

Principal Activity	Recreation & Culture		2013/14	2014/15		
Title of Fee or Charge	Pricing Principle		Fee	Fee	GST	Total Fee
<b>Playing Fields Seasonal Hirers</b>						
<b>All Schools (Sporting events only)</b>						
- Annual Charge - All Fields				396.36	39.64	436.00
- Full Day Hire				54.55	5.45	60.00
- Full Day Hire - (Inclusive of line marking)				160.91	16.09	177.00
<b>Blayney Showground</b>						Booking form must be completed for every event
Seasonal Hire						
- Blayney Junior Soccer			676.00	636.36	63.64	700.00
- Blayney Senior Soccer			676.00	636.36	63.64	700.00
- Carcoar & District Pony Club			416.00	391.82	39.18	431.00
- Central West Dressage			0.00	391.82	39.18	431.00
- Blayney Harness Racing Trainers			176.80	166.36	16.64	183.00
<b>King George Oval</b>						
Seasonal Hire						
- Blayney Senior Cricket			421.00	396.36	39.64	436.00
- Blayney Junior Rugby League			1248.00	1174.55	117.45	1292.00
- Blayney Rugby League			1622.00	1526.36	152.64	1679.00
- Blayney Rugby Union			1622.00	1526.36	152.64	1679.00
- Blayney Little Athletics			421.00	396.36	39.64	436.00
- Blayney Touch Football			0.00	396.36	39.64	436.00
<b>Redmond Oval</b>		User Pay	12807700.130			
Seasonal Hire						
- Millthorpe Junior Cricket			374.00	351.82	35.18	387.00
- Millthorpe Junior Soccer			582.00	547.27	54.73	602.00
- Millthorpe Senior Soccer			582.00	547.27	54.73	602.00
<b>Dakers Oval</b>						
Seasonal Hire						
- Blayney Junior Cricket			421.00	396.36	39.64	436.00
- Blayney Senior Cricket			421.00	396.36	39.64	436.00
<b>Napier Oval</b>						
Seasonal Hire						
- Blayney Junior Soccer				318.18	31.82	350.00
- Blayney Senior Soccer				318.18	31.82	350.00
- Blayney Junior Cricket			421.00	396.36	39.64	436.00
<b>Stillingfleet Courts</b>						
Seasonal Hire						
- Blayney Netball Association			728.00	684.55	68.45	753.00
<b>Recreational</b>						
- Booking			72.00	68.18	6.82	75.00
- Casual Hirers			88.00	82.73	8.27	91.00
						Subject to approval by Council's Insurer

