads and Maritime Services HML maps.

SECTION E
INFORMATION REPORTS

- 1. SEWER RELINING PROGRAM 2018/2019 S29.5.4
- 2. WORKS UPDATE S28.21.1/11

RESOLVED (Berryman/Harmon) that the items contained in the Information Reports to

the Civil & Environmental Services Committee Meeting held on Wednesday, 10 October, 2018, be received and noted.

SECTION F
GENERAL BUSINESS

Cr Watts Gunnee Road S28.10.SR106

Requested an inspection and report on the condition of the Gunnee Road in particular the section leading to the Gunnee Feedlot.

Director Civil & Environmental Services undertook to provide a reply to Cr Watts.

Cr Watts Delungra District Development Committee S3.15.13

Asked if the Delungra District Development Committee was allowed to mow the Cricket Oval on Education Department control land?

The General Manager replied that the Committee would need to seek the agreement of the School Principal, that they could use the community mower supplied by Council and the Volunteers would be covered by Council's insurance.

SECTION H
CONFIDENTIAL REPORTS
(SECTION 10A(2) OF THE LOCAL GOVERNMENT ACT 1993)

At 9.36 am, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Committee Meeting should not be considered in Closed Committee. There was no response from the public.

CLOSED COMMITTEE REPORTS

RESOLVED (McCosker/Berryman) that the Committee proceed into Closed Committee to discuss the matters referred to it, for the reasons stated in the motions of referral.

RESOLVED (Harmon/Berryman) that the Committee proceeds out of Closed Committee into Open Committee.

Upon resuming Open Committee, at 10.06 am, the Chair verbally reported that the Committee, with the Press and Public excluded, having considered the matters referred to it, recommends as follows:

1. PROCUREMENT OF BITUMEN AND AGGREGATE SERVICES – 2018-2019
BITUMEN RESEALING PROGRAM – CONFIDENTIAL S28.28.5/02

That the information contained in the report be received and noted, that a contract has been awarded to NSW Spray Seal P/L for the estimated sum of \$2,304,068.

ADOPTION OF RECOMMENDATIONS

RESOLVED (Harmon/Berryman) that the recommendations of Closed Committee be adopted.

There being no further business, the meeting closed at 10.10am.

CR D F BAKER
CHAIRPERSON

TO CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING 14/11/2018

ITEM NO:	1.	FILE NO: S28.11.1
DESTINATION 5:	The communities are served by sustainable services and infrastructure	S
SUBJECT:	NORTH WEST WEIGHT OF LOADS - OFFICER AUTHORISATIONS	
PREPARED BY:	Justin Pay, Manager Civil Engineering	

SUMMARY:

Due to a change in staff and Inspectors with the North West Weight of Loads, Council is requested to authorise the nominated persons to operate within the area of Inverell Shire Council.

COMMENTARY:

The North West Weight of Loads operates under provisions of section 251 of the *Roads Act 1993* as amended, Section 479 of the *Heavy Vehicle National Law* and section 166 of the *Road Transport Act 2013*. As such, their staff and Inspectors are required to be authorised by Council to operate within the area of Inverell Shire Council.

Council is requested to authorise the staff and Inspectors that are noted on the North West Weight of Loads Authority schedule included as appendix 1 (D3).

This administrative process by Council is necessary due to a change in staff utilised by North West Weight of Loads.

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 the North West Weight of Loads authority schedule as presented be executed under the common seal of Council.

APPENDIX 1

**INVERELL
SHIRE COUNCIL**

This is to certify that the persons named in the schedule below, are authorised to operate within the area of the Inverell Shire Council, under the provisions of Section 251 of the Roads Act 1993 as amended, Section 479 (Chapter 9 Part 9.1) of the Heavy Vehicle National Law (New South Wales) and Section 166 of the Road Transport Act 2013.

SCHEDULE**Inspectors**

David Carter
Leonard Hattenfels
Jeffrey Eggins
Shane Hadley
Georgia Cruickshank
Suzie Treloar
Rosalie Peacey

Administration

Georgia Cruickshank
Rosalie Peacey

The Common Seal of
Inverell Shire Council
was hereunto affixed
on the _____ day of
_____ 2018.

.....
(Mayor)

.....
(General Manager)

ITEM NO:	2.	FILE NO: S28.8.2
DESTINATION 5:	The communities are served by sustainable services and infrastructure	S
SUBJECT:	DROUGHT RELIEF HEAVY VEHICLE ACCESS FUNDING PROGRAM	
PREPARED BY:	Justin Pay, Manager Civil Engineering	

SUMMARY:

Roads and Maritime Services have announced a \$15M funding package aimed at road maintenance activities to support increased heavy vehicle access related to the ongoing drought. The Committee is requested to endorse the proposed project to complete pavement rehabilitation and heavy patching on Jardine Road, in order for a funding application to be submitted.

COMMENTARY:

Roads and Maritime Services have announced a \$15M funding package aimed at road maintenance activities to support increased heavy vehicle access related to the ongoing drought. The guidelines for the Drought Relief Heavy Vehicle Access Program are attached in Appendix 2 (D6 - D8), for the information of the Committee. Funding approval will be merit based and limited to a maximum of \$300,000 per Council.

One of the main considerations is that Council has approved permits for restricted access vehicles carrying drought related freight. To date, the main route that Council has approved such permits is on Jardine Road (heavy vehicle bypass) and Yetman Road to the Inverell Saleyards. Given that Council have not approved a significant number of permits on other routes in the Shire it would be difficult to develop a funding application that met the guidelines for any other route.

There is significant pavement failure on sections of Jardine Road that can be directly attributed to heavy vehicle usage. As such it is recommended that Council apply for \$300,000 funding to complete pavement rehabilitation and heavy patching on Jardine Road. It may also be possible to utilise Council's recurrent heavy patching votes to supplement any grant funding. This would allow for a larger volume of work and provide even further benefits to the heavy haulage industry and wider community.

This project meets the eligibility and program criteria and would provide significant safety benefits to the wider community. It is a requirement of the program that any funded project be completed within 50 days of written funding confirmation. Council has enough flexibility in the works program to complete this project in the required timeframe, should the application be successful.

The Committee is requested to endorse this project to enable a funding application to be developed and submitted.

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 the project to complete pavement rehabilitation and heavy patching on Jardine Road be endorsed and a funding application be submitted under the Drought Relief Heavy Vehicle Access Program to the value of \$300,000.

APPENDIX 2



Transport
Roads & Maritime
Services

Drought Relief Heavy Vehicle Access Program

Guidelines for councils | September 2018

NSW Drought Relief Package

The NSW Government has introduced more than \$1 billion to support farmers and their families through worsening drought conditions, with an additional \$15 million committed for road maintenance activities to support increased heavy vehicle access. Roads and Maritime Services has set up a program to administer the funds and is welcoming applications from councils who meet the criteria set out in these guidelines.

Drought Relief Heavy Vehicle Access Program

The Drought Relief Heavy Vehicle Access Program has been established to contribute to the cost of maintenance and minor improvements on council roads and roadsides, where those improvements will contribute to heavy vehicle access, in support of the drought relief freight task.

Eligibility for funding

NSW councils can submit an application for funding for proactive or reactive works and/or treatments for improved heavy vehicle access in support of the drought relief freight task.

Funding approval will be merit based and limited to a maximum of \$300,000 per council for all projects.

Proactive submissions may be made in instances where access is yet to be approved and specific or preventative work on substandard roads is required and can be delivered urgently in order to safely permit access for restricted access vehicles carrying drought related freight.

Reactive submissions may be made in instances where substandard roads and roadsides are required to be made good as the result of introducing or increasing the frequency of restricted access vehicle movements carrying drought related freight which has brought forward the need for maintenance activities.

Supporting information will be required, including evidence that:

- ☐ Damage has or will be caused as a result of increased volumes of drought related road freight.
- ☐ Permits have been approved for restricted access vehicles carrying drought related freight.
- ☐ Safety and efficiency is improved by allowing approved vehicle types to use the road instead of the existing access.
- ☐ The work will provide safe and reliable driving conditions for drought assistance vehicles consistent with the classification of the road, meet a reasonable standard, and keep the road in a safe and trafficable condition.

Program criteria

Criteria have been developed to provide applicants with details about how the application will be assessed and ensure consistency, transparency and fairness in the evaluation process.

The total funding available per council is \$300,000 and supporting evidence will be required to demonstrate:

- ☐ Applicant and funding recipient is a NSW local government council.
- ☐ The work will support access by restricted access vehicles carrying drought related freight.
- ☐ Road safety is considered and maintained or improved as a result of the work.
- ☐ The project will support improved productivity for road freight.
- ☐ The route forms a strategic freight link rather than a terminating local road or provides relief to other parts of the local road network.
- ☐ Improved access to longer, wider, higher and/or heavier vehicles is granted under permit.
- ☐ An itemised estimate in the approved template is provided and is assessed as fair and reasonable.
- ☐ Council's ability to deliver the project as a priority, with the project to be completed within 50 days.

Eligible work

Funding will be considered for, but not limited to:

- ☐ Shoulder repairs and improvements such as widening to address edge-break and edge drop-off. May be sealed or unsealed.
- ☐ Heavy patching.
- ☐ Seals that contribute to minimising long term maintenance costs.
- ☐ Pavement rehabilitation.
- ☐ Grading of unsealed roads to reduce roughness and rutting.
- ☐ Tree trimming to improve access for 4.6 metre high vehicles.
- ☐ Installing infrastructure monitoring equipment and/or facilities.
- ☐ Signage.

Submitting an application for funding

Applications for funding are to be submitted by email to Roads and Maritime at roadfreight@rms.nsw.gov.au and include, at a minimum, a completed copy of the Drought Relief Heavy Vehicle Access Program application form and any additional and relevant supporting evidence.

Applicants will receive advice on whether the application is successful within 28 days from the date of submission.

For further information on the program, please contact your Roads and Maritime Services [regional office](#).

Evaluation panel

The evaluation panel (the panel) consists of three members and includes two representatives from Roads and Maritime and one representative from LGNSW.

The panel is responsible for assessing each application against the weighted eligibility criteria, completing the requirements of the evaluation tool and making a recommendation on funding approval. Panel members will meet at least once a month, subject to the receipt of new submissions.

The Program Manager will notify applicants of the outcome of their application. Unsuccessful applicants may revise their application and resubmit.

Evaluating submissions

The panel will use the information contained in the application to assess eligibility for funding. Projects will be selected on a merit basis with a focus on the level of benefit, project scope, cost and how soon the project can be delivered. Suitability for funding will be calculated using the weighted criteria method built into the evaluation tool.

Administering funds

Roads and Maritime will contribute the total project cost submitted in council's proposal from the committed \$15 million until the allocation is exhausted. A total funding cap per council of \$300,000 applies. Subject to the council funding cap, a cap per submission has not been designated, the cost to carry out the work for the benefit to heavy vehicle access will be considered in the assessment.

Funds will be administered to NSW councils by Roads and Maritime in accordance with the Arrangements with Councils for Road Management website¹, the agreed scope and cost prepared in the submission. Any residual expenditure will be returned to Roads and Maritime and reallocated to another project.

From the date of Roads and Maritime providing written funding confirmation, work is to be:

- ☐ Started within 30 days; and
- ☐ Completed within 50 days.

PLEASE NOTE: Work not started or completed within the prescribed timeframes may have funding withdrawn. Withdrawal of funding will be notified in writing.

Funds will be made available once the submission has been approved. A final inspection certificate is to be completed by participating councils, verified by the local Roads and Maritime regional representative and sent to the Program Manager.

Attachments

Drought Relief Heavy Vehicle Access Program

- ☐ Application form including estimate template

¹ <http://www.rms.nsw.gov.au/business-industry/partners-suppliers/lgr/arrangements-councils/index.html>

ITEM NO:	3.	FILE NO: DA-70/2006, DA-245/2004/A and DA-20/2018
DESTINATION 3:	An environment that is protected and sustained	D
SUBJECT:	DA-245/2004/A, DA-70/2006 & DA-20/2018 – STREET NAMING IN SUBDIVISIONS	
PREPARED BY:	Chris Faley, Development Planner	

SUMMARY:

Three subdivisions, involving the construction of new unnamed streets, are currently underway within Inverell.

Street naming requests have been received for each of these subdivisions. The Committee is requested to recommend to Council to support the proposed street naming(s).

COMMENTARY:

Three subdivisions, involving the construction of new unnamed streets, are currently underway within Inverell. These are:

- DA-245/2004/A – Parklands Estate (formerly Sapphire Estate);
- DA-70/2006 – Subdivision of 10C Brewery Street, Inverell; and
- DA-20/2018 – Subdivision off Vernon Street (currently known as Stage 5 of Bassett Estate).

Each of the above subdivisions involves the construction of a new street and a proposed street name for each subdivision has been submitted for Council endorsement.

Discussion on each subdivision and street naming proposal is provided below.

DA-245/2004/A – Parklands Estate (formerly Sapphire Estate)

DA-245/2004/A was originally approved in 2015 and involved the creation of 46 standard density residential lots in 3 stages.

Stage 1, comprised of 14 lots and an extension of Sapphire Street, and was constructed in 2007.

Stages 2 and 3 of this subdivision are currently under construction. Stages 2 and 3 involve:

- Creation of 32 lots;
- Extension of Mather Street; and
- Construction a new cul-de-sac off the Mather Street extension.

A request has been received to name the new cul-de-sac 'Parkland Close'.

A map of the subdivision showing 'Parkland Close' is included in Appendix 3 (D12 – D13).

DA-70/2006 – Subdivision of 10C Brewery Street, Inverell

DA-70/2006 was approved in June 2006 and involved the creation of 12 standard density residential lots in 2 stages.

Stage 1 of this subdivision was completed in 2006. Stage 2 of this subdivision is under construction and involves:

- Creation of 9 lots; and
- Construction of a new street off Brewery Street, which ends in a cul-de-sac.

A request has been received to name the new street 'Max Drive'.

A map of the subdivision showing 'Max Drive' is included in Appendix 4 (D14 – D15).

DA-20/2018 – Subdivision off Vernon Street (currently known as Stage 5 of Bassett Estate).

DA-20/2018 was approved in June 2018 for the subdivision of Lot 31 DP 876448 (off Vernon Street). At the time of writing this report, a Construction Certificate had been lodged for this subdivision and is currently under assessment by Council staff.

The subdivision involves:

- Creation of 22 standard density residential lots; and
- Construction of a new street, which provides for a future connection to residential land to the west. In the interim, the street will have a temporary cul-de-sac.

The new street is opposite Gilchrist Street; however, advice has been received from the Geographical Names Board that it is acceptable for:

- The name 'Gilchrist Street' to terminate at Vernon Street; and
- A new and different name may apply to the new street approved under DA-20/2018.

Based on advice received from the Geographical Names Board, a request has been received to name the new street 'Terry Drive'.

A map of the subdivision showing 'Terry Drive' is included in Appendix 5 (D16 – D17).

Discussion

Street names must be selected in accordance with:

- Council's Street and Road Naming Management Policy (as modified in 2010); and
- The NSW Addressing User Manual published by the Geographical Names Board.

A copy of Council's Street and Road Naming Management Policy has been included as Appendix 6 (D18 – D20).

It is considered that the proposed street names comply with the above policies as:

- Parkland Close is named after the estate and the suffix 'Close' is suitable for a cul-de-sac;
- Both 'Max Drive' and 'Terry Drive' have been chosen in respect to deceased members of the developer's family. The use of Christian Names is not supported when used in conjunction with a Surname. As no surname is proposed, both 'Max' and 'Terry' are

acceptable and the suffix 'Drive' can be used for both cul-de-sacs and open ended streets;
and

- All three names are easy to pronounce and spell.

The Committee is requested to recommend to Council that appropriate steps be taken to formally name:

- The new cul-de-sac off the Mather Street extension, in the subdivision approved under DA-2452004/A, as Parkland Close.
- The new street, in the subdivision approved under DA-70/2006, as Max Drive; and
- The new street in the subdivision approved under DA-20/2018 as Terry Drive.

RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:

Strategy: E.03 Protect, rehabilitate and manage all impacts on the built and natural environment.

Term Achievement: E.03.01 Industrial and residential estate areas designed constructed and maintained to deliver ecologically sustainable outcomes.

Operational Objective: E.03.01.01 To establish measures and processes to protect the built environment and safety of the residents of the Shire through both direct control and education.

POLICY IMPLICATIONS:

The proposed road names are consistent with Council's Street and Road Naming Management Policy (as modified in 2010) and the NSW Addressing User Manual published by the Geographical Names Board.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

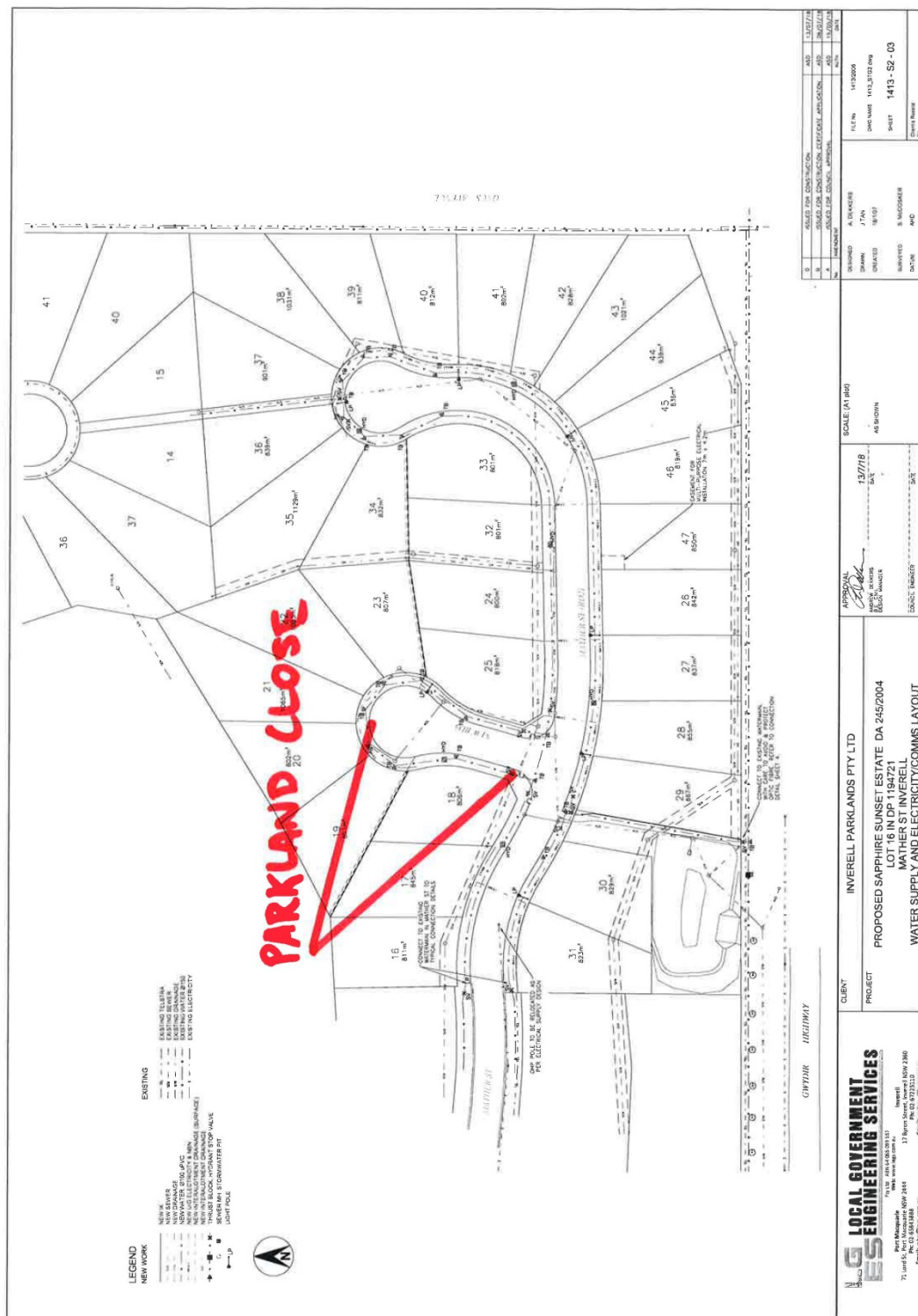
RECOMMENDATION:

That the Committee recommend to Council that:

- 1. The appropriate steps be taken to formally name:*
 - a. The new cul-de-sac off the Mather Street extension, in the subdivision approved under DA-2452004/A, as Parkland Close.*
 - b. The new street, in the subdivision approved under DA-70/2006, as Max Drive;*
 - c. The new street in the subdivision approved under DA-20/2018 as Terry Drive; and*
- 2. Council authorise the General Manager to undertake the road naming in accordance with the NSW Road Regulation 2018.*

APPENDIX 3





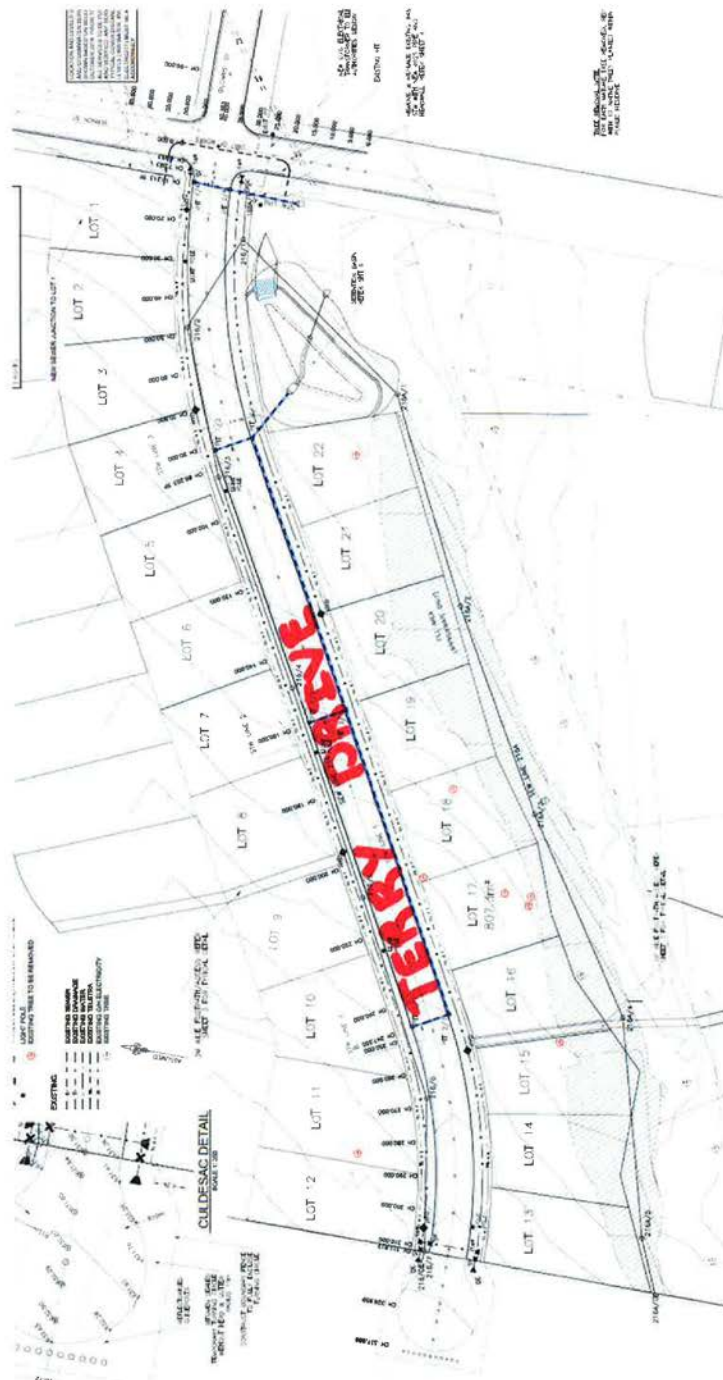
APPENDIX 4



DP 833072 Invercail Shire Council 2008

APPENDIX 5





APPENDIX 6

MANAGEMENT POLICY:	STREET & ROAD NAMING POLICY
Contact Officer	Director Civil & Environmental Services
Approval Date	20 May 1997
Approval Authority	Council
Reviewed	Nov 1998, Dec 99, Jan 2001, March 2007, September 2009, December 2010
Amended	December 2010
Date of Next Review	September 2017

1 Policy statement

That Council adopt the following policy concerning the naming of roads and streets within the Shire area:

Public Roads

- A public road is defined as a road that has been gazetted under the Roads Act 1993 under the control of Council.
- A request to name a new public road or rename an existing public road can be made by anybody.
- Generally, Council will not consider the naming of any unformed road reserves.
- The payments of costs associated with the erection of road name signage will be determined by Council.