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Principal Activity	Recreation & Culture	Pricing Principle	2013/14	2014/15	Comments
Title of Fee or Charge			Fee	Fee	
<b>Blayney Showground</b>					
Full Day Hire					
- Pavilion Hire		12811700, 130	300.00	282.73	
- PLUS Security Deposit		Trust 2	300.00	-	
- PLUS Cleaning Deposit		Trust 2	100.00	100.00	
- PLUS Key Deposit:		Trust 2	100.00	-	
- Casual Hire (Note - excludes Pavilion Hire)		12811700, 130	360.00	339.09	
- PLUS Security Deposit		Trust 2	680.00	-	
- PLUS Key Deposit:		Trust 2	100.00	100.00	
- Blayney A & P Association Show		12811700, 130	1216.00	1144.55	
- Blayney A & P Harness Racing		12811700, 130	379.00	356.36	
Club Event					
- Carcarr and District Pony Club Event		12811700, 130	150.00	140.91	
- Overnight camping (per night, per person)		12811700, 130	9.00	8.45	
- Other Events		12811700, 130	Contract Price	-	
<b>Redmond Oval</b>					
Full Day Hire					
- Casual Hire		12807700, 130	343.00	322.73	
- PLUS Cleaning Deposit		Trust 2	100.00	100.00	
- Millthorpe Markets*		12807700, 130	909.09	90.91	
* Includes cleaning of amenities, linemarking etc.					
<b>Heritage Park</b>					
Per day or part thereof					
- Park Hire Fee (Fetes, Gala Day or Festivals)	User Pay	12808700, 130	343.00	322.73	
- Amphitheatre Hire (Exclusive Use - Schools & Not for Profit Community Organisations).		12808700, 130	88.00	82.73	
- Amphitheatre Hire (Exclusive Use - Others)		12808700, 166	37.00	34.55	
- PLUS Power (As requested)		Trust 2	0.00	-	
<b>Heritage Park- continue</b>					
- RTA Sanctioned Road Safety Events		Trust 2	100.00	100.00	
- PLUS Cleaning Deposit		12808700, 166	16.00	15.00	
- Car park/BBO Shelter Power Access Fee (day/night hours only)		Trust 2	100.00	100.00	
- PLUS Cleaning Deposit		Trust 2	100.00	100.00	
- PLUS Key Deposit		Trust 2	100.00	-	
<b>King George Oval</b>					
Full Day Hire					
- Casual Hire		12807700, 130	343.00	322.73	
- PLUS Toilets & Change Room Fee		12807700, 166	114.00	107.27	
- PLUS Cleaning Deposit		Trust 2	100.00	100.00	
- PLUS Key Deposit:		Trust 2	100.00	0.00	
- PLUS Power & Lighting (as requested)		12807700, 166	156.00	146.36	
<b>Napier Oval, Dakers Oval &amp; Other Recreational Facilities</b>					
Full Day Hire					
- Casual Hire		12807700, 130	343.00	322.73	
- PLUS Cleaning Deposit		Trust 2	100.00	100.00	
- PLUS Key Deposit:		Trust 2	100.00	-	
- PLUS Power & Lighting (as requested)		12807700, 166	156.00	146.36	

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Principal Activity	Mining, Manufacturing & Construction			2013/14		2014/15				
Title of Fee or Charge	Pricing Principle			Fee	Fee	GST	Total Fee		Comments	
Section 735A / 1212P Application	Statutory **	13200730, 124		120.00	120.00	-	120.00		Council pricing reflects nature of service and costs.	
Outstanding Notices Certificate										
Caravan Park Inspection										
Inspection Fees										
Approval Fee				156.00	161.00	-	161.00			
Certificates of Completion				343.00	355.00	-	355.00			
a. Manufactured Home	User Pay	13200740, 124		156.00	161.00	-	161.00		Council pricing reflects nature of service and costs.	
b. Reinspection of (a)				156.00	161.00	-	161.00			
c. Structure associated with (a)				156.00	161.00	-	161.00			
d. Reinspection of (c)				156.00	161.00	-	161.00			
Amusement Devices										
Inspection Fees										
- Major Ride	Regulatory	11801020, 131		31.00	32.00	-	32.00		Council pricing reflects nature of service and costs.	
- Minor Ride				21.00	22.00	-	22.00			
Additional Late Application Fee (less than 72 hours notice)				187.00	194.00	-	194.00			
Contributions to Works – Council Programmed Works										
Kerb & Guttering (per linear metre); Foot paving (per square metre)	Regulatory	13414710, 200 13412710, 200		50% of cost 50% of cost	50% of cost 50% of cost	10% 10%	50% of cost 50% of cost		Recovery of Costs from adjacent owners in accordance with Section 217 of the Roads Act, 1993.	
Road Opening Permit The charges shall apply to all organisations/utilities (application plus applicable restoration).		13419710, 166		119.00	111.82	11.18	123.00		Council pricing reflects nature of service and costs.	
Restoration Charge										
- Concrete Road Pavements (per m <sup>2</sup> )		13419710, 200		327.00	307.27	30.73	338.00			
- Concrete Footpaths (per m <sup>2</sup> )		13412710, 200		109.00	102.73	10.27	113.00			
- Residential Driveways (per m <sup>2</sup> )	User Pay	13419710, 200		176.00	165.45	16.55	182.00			
- Bitumen surface on all bases (per m <sup>2</sup> )		13419710, 200		145.00	136.36	13.64	150.00		Council pricing reflects nature of service and costs.	
- Gravel Roads / Footpaths (per m <sup>2</sup> )		13419710, 200		93.00	87.27	8.73	96.00			
- Kerb & Gutter (per m)		13414710, 200		140.00	131.82	13.18	145.00			
- Turfed Footpaths (per m <sup>2</sup> )		13414710, 200		88.00	82.73	8.27	91.00			
- Block paved Footpaths (per m <sup>2</sup> )		13414710, 200		213.00	200.00	20.00	220.00			
Principal Activity	Economic Affairs			2013/14	Fee	2014/15	Fee	GST	Total Fee	Comments
Private Works	Pricing Principle									
Direct Costs including labour on-costs	User Pay	Individual Work Orders		Actual Cost + 30%	Actual Cost + 30%	10%	Actual Cost + 30%			Council pricing reflects nature of service and costs.
Gravel Sales	User Pay	13202720, 164		33.00	30.91	3.09	34.00			Council pricing reflects nature of service and costs.
- Depot Stockpile (per tonne)										
Inala Units										
Residents admitted per Residential Tenancy Act - Rent per week as negotiated through tenancy agreement (Refer property management agency)	User Pay	12003030, 130		Market Rental	Market Rental	-	Market Rental		Market Rental	Council price reflects nature of service and costs.
Plant Hire Rates									Refer Attach #5	