Private Roads

- A private road is defined as Right of Carriageway over privately owned land utilised by two or more parcels of land or common property within a Strata or Community Title.
- Council will only consider formally naming a private road where it serves a minimum of three (3) separate properties.
- A request to name a private road can be made by any land owner who is legally entitled to the use of the road.

However, the concurrence of all land owners who are legally entitled to utilise the road must be obtained by the applicant.

- The applicant shall be liable for the costs associated with the erection of a road name sign. In addition to the 'road name', the sign is to specify that the road is 'private'.
- In the case of rural properties, each owner shall be liable for the costs associated with the erection of rural addressing posts.

Road Naming Process

1. The applicant is to nominate a name for the road. This name can be chosen from the pre-approved list of names (Appendix A) or chosen in accordance with the road naming guidelines (Appendix B).

If a name is not proposed by the applicant or the works are undertaken by Council, a name may be chosen by the Director of Civil and Environmental Services.

2. The name is then to be submitted to Council for preliminary consideration.
3. If accepted, then the proposed name is to be advertised for twenty-eight days in the Inverell Times and written notification provided to the following persons or bodies:
 - (i) Australia Post,
 - (ii) the Registrar-General,
 - (iii) the Surveyor-General,
 - (iv) the Chief Executive of the Ambulance Service of NSW,
 - (v) New South Wales Fire Brigades,
 - (vi) the NSW Rural Fire Service,
 - (vii) the NSW Police Force,
 - (viii) the State Emergency Service,
 - (ix) the New South Wales Volunteer Rescue Association Incorporated,
 - (x) in the case of a classified road—the RMS.
4. The matter is then re-submitted to Council if there are any objections received or alternative suggestions made at which time another decision will be made.
5. When the final decision has been made, or if no objections were received, the new name is to be advertised in the Inverell Times and the Government Gazette with written notification provided to the following persons or bodies:
 - (i) Australia Post,
 - (ii) the Registrar-General,
 - (iii) the Surveyor-General,
 - (iv) the Chief Executive of the Ambulance Service of NSW,
 - (v) New South Wales Fire Brigades,
 - (vi) the NSW Rural Fire Service,
 - (vii) the NSW Police Force,
 - (viii) the State Emergency Service,
 - (ix) the New South Wales Volunteer Rescue Association Incorporated,

(x) in the case of a classified road—the RMS.

APPENDIX A - APPROVED LIST OF POTENTIAL ROAD AND STREET NAMES

- Apex Avenue
- Burge
- Comino
- Cush
- Dasey
- Fay
- John Northey
- Turner
- Wills
- Harkins

APPENDIX B - GUIDELINES TO THE NAMING OF STREETS

1. Preference to euphonious, pleasant sounding names. Names should where possible be pleasant and harmonious.
2. Aboriginal or historic names are encouraged.
3. Long established unofficial names should be preserved where possible. This includes old property names where the road has been called by a particular name.
4. The naming of roads or streets after living people should not be a common practice unless the person is famous or has made an outstanding contribution to the community eg Queen Elizabeth.
5. The use of Christian names preceding a surname is not favoured.
6. Long roads and streets should have only one name.
7. The use of the cardinal points of the compass in names is not favoured.
8. Names should not include apostrophes or hyphens.
9. Names which may cause offence will not be used.
10. Satisfactory to name after eminent persons now deceased (i.e. early explorers and settlers).
11. Long and clumsy names are not favoured.
12. Do not alter names that have been corrupted by usage back to the original.
13. Retention of old property names appropriate.

ITEM NO:	4.	FILE NO: S28.10.SR235
DESTINATION 5:	The communities are served by sustainable services and infrastructure	S
SUBJECT:	ORCHARD PLACE APPLICATION TO TRANSFER	
PREPARED BY:	David Strugnell – Asset Management Coordinator	

SUMMARY:

This report has been prepared to make Council aware of the current status of the application to transfer Orchard Place to the ownership of Council. Council is being asked to consider making an application to the Minister and Governor to progress the transfer.

COMMENTARY:

Councillors will recall a report made to the September 2017 Ordinary Meeting in which Council was made aware of the status of Orchard Place as an “access track” through two Crown Reserve parcels. At that meeting Council subsequently resolved that:

- i) *Council authorise the acquisition of the land necessary from Crown Reserve 68617 (Lot 7018 DP 94779) and Crown Reserve 668 (Lot 7057 DP 1072492) for the purpose of forming a road reserve to accommodate both the current and future alignment of Orchard Place;*
- ii) *Upon acquiring the necessary road reserve Council proceed to gazette the said area as a Council Public Road;*

In confirming the status of Orchard Place, Council had been in discussions with the Crown Lands branch of the NSW Department of Industry who advised that to process the transfer application Council would be required to:

- i. Scope and Survey the land area required to accommodate Orchard Place. This would include the existing road alignment and any area required for future upgrades (eg. new intersection location with Gwydir Highway).
- ii. Consult with the NSW Aboriginal Land Council and seek their concurrence to open a road through land acquisition.
- iii. Assuming concurrence from the NSW Aboriginal Land Council, Council can then proceed to submit an application to acquire the portion needed for the road from the Crown.
- iv. Once the land is vested in Council it is then able to be gazetted as a public road following the normal process.

The land was subsequently surveyed and approval was received from the NSW Aboriginal Land Council to proceed with the acquisition in March 2018. Council then made a formal application to Crown Lands for the acquisition. At this point Council was informed by Crown Lands that it would need to issue a Proposed Acquisition Notice (PAN) in order to deal with the native title rights

existing in the land. To progress this, staff began discussion with the Office of Local Government (OLG) who provided the following advice:

“Under section 187(2) of the Local Government Act 1993 and section 178(2) of the Roads Act 1993 a Council cannot issue a Proposed Acquisition Notice on any party, without having first obtained the approval of the Minister for Local Government. This approval is given as a dual approval process, at the same time a Council receives the approval from His Excellency the Governor for the publication of the approved acquisition notice in the Gazette. Publication of the acquisition notice in the Gazette cannot occur until 90 days after Council has commenced the required pre-acquisition notice by issuing a PAN.”

When pressed on how to proceed with the acquisition, both Crown Lands and the OLG responded at the time that they were in discussions with one another to revise the acquisition process and would be in touch with a resolution. Staff continued to engage with both departments seeking updates on the application until a response was received from the OLG in August 2018 saying that the application had been submitted for approval. When approached in October 2018 as to the outcome of the application, OLG responded that it had been successful and had been forwarded to Council. It was then discovered that the OLG had erroneously assumed that previous correspondence had been in regard to a different application for acquisition and that the department had not progressed the application for acquisition of Orchard Place at all.

Council has since provided all the information to the OLG to progress the application but has been informed that the September 2017 resolution of Council will not be accepted as it did not specify Council's authorisation to acquire the land compulsorily or to make an application to the Minister and Governor for the acquisition. In addition, Council is waiting on approval from Crown Lands. Once this approval is received Council can make the application to the Minister and, if approved, proceed to issuing PANs.

CONCLUSION:

Despite Council's best efforts the land required to formally gazette Orchard Place remains a Crown Reserve. The acquisition process is ongoing and requires a Council resolution authorising the making of an application to the Minister and Governor for the compulsory acquisition of the land.

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:

The Committee recommend to Council that:

- i) Council authorise the compulsory acquisition of the land necessary from Crown Reserve 68617 (Lot 7018 DP 94779) and Crown Reserve 668 (Lot 7057 DP 1072492) for the purpose of forming a road reserve to accommodate both the current and future alignment of Orchard Place; and
- ii) Council authorise the making of an application to the Minister and Governor for the compulsory acquisition of said land.

ITEM NO:	5.	FILE NO: S26.3.6
DESTINATION 4:	A strong local economy	B
SUBJECT:	INVERELL CHAMBER OF COMMERCE AND INDUSTRY - CHRISTMAS PROMOTION	
PREPARED BY:	Scott Hamilton, Project Engineer	

SUMMARY:

Council is in receipt of correspondence from the Inverell Chamber of Commerce and Industry requesting approval to close Vivian Street from Oliver Street to Byron Street and Byron Street from Vivian Street to Lawrence Street to enable the organisation of a Christmas Festival. Council is being asked to consider the request.

COMMENTARY:

Inverell Chamber of Commerce and Industry President, Nicole Lavender has written to Council requesting permission to hold a Festival of Christmas. This will be the fourth year that the Festival of Christmas has been run by the Chamber. The first event was held in Byron Street in 2015 with subsequent events held in Otho and Byron Streets. This year the event is planned for Vivian Street and Byron Street. The Chamber has deemed this event a great success with many retailers and community members providing positive feedback.

The intention is to invite Chamber members, non-members, buskers and market and food stall vendors to set up sites along Vivian and Byron Streets. In addition to the festivities held in previous years, the Chamber will secure entertainment as an added attraction.

The date the Chamber have requested is Friday, 14 December, 2018 between 4pm and 10pm. Approval is being sought to close Vivian Street between Oliver Street and Byron Street and Byron Street from Vivian Street to Lawrence Street to afford stall operators time to set up and dismantle

their stalls. The chamber will be responsible for notifying all businesses impacted by this event. The majority of businesses affected will be participating in this event.

It must be noted that there would be an estimated cost of \$1000 involved in advertising and implementing the road closures. The Chamber has requested this be considered as Council's donation in support of the event. Council last year resolved to cover the costs associated with the road closures and advertising for the event in lieu of a donation.

Council is being asked to consider the request to close Vivian Street (between Oliver Street and Byron Street), as well as closing Byron Street (between Vivian Street and Lawrence Street) on Friday, 14 December, 2018 from 4pm to 10pm to facilitate the Chamber's Christmas initiative.

RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:

Strategy: B.01 Business, institutions and Council are working cooperatively towards agreed initiatives to strengthen and expand the Shire's economic base.

Term Achievement: B.01.01 The Shire's business community, learning institutions and training institutions are working in an integrated way to strengthen and develop the Shire's economic base.

Operational Objective: B.01.01.01 Work with appropriate economic partners on developing mutual understanding and support for a common agenda for action.

POLICY IMPLICATIONS:

Nil

CHIEF FINANCIAL OFFICERS COMMENT:

Advertising and road closure costs would be involved.

LEGAL IMPLICATIONS:

Nil

RECOMMENDATION:

A matter for the Committee.

ITEM NO:	6.	FILE NO: S30.9.5 & S28.10.8
DESTINATION 5:	The communities are served by sustainable services and infrastructure	S
SUBJECT:	TRAFFIC SPEED THROUGH YETMAN VILLAGE	
PREPARED BY:	Justin Pay, Manager Civil Engineering	

SUMMARY:

Council's Delivery Plan 2017-2021 includes an item relating to the speed limit through the village of Yetman. More specifically, to investigate the installation of slowing bumpers to reduce the traffic speed on the Bruxner Way through the village. This report presents the findings of the investigation into the matter and provides a number of options that the Committee may wish to consider.

COMMENTARY:

Council's Delivery Plan 2017-2021 includes an item relating to the speed limit through the village of Yetman. More specifically, to investigate the installation of slowing bumpers to reduce the traffic speed on the Bruxner Way through the village. The matter has been investigated and the findings are presented below.

The Bruxner Way has a 60km/h speed limit through the village of Yetman. There is currently traffic calming devices (concrete blisters to narrow the trafficable lane width) at three locations, being:

- Intersection return blisters at the intersection with Warialda Street, adjacent to the Yetman Store;
- To the north east of the village, on the approach to Richard Coventry Bridge over the Macintyre River; and
- To the south west of the village, approximately 240m south west of Warialda Street.

Traffic counters were installed during August of this year to obtain traffic data. The results of the assessment are as follows:

Traffic count results – Bruxner Way through Yetman Village

Average Daily Traffic (ADT)	300
Heavy Vehicle Percentage	21.8%
85 Percentile Speed	59.8 km/h
Mean Average Speed	48.2 km/h

The above information indicates that traffic is generally complying with the 60km/h speed limit and that over the study period, there was no evidence of a significant speeding problem through the village. The results indicate that the current traffic calming devices are providing adequate control to average vehicle speeds.

A review of the NSW Speed Zoning Guidelines was undertaken to determine if the location meets the warrant to have the speed limit reduced to 50 km/h.

The guidelines take into consideration multiple criteria, including:

- Road Function
- Roadside Development
- Road Characteristics, including;
 - Alignment
 - Road Access
 - Road Hazards
 - Lane Width
 - Adjacent speed limits
- Intersections
- Traffic Characteristics, including;
 - Traffic Patterns

- Pedestrians and cyclists
- 85th percentile speed of vehicles

In reviewing the above technical criteria for the Bruxner Way through Yetman, it is evident that a 50km/h speed limit is not technically warranted for this location.

Roads and Maritime Services (RMS) are the authority for setting speed limits in NSW. If Council were of the opinion that the speed limit should be changed, a request would need to be made of RMS to undertake an assessment and make a determination regarding the speed limit. The main factor that RMS will consider in making their determination will be the results of assessing the location against NSW Speed Zoning Guidelines. RMS may also consider Council's input and the expectations of the community.

A review of the available crash data shows no reported crashes in the 60km/h area through Yetman over the past 5 years. It should be noted that the change in crash reporting requirements that was implemented in 2014 has significantly reduced the number of reported crashes. This makes assessing crash history difficult.

Bruxner Way is a significant route for the movement of heavy vehicles. In consideration of this Council recently resolved to gazette the road as a Road Train route. If any further traffic calming devices were to be installed on this section of the route, it may have a negative impact on the movement of heavy vehicles.

In considering the above information, it is considered that the traffic speed on Bruxner Way through Yetman village is consistent with the posted speed limit. It is determined that it is not warranted to reduce the speed limit and that doing so may negatively impact the function of the road as a significant transport route.

Anecdotal evidence suggests that residents of the village are concerned with the speed of traffic through Yetman. Should Council wish to take action to reduce vehicle speed in this location a number of options are available, including:

1. Request the RMS to reduce the speed limit to 50km/h.
2. Install further traffic calming devices on the route.
3. Installation of further signage to encourage drivers to slow down.
4. A combination of the above options.

A number of options are available should Council wish to reduce traffic speed on the Bruxner Way through the village of Yetman. The investigation and technical assessment of this route have concluded that this is not warranted. It is therefore recommended that no action be taken at this point in time and the situation continue to be monitored with annual traffic counts and a further report be presented to the Committee should the traffic speed patterns change significantly.

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 in the report be received and noted;*
- ii) No further traffic calming measures be implemented at this point in time; and*
- iii) The situation continue to be monitored with annual traffic counts and a further report be presented to the Committee should the traffic speed patterns change significantly.*

ITEM NO:	7.	FILE NO: S18.6.34/08
DESTINATION 3:	An environment that is protected and sustained	E
SUBJECT:	PLANNING PROPOSAL – AMENDMENT TO INVERELL LOCAL ENVIRONMENTAL PLAN 2012 – EXTRACTION OF GROUNDWATER FOR COMMERCIAL BOTTLING PURPOSES WITHIN THE RU1 PRIMARY PRODUCTION ZONE – AUTHORISATION TO PROCEED WITH MAKING OF THE PLAN	
PREPARED BY:	Chris Faley, Development Planner	

SUMMARY:

This report has been initiated by the receipt of a Gateway Determination from the New South Wales Department of Planning and Environment and subsequent completion by Council of the public exhibition period for the Planning Proposal to amend the *Inverell Local Environmental Plan 2012* to permit extraction of groundwater for commercial bottling purposes within the RU1 Primary Production zone.

The Committee is requested to recommend to Council to endorse the gazettal of the amendment, with a request to be made to the New South Wales Parliamentary Counsel to draft the proposed instrument.

COMMENTARY:

Background

At the Civil and Environmental Services Committee meeting 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; and*
- 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.*

Subsequent to the above resolution, a revised Planning Proposal was submitted by Kellie Shapland, Town Planning to amend the *Inverell Local Environmental Plan 2012* to permit extraction of groundwater for commercial bottling purposes within the RU1 Primary Production zone. This Planning Proposal was considered at the November 2017 Civil and Environmental Services Committee meeting. At its Ordinary Meeting on 22 November 2017, Council resolved (Res. 126/17):

- 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.*

Public exhibition concluded on 26 October 2018 and the Committee is now requested to recommend to Council to endorse the gazettal of the amendment, with a request to be made to the New South Wales Parliamentary Counsel to draft the proposed instrument.

The Planning Proposal is intended to amend the *Inverell Local Environmental Plan 2012* by inserting additional provisions, which:

- Permit development for purposes of a water bottling facility to be carried out with development consent in the RU1 Primary production zone;
- Permit development ancillary to a water bottling facility to be carried out with consent in the RU1 Primary Production zone; and
- Provide a definition for a water bottling facility consistent with the intent of this Planning Proposal.

A copy of the Planning Proposal is included as Appendix 7 (D34 – D60).

The timeline of the Planning Proposal has been provided in the Table below:

22 November 2017	Resolution at the Ordinary Meeting of Council to proceed with the Planning Proposal.
15 December 2017	Planning Proposal referred to the Department of Planning and Environment for preliminary review prior to formal lodgement.
10 January 2018	Preliminary comments received from the Department of Planning and Environment.
8 February 2018	Planning Proposal formally lodged with the Department of Planning and Environment for Gateway Determination.
12 March 2018	Gateway Determination issued by the Department of Planning and Environment.
3 April 2018	As per the conditions of the Gateway Determination, the Planning Proposal was referred to: <ul style="list-style-type: none"> • NSW Rural Fire Service; and • NSW Department of Industry – Water.
4 May 2018	Response from NSW Rural Fire Service.
26 September 2018	Response from NSW Department of Industry – Water.
12 October 2018	14 day public exhibition of Planning Proposal commences.
26 October 2018	14 day public exhibition of Planning Proposal ends.

Gateway Determination

A Gateway Determination to proceed with the Planning Proposal was received from the Department of Planning and Environment on 12 March 2018.

The Gateway Determination provides delegation for Council to undertake the functions of the Minister of Planning in preparing, exhibiting and gazetting the amendment to the ILEP 2012.

The Gateway Determination was subject to conditions relating to:

- Minimum exhibition period of 14 days;
- Consultation with the NSW Rural Fire Service and NSW Department of Industry – Water; and
- A public hearing not being required; and
- The Planning Proposal to be completed within 9 months (December 2018).

A copy of the Gateway Determination is included as Appendix 8 (D61 – D65). Subject to Council resolving to proceed with gazettal of the amendment, the Planning Proposal will be submitted to Parliamentary Counsel at the end of November 2018 for drafting and gazettal.

Response from New South Wales Rural Fire Service

The Planning Proposal was referred to the RFS on 3 April 2018, with a response received on 4 May 2018. A copy of the response is attached as Appendix 9 (D66 – D67).

The RFS considered the Planning Proposal and has no specific recommendations in relation to bush fire protection.

Council must also obtain agreement from the Secretary of the Department of Planning and Environment to comply with the requirements of Section 117 Direction 4.4 Planning for Bush Fire Protection. This agreement has been obtained and is included with **Appendix 9** (D66 – D67).

Response from NSW Department of Industry - Water

The Planning Proposal was referred to the NSW Department of Industry – Water on 3 April 2018, with a response received on 26 September 2018. A copy of the response is attached as Appendix 10 (D68 – D70).

No specific objection has been raised by DPI Water in relation to the Planning Proposal, however, comments were provided on issues for consideration in the rezoning process and future approvals that may be required. Detailed discussion on the DPI Water comments has occurred and are documented in a separate 'Consideration of Submissions/Referrals' attached as Appendix 11, (D71 – D77) to this report.

The comments provided by DPI Water can be summarised as:

- Recommending a number of upfront studies being undertaken prior to re-zoning, e.g. hydrological assessment, flood assessment.

Development Planner Comment: The Planning Proposal relates to the entire RU1 Primary Production zone which is essentially all rural land within the Inverell Shire. It is neither practical nor feasible to undertake the recommended studies at a shire-wide scale. Rather, it is considered that the impact assessments are better undertaken at a project specific level, in the event that a Development Application for a water bottling facility is lodged.

- Confirming that further approvals may be required from DPI Water in the event that a future Development Application for a water bottling facility is considered by Council.

Development Planner Comment: The requirement for future approvals from DPI Water is acknowledged. It is expected that any future water approvals would be undertaken concurrently with the Development Application assessment, through the Integrated Development provisions contained in the *Environmental Planning and Assessment Act 1979*.

Overall, it is considered that there are no matters contained within the DPI Water response that prevent Council from proceeding with the gazettal of the Planning Proposal.

Public Exhibition

The Planning Proposal was placed on public exhibition for a period of fourteen (14) days from 12 October 2018 to 26 October 2018. The exhibition was undertaken in accordance with Section 5.5.2 of a *guide to preparing local environmental plans (Department of Planning and Environment 2016)* and involved:

- A display at Council's Administration Centre;

- Advertisement within the Council Notices section of the Inverell Times on 12 October 2018; and
- A copy of exhibition material made available on Council's website.

As a result of the exhibition period, one (1) submission was received by way of objection to the Planning Proposal. This submission has been circulated separately to Committee Members with the Business Paper.

The points of objection raised in the submission have been discussed in detail in the separate 'Consideration of Submissions/Referrals' attached as Appendix 11, (D71 – D77) to this report. The main points raised by the submission maker are:

- The need to undertake a Planning Proposal across the entire RU1 Primary Production zone based on a single request from the property 'Lochiel' at Tarwoona Road, Camp Creek;
- The impact on agricultural land and operations - in particular, the availability of ground water for agriculture and cumulative impacts, with emphasis on drought conditions;
- The lack of supporting studies and potential for environmental impacts (agricultural, water, cultural heritage, etc.) arising from a water bottling facility; and
- Consistency with New England North West Regional Plan and the Inverell Strategic Plan 2009-2029.

In relation to the above points:

- The alternative to undertaking the Planning Proposal across the entire RU1 Primary Production would be to undertake a site-specific Planning Proposal, which was not supported by Council (Res. 78/17, 23 August 2017) or encouraged by the Department of Planning and Environment;
- The potential impact on agricultural land, availability of ground water and potential cumulative impacts from multiple developments, is best considered during the Development Application process rather than at this Planning Proposal stage;
- It is neither practical nor feasible to undertake studies or environmental impact assessments across the entire RU1 Primary Production zone. Furthermore, as there is no Development Application lodged (or able to be lodged) for 'Lochiel', it is not reasonable to require specific property/development studies. This is better addressed during the Development Application process after the Planning Proposal is gazetted; and
- It is considered that the Planning Proposal is consistent with the New England North West Regional Plan and the Inverell Strategic Plan 2009-2029.