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## Attachment 1 : Development Fees

Description of Activity	Pricing Principle	Initial Fee	Additional Fee	GST Appl.
<b>1 Erection of a building or carrying out work (based on cost of development)</b> (a) Development up to \$5,000 (b) Development \$5,001 to \$50,000 (c) Between \$50,001 to \$250,000 (d) **Between \$250,001 to \$500,000 (e) **Between \$500,001 to \$1,000,000 (f) **Between \$1,000,001 to \$10,000,000 (g) **Over \$10,000,000  <b>** INCLUDES</b> an additional DA fee imposed by the State Government of 0.064 cents in the dollar (or \$64.00 per \$100,000) on developments valued at over \$50,000 (for implementation of planning NSW planFIRST* scheme). <b>Note:</b> Building and trade waste fees apply to all building and demolition works as detailed in Attachment 3 – Tipping Fees.	Statutory**	\$110.00 \$170.00 \$352.00 \$1,160.00 \$1,745.00 \$2,615.00 \$15,875.00	Nil + \$3.00 per \$1,000 (or part thereof) of the estimated cost + \$3.64 per \$1,000 (or part thereof) over \$50,000 + \$2.34 per \$1,000 (or part thereof) over \$250,000 + \$1.64 per \$1,000 (or part thereof) over \$500,000 + \$1.44 per \$1,000 (or part thereof) over \$1,000,000 + \$1.19 per \$1,000 (or part thereof) over \$10,000,000	No No No No No No No
<b>2 Domestic Work &amp; Dwelling House &gt;\$12,000 and not exceeding \$100,000</b>	Statutory**	\$455.00	nil	No
<b>3 Long Service Leave Levy</b> Payable on <u>all</u> building/construction work valued at \$25,000.00 or more	User Pay	0.35% of cost of works	nil	No
<b>4 Development not involving building work or subdivision</b>	Statutory**	\$285.00	nil	No
<b>5 Development involving works less than \$12,000 (Heritage)</b> (a) Items listed in Schedule 2 Heritage items of Blayney LEP 1998 (b) Items of significance listed in the Blayney Community Based Heritage Study (c) Items for which Heritage grant funding has been approved by Council (including File Maintenance + Construction Certificate)	User Pay	nil	nil	No
<b>6 Development involving works \$12,000 and greater (Heritage)</b> (a) Items listed in Schedule 2 Heritage items of Blayney LEP 1998 (b) Items of significance listed in the Blayney Community Based Heritage Study (c) Items for which Heritage grant funding has been approved by Council (including file maintenance)	User Pay	nil	Construction Certificate Fees Apply	No
<b>7 Subdivision of Land (EP &amp; A Reg. 249)</b> (a) (i) Subdivision (opening of public road) (ii) Subdivision (not involving opening of public road) (b) Minor Subdivision- State Significant (c) Strata- State Significant (d) Registration & Release fee (e) Notification of Adjoining Owners Fee	Statutory** Statutory** Statutory** Statutory** User Pay	\$665.00 + \$65.00/additional lot \$330.00 + \$53.00/additional lot \$330.00 + \$53.00/additional lot \$330.00 + \$65.00/additional lot \$123.00 \$150.00	nil nil nil nil nil nil nil	No No No No No No No