Conclusion

The Planning Proposal to amend the *Inverell Local Environmental Plan 2012* to permit extraction of groundwater for commercial bottling purposes within the RU1 Primary Production zone, has received a gateway determination from the Department of Planning and Environment.

In accordance with this Gateway Determination:

- Council has referred the Planning Proposal to the NSW Rural Fire Service, who have provided no specific recommendations in relation to bush fire measures;
- Council has referred the Planning Proposal to the Department of Industry – Water, who have no objections to the planning proposal. DPI Water have recommended that a number of studies (hydrological, flood, etc.) be undertaken at the re-zoning stage. It is considered that undertaking these studies at a shire-wide level is not practical or feasible. In the event that a Development Application is lodged for a water extraction and bottling facilities, the required studies can be done for the relevant project; and
- The Planning Proposal was publicly exhibited in accordance with the requirements of the Gateway Determination. One (1) submission by way of objection was received.

The submission maker raises a number of environmental concerns in regards to potential impacts arising from a water bottling facility, in particular water availability for agricultural land and operations. Objections have also been raised in relation to consistency of the Planning Proposal with local and regional strategic plans. It is considered that the Planning Proposal is not inconsistent with these plans.

The environmental issues raised in the objection are most practically and feasibly considered as part of a merit-based assessment of a Development Application for a water bottling facility. The reason for the proposed LEP amendment is that a water bottling facility is currently prohibited in the RU1 Primary Production zone. Therefore there is no scope for a proponent to lodge, or for Council to consider, a merit-based Development Application for a water bottling facility.

A water bottling facility is currently prohibited on rural land as the RU1 Primary Production zone is a “closed zone”, whereby there are a number of limited permissible uses and all other uses are prohibited. It was not the intention of the Inverell Local Environmental Plan 2012 to prohibit a water bottling facility in the RU1 Primary Production zone. Due to the difficulty with identifying and listing all possible rural development as permissible with consent, there are other suitable rural developments such as a water bottling facility that inadvertently became prohibited in 2012.

It should also be noted that under the former Inverell Local Environmental Plan 1988, rural land was generally zoned ‘No 1 (a) (Rural (Agricultural) Zone)’. The former 1(a) Rural Agricultural zone was an ‘open zone’, whereby there were a number of identified prohibited uses, limited number of uses permissible without consent and all other uses were permissible with consent. Under the former Inverell Local Environmental Plan 1988, a water bottling facility was a permissible development in a rural area.

To enable a water bottling facility to be subject to a merit-based Development Application assessment, it is first necessary to amend the Inverell Local Environmental Plan 2012 to permit a water bottling facility within the RU1 Primary Production zone. It is considered more practical and cost-effective in the long term to undertake the Planning Proposal across the entire RU1 Primary Production zone rather than specific to an individual property. This approach is also supported by the Department of Planning and Environment.

Undertaking the Planning Proposal does not guarantee that a water bottling facility would ultimately be approved. Should Council's assessment, which would likely include DPI Water involvement, identify unreasonable or significant adverse impacts, there is scope as part of the Development Application to impose environmental management conditions, require changes to a proposal or ultimately refuse a development.

It is considered that supporting the Planning Proposal is a reasonable approach as this allows consideration of the merits of a development within the whole Shire.

It is recommended that Council proceed with the Planning Proposal to amend the Inverell Local Environmental Plan 2012 to permit extraction of groundwater for water bottling purposes within the RU1 Primary Production zone.

The next stage of process is to refer the Planning Proposal to Parliamentary Counsel for opinion and to prepare the draft instrument.

Council has been granted written authorisation to exercise the functions of the Minister for Planning. Therefore, the Committee is requested to recommend to Council that:

- (i). A request be made to Parliamentary Counsel to prepare the draft instrument pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979*;
- (ii). The General Manager be authorised to determine the terms of the draft instrument in consultation with Parliamentary Counsel, consistent with the intent of the Planning Proposal; and
- (iii). The draft instrument be gazetted.

RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:

Strategy: E.03 Protect, rehabilitate and manage all impacts on the built and natural environment.

Term Achievement: E.03.03 The Shire's built and natural heritage is being promoted, protected and conserved.

Operational Objective: E.03.03.01 To facilitate the protection and rehabilitation of significant examples of the built environment.

POLICY IMPLICATIONS: The proposed amendment to the *Inverell Local Environmental Plan 2012* will assist Council in the administering of its provision and the orderly development of land within the Inverell Shire.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS: The amendment to the *Inverell Local Environmental Plan 2012* will be undertaken in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

RECOMMENDATION:

That the Committee recommend to Council that:

- i) A request be made to Parliamentary Counsel to prepare the draft instrument pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979;*
- ii) The General Manager be authorised to determine the terms of the draft instrument in consultation with Parliamentary Counsel, consistent with the intent of the Planning Proposal; and*
- iii) The draft instrument be gazetted.*

APPENDIX 7



Planning Proposal

Amendment to Inverell Local Environmental
Plan 2012

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





Document Control Page

Revision	Date	Author	Description
1.0	September 2017	Kellie Shapland, Kellie Shapland Town Planning	Adopted Version
2.0	January 2018	Chris Faley, Inverell Shire Council	Reformatted to ISC Template. Minor changes to Section 2, Parts 2, 5 and 6.



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1. Introduction & Context

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.

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 additional provisions, which:

- Permit development for purposes of a water bottling facility to be carried out with development consent in the RU1 Primary Production zone;
- Permit development ancillary to water bottling facility to be carried out with development consent in the RU1 Primary Production zone;
- Prove a definition for a water bottling facility consistent with the intent of this Planning Proposal.

Subject to the planning proposal process, the exact terms of the additional provisions will be determined in consultation with Parliamentary Counsel.

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
Goal 1: A strong and dynamic regional economy 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.



Goal 2: A healthy environment with pristine waterways Direction 10: Sustainable 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.
Control 3: Strong infrastructure and transport networks for a connected future 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.
Goal 4: Attractive and thriving communities 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 will 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.

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

Destination	Comment
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) ?

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 licence) 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

The planning Proposal is considered to be low impact and a 14 day exhibition period is proposed for the planning Proposal, which includes:

- 1 notification of exhibition in the local newspaper;
- A display at Council's Administration Centre; and
- Exhibition on Council's website.

PART 6 – PROJECT TIMELINE

Task	Anticipated timeframe
Date of Gateway Determination	March 2018
Completion of required technical information, studies	No further studies expected.



Government agency consultation (pre exhibition as required by Gateway Determination)	April 2018 – May 2018
Any changes made to Planning Proposal resulting from technical studies and government agency consultations. Resubmit altered Planning Proposal to Gateway panel. Revised Gateway determination issued, if required.	No changes expected.
Commencement and completion dates for public exhibition.	May 2018 – June 2018
Consideration of submissions, report Planning Proposal post exhibition	July 2018
Council resolves to adopt and make draft LEP	August 2018
Council requests a draft instrument be prepared by parliamentary counsel	September 2018
Formal notification of the plan	October 2018

3. 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.



Attachment A - Consideration of State Environmental Planning Policies

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.



State Environmental Planning Policy (SEPP)	Applicable to Inverell LGA	Consistency	Reason for inconsistency/comment
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
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



State Environmental Planning Policy (SEPP)	Applicable to Inverell LGA	Consistency	Reason for inconsistency/comment
			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
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

S.117 DIRECTION	APPLICATION	RELEVANCE TO THIS PLANNING PROPOSAL
1. Employment & Resources		
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"> a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or 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. 	Nothing in this planning proposal will prohibit or restrict exploration or mining. It will however facilitate the extraction of water from the RU1 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 when: <ul style="list-style-type: none"> (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 (b) a relevant planning authority prepares a planning proposal that 	This planning proposal will affect land which is zoned RU1. 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"> (a) <i>the promotion and protection of opportunities for current and potential</i>



S.117 DIRECTION	APPLICATION	RELEVANCE TO THIS PLANNING PROPOSAL
	<p>changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>The planning proposal is to be consistent with the relevant sections of SEPP (Rural Lands) 2008.</p>	<p><i>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 activity in rural areas.</i></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</i></p>



S.117 DIRECTION	APPLICATION	RELEVANCE TO THIS PLANNING PROPOSAL
		<p>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.</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 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.</i></p> <p>(g) <i>the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing –the</i></p>



S.117 DIRECTION	APPLICATION	RELEVANCE TO THIS PLANNING PROPOSAL
		<p>proposal does not provide for rural housing.</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.</i></p> <p>This planning proposal is consistent with the New England North West Regional Plan, as discussed in the Planning Proposal request.</p>
2 Environment and Heritage		
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.
2.4 Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation	The proposal does not enable land to be developed for the purpose of a recreation vehicle



S.117 DIRECTION	APPLICATION	RELEVANCE TO THIS PLANNING PROPOSAL
	values from adverse impacts from recreation vehicles. This direction applies to all relevant planning authorities.	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
3. Housing, Infrastructure and Urban Development		
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.
3.2 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.
3.5 Development Near Licensed Aerodrome	Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone	The planning proposal does not create, alter or remove a zone or provision relating to a



S.117 DIRECTION	APPLICATION	RELEVANCE TO THIS PLANNING PROPOSAL
	or a provision relating to land in the vicinity of a licensed aerodrome.	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
4. Hazard and Risk		
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. 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	Some land zoned RU1 in Inverell Shire is identified as bushfire prone land. This will be a consideration in the assessment of any development application for the water extraction and bottling facility. Consultation will be required with NSW Rural Fire



S.117 DIRECTION	APPLICATION	RELEVANCE TO THIS PLANNING PROPOSAL
	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.	Service.
5. Regional Planning		
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
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.
6. Local Plan Making		
6.1 Approval and Referral Requirements	A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development	The planning proposal will not include provisions that require the concurrence, consultation or referral of development applications to a Minister or



S.117 DIRECTION	APPLICATION	RELEVANCE TO THIS PLANNING PROPOSAL
	<p>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>	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	Applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out. The objective is to discourage unnecessarily restrictive site specific planning controls. This direction applies to all relevant planning authorities.	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.
7 Metropolitan Planning		
7.1 The Metropolitan Strategy	This direction applies to Sydney metropolitan Councils only	Not Applicable
7.2 Implementation for Greater Macarthur Land Release Investigation	Does not apply to Inverell Local Government Area	Not applicable

Attachment 4 – Evaluation criteria for the delegation of plan making functions

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:

INVERELL SHIRE

Name of draft LEP:

AMENDMENT TO INVERELL LOCAL
ENVIRONMENTAL PLAN 2012 - PROPOSAL TO
ENABLE WATER EXTRACTION & BOTTLING
FACILITIES IN THE RUI PRIMARY PRODUCTION ZONE

Address of Land (if applicable):

N/A

Intent of draft LEP:

TO ENABLE WATER EXTRACTION
& BOTTLING FACILITIES IN THE RUI
PRIMARY PRODUCTION ZONE

Additional Supporting Points/Information:

N/A

Evaluation criteria for the issuing of an Authorisation

(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not Relevant	Agree	Disagree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?		✓		
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Secretary?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments				
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		✓		
Heritage LEPs				
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		✓		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		✓		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		✓		

Reclassifications

Is there an associated spot rezoning with the reclassification?		✓		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		✓		
Is the planning proposal proposed to rectify an anomaly in a classification?		✓		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		✓		
Has Council confirmed whether there are any trusts, estates, interests, dedications, conditions, restrictions or covenants on the public land and included a copy of the title with the planning proposal?		✓		
Has council confirmed that there will be no change or extinguishment of interests and that the proposal does not require the Governor's approval ?		✓		
Has the council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note regarding <i>classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		✓		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		✓		

Spot Rezoning

Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?		✓		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?		✓		
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		✓		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		✓		
Does the planning proposal create an exception to a mapped development standard?		✓		

Section 73A matters

Does the proposed instrument

- a) correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;
- b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or
- c) deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?

(Note – the Minister / GSC (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).



Notes

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Secretary of the Department.
- Matters that will be routinely delegated to a Council under administration are confirmed on the Department's website www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/

APPENDIX 8

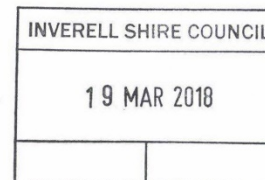


PP_2018_INVER_001_00/IRF18/959

Mr P Henry
General Manager
Inverell Shire Council
PO Box 138
INVERELL NSW 2360

Att: Chris Faley

Dear Mr Henry



Planning Proposal PP_2018_INVER_001_00 to amend Inverell Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under Section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the Planning Proposal to amend the Inverell Local Environmental Plan (LEP) 2012 to permit with consent water extraction and bottling facilities in the RU1 Primary Production zone.

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

I have also agreed, as delegate of the Secretary, the Planning Proposal's inconsistency with Section 9.1 Direction 4.3 Flood Prone Land is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant Section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.


It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under Section 3.32(2) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Jenny Johnson to assist you. Ms Johnson can be contacted on (02) 6641 6614.

Yours sincerely

 12-3-2018
Jeremy Gray
Director Regions, Northern
Planning Services

Encl: Gateway Determination
Local plan-making authority reporting template



Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

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

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2018_INVER_001_00
Date Sent to DP&E under s56	6 February 2018
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	12-3-2018

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information:



Planning & Environment

Gateway Determination

Planning Proposal (Department Ref: PP_2018_INVER_001_00): to amend the Inverell Local Environmental Plan (LEP) to 2012 to permit with consent water extraction and bottling facilities in the RU1 Primary Production zone.

I, the Director Regions, Northern, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Inverell Local Environmental Plan (LEP) (2012) to amend the Inverell Local Environmental Plan (LEP) to 2012 permit with consent water extraction and bottling facilities in the RU1 Primary Production zone should proceed subject to the following conditions:

1. Community consultation is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **14 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
2. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant Section 9.1 Directions:
 - Department of Primary Industries – Office of Water
 - NSW Rural Fire Service

Each public authority is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).



Planning & Environment

4. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2)(a) of the Act subject to the following:
 - a) the planning proposal authority has satisfied all the conditions of the Gateway Determination;
 - b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - c) there are no outstanding written objections from public authorities.
5. The timeframe for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 12 day of MARCH 2018.

Jeremy Gray
Director Regions, Northern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning

APPENDIX 9

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

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

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433



The General Manager
Inverell Shire Council
PO Box 138
INVERELL NSW 2360

Your Ref: s18.6.34/08
Our Ref: R18/700
DA18040412485 AB

ATTENTION: Chris Faley

4 May 2018

Dear Mr Faley

Planning Proposal - Agency Comment: Inverell LEP 2012 - Water Extraction & Bottling Facilities In Ru1 Zone

I refer to your correspondence dated 3 April 2018 seeking advice for the above Planning Proposal in accordance with the 'Environmental Planning and Assessment Act 1979'.

The New South Wales Rural Fire Service (NSW RFS) has considered the information provided and has no specific recommendations in relation to bush fire protection.

Should you wish to discuss this matter please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely

A handwritten signature in black ink that reads 'John Ball'. The signature is written in a cursive style with a large, looping 'J' and 'B'.

John Ball
Manager

For general information on bush fire protection please visit www.rfs.nsw.gov.au



PP_2018_INVER_001_00/IRF18/6092

Mr Paul Henry
General Manager
Inverell Shire Council
PO Box 138
INVERELL NSW 2360

Dear Mr Henry

Planning proposal PP_2018_INVER_001_00

I refer to your correspondence of 1 November 2018 requesting the Secretary's agreement that inconsistency of the above proposal with section 9.1 Direction 4.4 Planning for Bushfire Protection is justified.

I have considered this matter, and as a delegate of the Secretary, I have agreed that the inconsistency is justified in accordance with the terms of the Direction.

Council can now proceed to finalise the proposal once it receives a Parliamentary Counsel opinion confirming that the LEP can legally be made.

Should you have any further enquiries about this matter, I have arranged for Ms Jenny Johnson to assist you. Ms Johnson can be contacted on 6641 6614.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Gray'.

6-11-2018

Jeremy Gray
Director Regions, Northern
Planning Services

APPENDIX 10

Christopher J. Faley

From: Teagan-Lee Shepherd <teagan-lee.shepherd@nrar.nsw.gov.au>
Sent: Wednesday, 26 September 2018 1:50 PM
Subject: LEP Amendment 2012
Attachments: OUT18 7806 NRAR Response - Inverell PP - Water Bottling Facilities(5).pdf

Hi,

Please see attached below the Natural Resources Access Regulator comments relation to Inverell Local Environment Plan 2012 — Planning Proposal — Permitting water extraction and bottling facilities in RU1 Primary Production Zone.

NRAR apologies for the delay in response, an administrative error occurred. As you can see a response was written 18 May 2018 just not correctly forward to Council.

Apologises again for any delay this may have caused.

Please direct any questions relating to the response to my self or Callum Lanagan-Jonas

Kind regards,

Teagan-Lee Shepherd | Water Regulation Officer
Regional Water Regulation (West – Murray Darling)
Natural Resource Access Regulator
209 Cobra Street Dubbo | PO Box 717 | Dubbo NSW 2830
T: 02 6841 7420
E: teagan-lee.shepherd@nrar.nsw.gov.au
W: www.industry.nsw.gov.au/water

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Department
of Industry

General Manager
Inverell Shire Council
PO Box 132
Inverell NSW 2360

Contact: Callum Lanagan-Jonas
Phone: 02 6841 7413
Fax: 02 6884 0096
Email: callum.lanagan-jonas@dpi.nsw.gov.au

Our ref: OUT18/7806
File No: V15/3876-2#49
Your Ref:

18 May 2018

Attention: Chris Faley

Dear Chris

Re: Inverell Local Environment Plan 2012 – Planning Proposal – Permitting water extraction and bottling facilities in RU1 Primary Production Zone

Thank you for giving the Department of Industry (DoI) – Water the opportunity to respond to the above proposed amendments. It is understood this proposal is not for a specific land parcel but for inclusion of a local provision to clearly define the ability for water bottling facilities to be permitted with consent in the RU1 Zone. The proposal has been reviewed in relation to water policy and legislation. No specific objection is raised to the concept, rather comments are provided on the issues for consideration in the rezoning process and future approvals that may be required.

Water Legislation Requirements

If a rezoning proceeds to enable water bottling from groundwater, the applicant will be required to obtain a Water Supply Work Approval under the *Water Management Act 2000* to authorise the bore for commercial use and to obtain sufficient entitlement in a Water Access Licence to account for the volume of water to be extracted. The application for a Water Supply Work approval would need to be made to WaterNSW and the applicant would need to purchase the water entitlement from an existing licence holder. These applications would need to be consistent with the requirements of the relevant Water Sharing Plan and the *Water Management Act 2000*.

The application processes referred to above would require an impact assessment to determine the impacts on existing water users and the environment of extracting the proposed water.

At rezoning stage, it would be recommended the impact assessment of water extraction and the ability to obtain the water entitlement consistent with the requirements of the water legislation and water sharing plan be completed to ensure the project is viable.

Groundwater

It may be the case that any bore constructed for the purpose of extracting groundwater for water bottling does not provide a suitable yield or is not of a suitable quality to make the operation feasible. We recommend that prior to rezoning a site that a hydrogeological

www.water.nsw.gov.au

209 Cobra St, Dubbo NSW 2830 | PO Box 717 Dubbo NSW 2830 | ABN: 72 189 919 072
E water.referrals@dpi.nsw.gov.au | Ph 02 6841 7555 | Fax 02 6884 0096

assessment be completed to determine the availability and quality of groundwater for the proposed land use. This may require a desktop review, test drilling, pump test and water quality test depending on the availability of groundwater information relevant to the site. Installation of a bore for test purposes will require the applicant to obtain an approval under water legislation from WaterNSW.

Groundwater when untreated should not be considered safe for human consumption without proper treatment. It is recommended that testing of water quality be conducted by a qualified pathologist, especially if it is intended for human consumption.

At rezoning stage it would be recommended the ability to extract the proposed volume and that it is of suitable quality be confirmed to ensure the project is viable.

Floodplain Management

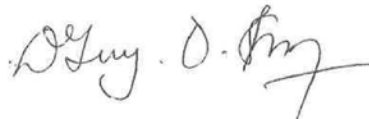
The planning proposal recognises that the changes will make water bottling facilities permissible on rural land, some of which could be flood prone. A flood work approval may be required where works occurring (such as earthworks, embankments or levees) are likely to affect the flow of water to or from a river, lake, designated floodplain, or prevent land from being flooded. Where works that may affect flooding are proposed, it is recommended an assessment be completed to confirm impacts on adjacent lands by the proposed development.

It is recommended to consider the potential significance of flooding impacts at the rezoning stage to ensure the project is viable.

Watercourse Management

Any works associated with a bottling facility proposed within 40 metres of the high bank of the watercourse on site should be carried out in accordance with DoI – Water's guidelines for controlled activities. A Controlled Activity Approval under the *Water Management Act 2000* may be required for works undertaken within 40 metres of the high bank of any watercourse. Applications for these would need to be made to the Natural Resource Access Regulator.

Yours sincerely



Guy Ohandja
A/Regional Manager, Water Regulatory Operations
Department of Industry – Lands and Water

APPENDIX 11

PLANNING PROPOSAL – AMENDMENT TO INVERELL LOCAL ENVIRONMENTAL PLAN 2012 – EXTRACTION OF GROUNDWATER FOR COMMERCIAL BOTTLING PURPOSES WITHIN THE RU1 PRIMARY PRODUCTION ZONE CONSIDERATION OF SUBMISSIONS AND RESPONSES	
Rural Fire Service	
Comment Received	Development Planner Response
<i>The New South Wales Rural Fire Service (NSW RFS) has considered the information provided and has no specific recommendations in relation to bush fire protection.</i>	Noted. No assessment required.
Department of Industry - Water	
Comment Received	Development Planner Response
<p>Water Legislation Requirements</p> <p><i>If a rezoning proceeds to enable water bottling from groundwater, the applicant will be required to obtain a Water Supply Work Approval under the Water Management Act 2000 to authorise the bore for commercial use and to obtain sufficient entitlement in a Water Access Licence to account for the volume of water to be extracted. The application for a Water Supply Work approval would need to be made to WaterNSW and the applicant would need to purchase the water entitlement from an existing licence holder. These applications would need to be consistent with the requirements of the relevant Water Sharing Plan and the Water Management Act 2000.</i></p> <p><i>The application processes referred to above would require an impact assessment to determine the impacts on existing water users and the environment of extracting the proposed water.</i></p> <p><i>At rezoning stage, it would be recommended the impact assessment of water extraction and the ability to obtain the water entitlement consistent with the requirements of the water legislation and water sharing plan be completed to ensure the project is viable.</i></p>	<p>It is acknowledged that should the Planning Proposal proceed, any future development proposal for a water bottling facility would likely need to obtain a Water Supply Work Approval under the Water Management Act 2000.</p> <p>DPI Water recommends that at the re-zoning stage an impact assessment of water extraction and assessment of the ability to obtain a water entitlement be undertaken.</p> <p>The Planning Proposal relates the entire RU1 Primary Production zone which is essentially all rural land within the Inverell Shire. It is neither practical nor feasible to undertake the recommended studies at a shire-wide scale.</p> <p>It is considered that the impact assessments are better undertaken at a project/site specific level, in the event that a Development Application for a water bottling facility is lodged. Furthermore, the <i>Environmental Planning and Assessment Act 1979</i> includes 'Integrated Development' provisions, whereby further approval from NSW Department of Industry – Water is triggered during the Development Application process.</p>
<p>Groundwater</p> <p><i>It may be the case that any bore constructed for the purpose of extracting groundwater for water bottling does not provide a suitable yield or is not of a suitable quality to make the operation feasible. We recommend that prior to rezoning a site that a hydrogeological assessment be completed to determine the availability and quality of groundwater for the proposed land use. This may require a desktop review, test</i></p>	<p>DPI Water recommends that at the re-zoning stage a hydrogeological assessment be undertaken to determine the availability and quality of groundwater. Similar to above, it is neither practical nor feasible to undertake this assessment at a Shire wide level. It is better done, as part of any future Development Application assessment process for a specific site and proposal.</p>