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## Attachment 1 : Development Fees

Description of Activity	Pricing Principle	Initial Fee	Additional Fee	GST Appl.
(f) Leased Land (combined with (a) & (e))	User Pay	\$236.00	nil	No
(g) Subdivision Certificate	User Pay	\$123.00	nil	No
(h) Survey Plans submitted to Council for certification that consent is not required	User Pay	\$123.00	nil	No
8 Designated Development (EP & A Reg. 251)	Statutory**	\$820.00	nil	No
9 Integrated Development Referral fee (Per Agency) (EP & A Reg. 253(4))	Statutory**	\$320.00	Subject to variation 253(4)	No
10 Development requiring advertising (EP & A Reg. 252)	Statutory**	\$2,220.00	nil	No
(a) Designated Development	Statutory**	\$1,105.00	nil	No
(b) Prohibited & Other Advertised Development	Statutory**	\$1,105.00	nil	No
(c) Development Requiring Notice	Statutory**	\$1,105.00	nil	No
(d) Adjoining Owner Notification	User Pay	\$150.00	nil	No
11 Development - Use of Footpath as per Council Policy	User Pay	\$118.00	nil	No
12 Section 96 Modification (EP & A Reg. 258)				
(a) Application Fee		\$71.00	nil	No
(i) s96(1)				
(ii) s96(1A)				
(iii) s96(2)	Statutory**	\$645.00 or 50 % of the fee for the original development application, whichever is the lesser		
- If original application fee < than \$100		50% of original fee		
- If original application fee > than \$100		\$190.00		
- DA for dwelling < \$100,000		clause 258 table		
- Any other development		50% of fee		
(iv) s96AA(1)		\$190.00		
- Original fee < than \$100				
- Original fee > than \$100				
- DA for dwelling < \$100,000				
- Any other development		clause 258 table		
13 Local Environment Plan (LEP)				
(a) Purchase LEP	User Pay	\$61.00	nil	Yes
(b) Purchase LEP & additional Maps	User Pay	\$122.00	nil	Yes
14 Building Entitlement (Existing Holding Search)	User Pay	\$322.00	External searches at full cost.	No
Includes investigation into compliance with BLEP 2012 clause 4.2A(s) dwellings in rural zones				

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## Attachment 1 : Development Fees