<p><i>drilling, pump test and water quality test depending on the availability of groundwater information relevant to the site. Installation of a bore for test purposes will require the applicant to obtain an approval under water legislation from WaterNSW.</i></p> <p><i>Groundwater when untreated should not be considered safe for human consumption without proper treatment. It is recommended that testing of water quality be conducted by a qualified pathologist, especially if it is intended for human consumption.</i></p> <p><i>At rezoning stage it would be recommended the ability to extract the proposed volume and that it is of suitable quality be confirmed to ensure the project is viable.</i></p>	
<p><i>Floodplain Management</i></p> <p><i>The planning proposal recognises that the changes will make water bottling facilities permissible on rural land, some of which could be flood prone. A flood work approval may be required where works occurring (such as earthworks, embankments or levees) are likely to affect the flow of water to or from a river, lake, designated floodplain, or prevent land from being flooded. Where works that may affect flooding are proposed, it is recommended an assessment be completed to confirm impacts on adjacent lands by the proposed development.</i></p> <p><i>It is recommended to consider the potential significance of flooding impacts at the rezoning stage to ensure the project is viable.</i></p>	<p>DPI Water recommend the Council consider the potential significance of flooding impacts at the re-zoning stage. As per above, it is neither practical nor feasible to undertake this assessment at a Shire wide level for multiple rivers and tributaries. It is better done, as part of any future Development Application assessment process for a specific and defined proposal.</p>
<p><i>Watercourse Management</i></p> <p><i>Any works associated with a bottling facility proposed within 40 metres of the high bank of the watercourse on site should be carried out in accordance with Dol — Water's guidelines for controlled activities. A Controlled Activity Approval under the Water Management Act 2000 may be required for works undertaken within 40 metres of the high bank of any watercourse. Applications for these would need to be made to the Natural Resource Access Regulator.</i></p>	<p>It is acknowledged that any works associated with a future water bottling facility within 40 metres of the high bank of a watercourse will require a Controlled Activity Approval.</p>

<u>Submission</u>	
Comment Received	Development Planner Response
<p>1. <i>At this point in time the proposed water extraction site at "Lochiel", Tarwoona Road, Camp Creek, has not been identified as suitable for water extraction and yet the Inverell Shire Council (ISC) is willing to change the LEP upon a random request that may or may not eventuate either through suitability of site, meeting licence requirements, meeting EPA approvals, meeting the requirements of protecting groundwater dependent ecosystems and protecting cultural values of the Indigenous people. This appears to be a time consuming (for Council and community) and expensive action for a one-off request. I am concerned that the ISC is intending to follow the path of Tweed Shire Council because they have changed their LEP. Is there another underlying reason for this?</i></p>	<p>Under the current <i>Inverell Local Environmental Plan 2012</i>, extraction of groundwater for commercial bottling is characterised as a "light industry".</p> <p>It is considered that development for the extraction of groundwater for commercial bottling is most practically and likely to occur within rural areas zoned RU1 Primary Production. A "light industry" is prohibited within the RU1 Primary Production zone. Therefore, the extraction of groundwater for commercial bottling purposes is also 'prohibited' in the RU1 zone and there is no scope for Council to consider the merits of any proposal to bottle water.</p> <p>Whilst Council could consider a Planning Proposal to permit 'light industries' within the RU1 Primary Production zone, this approach is not supported as it may lead to increased demand for other types of industrial development within rural areas, which are not suited to the RU1 Primary Production zone and should be limited to industrial zoned land within the Shire.</p> <p>Council previously received a request to undertake a Planning Proposal to permit extraction of groundwater for commercial bottling on the property 'Lochiel' on Tarwoona Road, Camp Creek. This was a site specific Planning Proposal and was not supported by Council on the following grounds:</p> <ul style="list-style-type: none"> • There is insufficient justification to demonstrate that 'Lochiel' is the sole property within the Inverell LGA suited for a water bottling facility; • The proponents intent behind a site specific Planning Proposal may be to prevent future competition which is not a planning consideration; • If a Planning Proposal was to be supported to permit water bottling facilities, it should be to permit these facilities within the RU1 Primary Production zone generally. This would allow Council to consider other development proposals for water bottling facilities within the Shire, with each proposal to be determined on their respective merits through the

	<p>development assessment process; and</p> <ul style="list-style-type: none"> • Advice from the Regional Department of Planning also supported a broad Planning Proposal to allow water bottling facilities on all RU1 Primary Production land in the Shire instead of a site specific proposal. <p>It is acknowledged that Tweed Shire Council have undertaken an amendment to their LEP to permit water bottling facilities. It is also acknowledged that the Inverell Planning Proposal is similar to Tweed's. This is largely due to the standardisation of legislation across NSW in recent years. Despite any similarities between LEP's, at the merit based Development Application stage, Inverell Shire Council would assess a proposal and consider impacts based on the attributes of the site, the scale of the proposal as well as Inverell's policies and procedures.</p>
<p><i>2. This is one property that is proposing to extract water from the groundwater system on the property "Lochiel". How much RU1 Primary Production Zone is within the ISC boundary? Setting a precedent on groundwater extraction could mean Gigalitres of groundwater would be leaving properties when those groundwater sources are low from dry conditions and when neighbouring properties rely on that water for livestock and domestic purposes. Most water use from groundwater and surface water are used within the property boundaries. The consequences of extraction and possible over extraction can mean the difference of neighbouring properties within that water source watering livestock, crops and family, and not having that water.</i></p>	<p>It is considered that undertaking the Planning Proposal will not establish any precedent in relation to ground water extraction.</p> <p>Should a property owner (including Lochiel) propose a water bottling facility, they would need to lodge a Development Application, which would be subject to a merit-based assessment. The Planning Proposal, whilst providing scope to lodge a Development Application, does not guarantee that a Development Application would be approved.</p> <p>As part of any Development Application for a water bottling facility, it is likely that:</p> <ul style="list-style-type: none"> • Detailed hydrological assessment would be required to be undertaken by the developer; • Council would refer a Development Application to DPI Water for further specific specialist review and comment; • In addition to a Development Application, other water approvals would be required from DPI Water as the regulatory authority for water use (refer DPI Water comments above); and • As part of the above points, consideration would be given to water availability and sustainability,

	<p>suitability of the site and impact on agricultural land.</p> <p>It is considered that potential impacts on groundwater availability, based on the scale of development, would be suitability considered and addressed during the development approval process. In the event of multiple applications, each proposal would be assessed on their individual merits. Should an assessment determine significant adverse impacts are likely, a Development Application may be refused by Council.</p>
<p>3. The New England North West Regional Plan –</p> <p>Goal 2: <i>A healthy environment with pristine waterways. The proposal for water extraction does not meet Direction 10, 11 or 12. as stated in the Planning Proposal. The sustainable management and conservation of water resources, protecting areas of high environmental value and adapting to natural hazards and climate change would not be met when a valuable natural resource asset has been taken from a groundwater site(s) through the water extraction process.</i></p>	<p>There is no evidence to suggest that the Planning Proposal would adversely affect waterways, areas of high environmental value or climate change factors. These matters can be appropriately considered during the Development Application process.</p>
<p>3. The New England North West Regional Plan –</p> <p>Goal 3: <i>Strong infrastructure and transport networks for a connected future. The location of the property where the intended water extraction is to occur may mean that the delivery of the product to the market would require additional roadworks, signage, upgraded causeways, etc at the cost to the ISC ratepayers. This is especially critical if there is a long distance from property to main road. Transport networks for a connected future at the possible high cost to community and ratepayers. More so if there were a large number of properties investing in similar water extraction exercises.</i></p>	<p>Infrastructure, traffic and transport are all matters for consideration during the Development Application assessment process. In the event that a Development Application for a water bottling facility is supported by Council, it is Council standard practice to impose any infrastructure/road upgrades onto the developer, at their expense (not ratepayers).</p>
<p>3. The New England North West Regional Plan –</p> <p>Goal 4: <i>Attractive and thriving communities. Direction 17. Strengthen community resilience. The removal of groundwater reserves form one or more properties would have an effect on neighbours who rely on the same groundwater that has left their area and aquifer. Resilience would be reduced and conflict and division within catchments would occur. Removal of water from the site through the proposed amendment will undermine and create conflict with agriculture land</i></p>	<p>As already discussed above, hydrological assessment, water availability, consultation with DPI Water, impact on agricultural land, etc. would be assessed as part of the Development Application process.</p>

<p>uses including cropping, pasture/lucerne/horticultural irrigation and livestock and domestic watering. This will be more pronounced in periods of dry as we have been experiencing for the past 3 years and expect this to be similar and worsening due to climate change and climate variability.</p>	
<p>Consistency with the Inverell Strategic Plan 2009-2029</p> <p>S117.5 Rural Lands.</p> <p><i>To my knowledge there has not been water extraction and bottling facilities undertaken within the ISC so it is not an acceptable land use as stated in the Relevance to this Planning Proposal column under this S117.5 Direction. This proposal alters the nature and issues associated with agriculture through the removal offsite of potentially large quantities of groundwater and this proposal will have an economic, social and environmental impact on the community and environment. It will jeopardise the production of crops, pasture and livestock by reducing the availability of groundwater to neighbouring existing water users within the same groundwater source. Critical in times when irrigated crops need to be finished, livestock need to be watered and the groundwater dependent ecosystems require groundwater levels to be maintained.</i></p>	<p>To state that a land use is unacceptable because it has not been done before is not a position encouraged or supported.</p> <p>As previously mentioned, the extraction of groundwater for commercial bottling is most likely to occur within rural areas zoned RU1 Primary Production. It is not a land use that would generally be expected to be located on residential, commercial or industrial land.</p> <p>The impacts on ground water, agricultural land, etc. are all important considerations, which can and would be assessed at the Development Application stage.</p>
<p><i>We find Councils decision to amend the LEP at an unknown cost to the community because one request for water extraction and bottling facilities has been received bewildering. There has been no provision by ISC that the property at Camp Creek is not affected by floodwaters, will be utilising an existing groundwater bore or the installation of a new bore. Whether the water is of a suitable quality for bottling or will require treatment. The condition of the proposed aquifer and information from the Department of Industry - Lands and Water - Water, on which aquifer or groundwater system the proposal is targeted to. The quantity of groundwater available and intended extraction along with a hydrogeological assessment of proposed site have not been publicly provided (if they have been completed) and if the proposed project is viable, but ISC sees the LEP needs to be amended.</i></p> <p><i>We object strongly to this adhoc proposal to change the principles and aims of the LEP based solely on one request. If we were to decide that</i></p>	<p>Whilst this Planning Proposal was originally initiated via an enquiry for a property at Camp Creek, the Planning Proposal itself relates to the entire RU1 Primary Production zone, not a specific property.</p> <p>This approach was previously resolved by Council (Res. 78/17, 23 August 2017) and supported by the department of Planning.</p> <p>It would be unreasonable to require a single property owner to undertake the recommended studies to support the Shire-Wide Planning Proposal. Rather it is considered that in the event that a Development Application is lodged, the recommended studies would be undertaken/required at that stage for a specific site.</p> <p>Given a water bottling facility is most likely occur within a RU1 zone, the comparison to a business in a residential area is not relevant.</p>

we wanted to run a large business in a residential area, would you be willing to change the zoning for us?

This change would have greater ramifications than simply allowing an already licensed water user to conduct business. I don't think Council has thought this through thoroughly with enough expert opinion.