Description of Activity	Pricing Principle	Initial Fee	Additional Fee	GST Appl.
<b>15 Refund of Fees</b>				
(a) DA fee after issue of consent		nil	nil	No
(b) DA fee after lodgement, but prior to issue of consent		50% or \$226.00 whichever is greater	nil	No
(c) Construction Certificate fee after issue of construction certificate		nil	nil	No
(d) Construction Certificate fee after lodgement, but prior to issue of construction certificate	User Pay	50% or \$118.00 whichever is greater	nil	No
(e) Septic Tank/Sewer after issued consent		nil	nil	No
(f) Septic Tank/Sewer prior to issued consent		50%	nil	No
(g) File maintenance		nil	nil	No
(h) Compliance Certificates fees where inspections are not carried out		100%	nil	No
(i) Tipping Fees (upon return of vouchers)		100%	nil	No
<b>16 Notification of Adjoining Owners where required</b>	User Pay	\$150.00	nil	No
<b>17 Construction Certificates (Includes Engineering Construction Certificates)</b>				
(a) Less than \$12,000		\$100.00	+ \$5.80 per \$1,000 (or part thereof) over \$12,000	Yes
(b) Between \$12,001 to \$100,000		\$145.00	+ \$23.00 per \$5,000 (or part thereof) over \$100,000	Yes
(c) Between \$100,001 to \$500,000	User Pay	\$580.00	+ \$18.00 per \$5,000 (or part thereof) over \$500,000	Yes
(d) Between \$500,000 to \$1,000,000		\$2,350.00	+ \$111.00 per \$50,000 (or part thereof) over \$1,000,000	Yes
(e) Greater than \$1,000,000		\$4,010.00		
<b>18 Complying Development Certificates</b>				
(a) Up to \$5,000		\$279.00		Yes
(b) Fee inclusive of file maintenance and compliance certificate costs.				
(b) \$5,001 up to \$12,000		\$446.00		Yes
(c) Fee inclusive of file maintenance and compliance certificate costs.				
(c) \$12,001 up to \$50,000		\$306.00	+ \$5.70 per \$1,000 (or part thereof) over \$12,000. Plus Compliance Certificate costs.	Yes
(d) Fee inclusive of file maintenance only.				
(d) Between \$50,001 to \$100,000	User Pay	\$516.00	+ \$4.60 per \$1,000 (or part thereof) over \$50,000. Plus Compliance Certificate costs.	Yes
(e) Fee inclusive of file maintenance only.				
(e) Between \$100,001 to \$500,000		\$737.00	+ \$22.00 per \$5,000 (or part thereof) over \$100,000. Plus Compliance Certificate costs.	Yes
(f) Fee inclusive of file maintenance only.				
(f) Between \$500,001 to \$1,000,000		\$2,513.00	+ \$17.00 per \$5,000 (or part thereof) over \$500,000. Plus Compliance Certificate costs.	Yes
(g) Greater than \$1,000,000				
(g) Fee inclusive of file maintenance only.		\$4,171.00	+ \$107.00 per \$50,000 (or part thereof) over \$1,000,000. Plus Compliance Certificate costs.	Yes

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## Attachment 1 : Development Fees

Description of Activity	Pricing Principle	Initial Fee	Additional Fee	GST Appl.
<b>19 Building Certificate (149D) (EP &amp; A Reg. 260)</b> (a) Floor area of building or part not exceeding 200m <sup>2</sup> (b) Floor area exceeding 200m <sup>2</sup> but less than 2,000m <sup>2</sup> (c) Floor area exceeding 2,000m <sup>2</sup>	Statutory**	\$250.00 \$250.00 \$1,165.00	nil \$0.50/m <sup>2</sup> over 200m <sup>2</sup> \$0.075/m <sup>2</sup> over 2,000m <sup>2</sup>	No No No
<b>20 Construction Inspections</b> (a) Per Inspection – Council PCA (b) Package of 6 inspections for a dwelling (c) Re-inspection (d) Per Inspection – Private PCA	User Pay	\$145.00 \$818.00 \$145.00 \$296.00	nil nil nil nil	Yes Yes Yes Yes
<b>21 Inspection of building to be relocated</b>	User Pay	\$333.00 + travelling costs	nil	Yes
<b>22 Illegal building works</b>  DA for use required plus Building Certificate Application	User Pay	Normal Fees for Development Application plus Building Certificate Application Fee	nil	No
<b>23 Maintaining File (Admin Fee)</b>	User Pay	\$167.00	nil	No
<b>24 Accredited Certifiers</b> Engagement of accredited certifiers from the private sector or other councils to undertake Council Certification Functions.	User Pay	Full Cost + 20%	nil	Yes
<b>25 Development Applications to Retrofit Existing Buildings for Accessibility</b> (a) Involving Works Less than \$12,000 (b) Involving Works Greater than \$12,000 (c) Applications Beyond Retrofit Works. For the Purpose of Calculation Fees, the Value of Works will reduce by the value of the retrofit component.	User Pay	nil nil	nil Construction Certificate Fees Apply	No No
<b>26 Advertising Structures</b>	User Pay	\$119.00		No
<b>27 Private Certifier Fee (EP &amp; A Reg. 263)</b>	Statutory**	\$36.00	nil	No
<b>28 Concurrence Fee (Additional) (EP &amp; A Reg. 252A)</b>	Statutory**	\$140.00	nil	No