TO CIVIL & ENVIRONMENTAL SERVICES COMMITTEE MEETING 14/11/2018

ITEM NO:	1.	FILE NO: S28.21.1/11
DESTINATION 5:	The communities are served by sustainable services and infrastructure.	S
SUBJECT:	WORKS UPDATE	
PREPARED BY:	Justin Pay, Manager Civil Engineering	

SUMMARY:

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

COMMENTARY:**MR 187 Yetman Road Pavement Widening and Rehabilitation**

This project involves the 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 dependant on the final design and cost. It is anticipated the total extent of works will be between 4 and 5kms. Stage one (1) of the project incorporates a section of Yetman Road from 62.6km to 64.0km north of Inverell, whilst stage two (2) incorporates a section from 64.0km to 66.7km north of Inverell.

Council's construction crew have completed Kings Plains Road and works re-commenced on Yetman Road on 29 October, 2018 to complete the remaining 1.8km.

SR 234 Kings Plains Road Pavement Widening and Rehabilitation - East of Swanbrook Bridge

This project involved the widening and rehabilitation of a 400 metre section of Kings Plains Road, 12km east of Inverell. Originally designed in 2008 but not constructed, this project saw the widening and rehabilitation of a narrow section of pavement between the Swanbrook Bridge and Heatherbrae Lane. Current allocation for this project was \$255K from Council's non-recurrent program and ACRD budgets.

Works are now complete on this project. A primer seal was completed on Monday, 15 October 2018.

Heavy Patching – HW12 Gwydir Highway

Council have been allocated \$409,000 by the RMS for the 2018/2019 Financial Year to undertake heavy patching works along sections of the Gwydir Highway. The breakdown of this allocation is \$109,000, administered under the annual RMCC arrangements, \$200,000 as ordered works for pavement preparation under the reseal segments with an additional \$100,000 allocated to the Lamonts Lane segments. The Lamonts Lane area has had some significant pavement failures over the last several years and is programmed for a reseal this financial year.

20,000 square metres of patching was scoped in consultation with the RMS. Crews commenced work on 28 September, 2018 with approximately 80% of the work completed to date. Works are

programmed to be completed early November 2018 in time for commencement of the reseal program.

MR 137 Bonshaw Road Pavement Widening and Rehabilitation

This project involves the widening and rehabilitation of the section of Bonshaw Road 5km north of Ashford, including upgrades to a number of drainage structures. Currently \$930K is allocated to the project from the Repair Program. The project will be completed in 2 stages with the exact length to be rehabilitated dependant on cost. It is anticipated the total extent of works will be 2.4kms. Stage one (1) of the project incorporates a section of Bonshaw Road from 64.440km to 63.240km north of Inverell, whilst stage two (2) incorporates a section from 63.240km to 62.060km north of Inverell.

Works have commenced on the drainage structures, and will continue for two weeks. There is a 600mm x 900mm box culvert to be extended and three sets of pipes to be removed and replaced, two of which have been completed. Two headwalls on the project will be raised by 250mm to retain the new pavement.

Maintenance Grading

Maintenance grading works were undertaken on the following roads during October 2018.

Road Number	Road Name	Length Graded (KM)
SR 23	Bedwell Downs Road	41.8km
SR 91	Gunyan Road	17.8km
SR 13	Apple Tree Flat Road	18.4km
SR 224	Airlie Brake Lane	8.4km
SR 137	Macintyre Station Lane	900m
SR 44	Pindaroi Road	16.9km
SR 102	Mastermanns Road	6.8km
SR 103	Gragin Boundary Road	1.8km
SR 104	Lecoin Road	10.5km
SR 223	Byron Station Lane	3.3km
SR 225	Goomerah Lane	8.1km
	TOTAL	134.7km

Gravel Patching

Gravel Patching works were undertaken on the following roads during October 2018.

Road Number	Road Name	Area Patched (M²)
SR 124	Lamonts Lane	450 m ²
SR 60	Nullamanna Road	320 m ²

	TOTAL	770 m ²
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Gravel Re-sheeting

No Gravel re-sheeting works were undertaken during October 2018.

Heavy Patching

Heavy Patching Works were undertaken on the following roads during October 2018.

Road Number	Road Name	Square Metres Patched
HW 12	Gwydir Hwy	15,000 m ²
MR 462	Bruxner Way	3800 m ²
	TOTAL	18,800 m²

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.

ITEM NO:	2.	FILE NO: S18.3.1
DESTINATION 3:	An environment that is protected and sustained	E
SUBJECT:	PLANNING LEGISLATION UPDATES	
PREPARED BY:	Chris Faley, Development Planner	

SUMMARY:

The Department of Planning and Environment have recently announced a number of updates to planning legislation across New South Wales.

The purpose of this report is to provide Committee Members with information in relation to these recent updates.

COMMENTARY:

In September and October 2018, the Department of Planning and Environment (DPE) announced three updates to planning legislation. These are:

- New Exempt Development and Complying Development Standards for Inland NSW;
- Proposed Planning Framework for Short Term Rental Accommodation; and
- Release of Local Housing Strategy Guidelines and Template.

These updates are separate to the comprehensive, staged reforms being undertaken to the *Environmental Planning and Assessment Act 1979*, which were previously reported to the August 2018 Civil and Environmental Services Committee (Res. 97/18).

Discussion on each of the recent updates is provided below.

New Exempt Development and Complying Development Standards for Inland NSW

“Exempt Development” is minor development which must comply with pre-determined development standards and does not require an approval. Examples of typical exempt developments include small garden sheds, fences and farm sheds.

Where an approval is required, “Complying Development” can be a quick, simple alternative to the Development Application and Construction Certificate process. Under the Development Application process, each application is subject to a ‘merit-based’ assessment. However, a Complying Development satisfies a range of pre-determined planning standards and therefore does not require the merit assessment.

The main standards for Exempt Development and Complying Development are contained within *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP). These standards apply across NSW and are generally the same for metropolitan, coastal, regional and rural areas.

DPE have proposed the following changes to the Codes SEPP:

- Across NSW, the following changes have been proposed to Exempt Development provisions for rural agricultural land:
 - The provisions for constructing a farm building (e.g. hay shed, machinery shed, etc.) have been updated;
 - New provisions have been created for constructing Stock Holding Yards (not used for the sale of stock) as Exempt Development;
 - New provisions have been created for constructing Grain Silos and Grain Bunkers as Exempt Development;
- New Complying Development provisions have been proposed for Inland NSW. These provisions are known as the “Inland Code” and:
 - Apply to 69 councils on or west of the Great Dividing Range (this includes Inverell);
 - Provide provisions, specific to Inland NSW, for constructing new dwellings and outbuildings (sheds, pools, etc.) as Complying Development; and
- A number of administrative changes to definitions and wording across the Codes SEPP.

Currently, to construct a new dwelling or outbuilding as Complying Development, a developer in regional or rural NSW must satisfy the same standards as a developer in a coastal or metropolitan area.

In recognition of the difference from coastal and metropolitan areas, the new Inland Code is intended to provide simplified and tailored Complying Development standards specific to regional and rural NSW.

Whilst a tailored approach to regional and rural NSW is encouraged, Complying Development represents only a small proportion of development approvals each year in Inverell. Therefore, while the new Inland Code may result in an increase in Complying Development approvals, it will not be significant.

The above changes to Exempt Development and Complying Development will come into effect on 1 January 2019.

Proposed Planning Framework for Short Term Rental Accommodation

Short Term Rental Accommodation (STRA) has experienced rapid growth in recent years with the development of online platforms such as “*airbnb*”. At present, there is no state-wide planning definition for short term rental accommodation. Individual councils determine where and when planning consent is required for short term rental accommodation.

The proposed new definition of STRA is “*the commercial use of an existing dwelling, either wholly or partially, for the purposes of short-term accommodation, but does not include tourist and visitor accommodation.*”

To date, Council has received minimal enquiries regarding STRA within the Inverell Shire. For those that have been received, Council staff have generally facilitated these where possible as bed and breakfast and/or farm stay accommodation. It is likely that there are a number of STRA that exist within the Inverell Shire of which Council is unaware. To date, there has been little planning and/or compliance issues associated with STRA in Inverell.

In October 2018, the DPE released an Explanation of Intended Effect to amend and standardise planning rules for STRA across NSW.

The proposed amendments to planning rules will:

- Introduce a single definition for STRA applicable across NSW;
- Introduce exempt development and complying development pathways that enable STRA as:
 - Exempt development for up to 365 days per year, when the host is present;
 - Exempt development, when not on bushfire prone land and when the host is not present, for:
 - No more than 180 days per year in Greater Sydney;
 - Up to 365 days per year outside of Greater Sydney. However, councils outside Greater Sydney will be able to decrease the 365 day threshold to no lower than 180 days per year according to local needs.
 - Complying development, on certain bushfire prone land and the host is not present for:
 - No more than 180 days per year in Greater Sydney
 - Up to 365 days per year outside of Greater Sydney. However, councils outside Greater Sydney will be able to decrease the 365 day threshold to no lower than 180 days per year according to local needs.
- Introduce minimum fire safety and evacuation requirements for premises used for STRA.

Whilst Inverell has experienced minimal issues associated with STRA, the introduction of certainty around this matter is welcomed by Council staff.

Release of Local Housing Strategy Guidelines and Template

The DPE have released guidelines and a template for councils to utilise when developing a Local Housing Strategy for a local government area.

A local housing strategy establishes a council's vision for providing housing in a local government area. A local housing strategy will link a council's vision for housing with the housing objectives and targets of the NSW Government strategic plans, including regional and district plans.

Local housing strategies are prepared by councils, in consultation with communities, to detail how and where housing will be provided in local areas. They include consideration of demographic factors, local housing supply and demand, and local land-use opportunities and constraints. The strategies can also identify areas of cultural, environmental, heritage or local character significance.

A council is required to prepare a Local Housing Strategy, where the relevant Regional Plan for that council, specifies the need for a strategy.

A review of the *New England North West Regional Plan 2036* did not identify a requirement for Inverell to prepare a Local Housing Strategy. Council staff also contacted the regional DPE Team in Tamworth and confirmed there is no requirement for a Local Housing Strategy in Inverell.

For councils like Inverell, where a Local Housing Strategy is not required, the DPE does encourage that a strategy still be prepared.

It is considered that a Local Housing Strategy is not required for Inverell. This is in acknowledgement of recent strategic planning initiatives undertaken by Council in relation to residential land and housing supply. Notably:

- Council has recently completed a 12 month residential land review; and
- Council has engaged King & Campbell Pty Ltd to prepare Structure Plans for New Residential Areas in Inverell.

Whilst a Local Housing Strategy is not required, it is considered that the DPE guidelines are a useful resource which can be utilised in preparation of the Structure Plans for New Residential Areas.

Conclusion

The recent updates to planning legislation proposed by the Department of Planning and Environment are a continuation of the State Government's commitment to reforming planning legislation and processes across NSW.

In the context of more comprehensive reforms to the *Environmental Planning and Assessment Act 1979* currently being undertaken, the latest round of updates to planning legislation are minor and will not significantly impact Council's day-to-day operations.

Overall, the changes to Exempt Development and Complying Development for Inland NSW and the provision of certainty around Short Term Rental Accommodation are welcome initiatives. Although there is no requirement to prepare a Local Housing Strategy, the guidelines are a useful resource.

It is considered that no further action or feedback to the Department of Planning and Environment is required at this stage.

RELATIONSHIP TO STRATEGIC PLAN, DELIVERY PLAN AND OPERATIONAL PLAN:

Strategy: E.03 Protect, rehabilitate and manage all impacts on the built and natural environment.

Term Achievement: E.03.01 Industrial and residential estate areas designed constructed and maintained to deliver ecologically sustainable outcomes.

Operational Objective: E.03.01.01 To establish measures and processes to protect the built environment and safety of the residents of the Shire through both direct control and education.

POLICY IMPLICATIONS:

The proposed changes to planning legislation will need to be considered by Council during the development assessment process.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil

LEGAL IMPLICATIONS:

Nil

RECOMMENDATION:

That the items contained in the Information Reports to the Civil & Environmental Services Committee Meeting held on Wednesday, 14 November, 2018, be received and noted.