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## Attachment 2: Section 94 and 64 Contribution Plans

The development and implementation of a new Contribution Plan for Blayney Shire, under the provision of Sections 94 and 94A of the Environmental Planning and Assessment Act undertaken by Council in 2013. The Blayney Local Infrastructure Contribution Plan 2012 was adopted by Council on 12 September 2013.

Section 94 Contribution Plans	
<b>Section 94 Contributions</b>	
Residential accommodation development resulting in an additional dwelling or lot.	\$5,789 per dwelling or lot
Heavy haulage development	\$0.21 per ESA per km of regional sealed road \$0.34 per ESA per km of local sealed rd \$0.21 per ESA per km of local gravel road
<b>Section 94A levies</b>	
Development that is not type A or B and where the proposed cost of carrying out the development is:	0.5% of that cost 1% of that cost
- is more than \$100,000 and up to and including \$200,000	
- is more than \$200,000	

**Notes:** - Also refer to development exclusions identified in clause 2.8 of the Blayney Local Infrastructure Contributions Plan 2013.

- ESA means Equivalent Standard Axi.

Section 64 Contribution Plans	
Developer Charges for Miltthorpe Sewerage Scheme	\$6,555 per dwelling or lot
Developer Charges for Blayney Sewerage Scheme	\$2,497 per dwelling or lot

## Attachment 3-Tipping Fees 2015

<b>Residential Waste</b>		
Standard 250L wheelie bin	2014/15 Fee	Pricing Principle GST
Small box trailer/ Larger trailer/ Utility type vehicle (per m <sup>3</sup> )	\$6.00	
All unsorted waste (per m <sup>3</sup> )	\$12.00	
Mattresses single/double	\$45.00	User Pay 10%
Lounges single/double	\$6.00/\$12.00	
Green waste (not grass clippings per m <sup>3</sup> )	\$6.00/\$12.00	
	\$12.00	

There will be no charge for clean fill, heavy and light steel. There will be no charge for shire residents for domestic glass containers (unbroken) or aluminium cans, cardboard, grass clippings, paper, plastic bottles or motor vehicles provided they are:

- a.) Not contaminated;
- b.) are already separated; and
- c.) do not go into the landfill cell.

<b>Tyres</b>		
Car	2014/15 Fee	Pricing Principle GST
Truck/small tractor	\$14.00	
Tractor (large greater than 1m diameter)	\$24.00	User Pay 10%
Tyre components (cut up tyres per m <sup>3</sup> )	\$150.00	
	\$78	

<b>Dead Animals</b>		
Dogs & cats	2014/15 Fee	Pricing Principle GST
Sheep & goats	\$10.00	
Horse & cow	\$18.00	User Pay No
	\$66.00	

<b>Asbestos (must be triple wrapped in black plastic and sealed)</b>		
Within the local government area (per m <sup>3</sup> )	2014/15 Fee	Pricing Principle GST
Outside the local government area (per m <sup>3</sup> )	\$270.00	
	Subject to individual assessment	User Pay 10%

<b>Building Trade Waste</b>		
To be paid with Application to undertake building/demolition works	2014/15 Fee	Pricing Principle GST
- Building value up to \$12,000	Nil	
- Building value \$12,000 to \$50,000 – 4 dockets	\$93.00	User Pay 10%
- Building value exceeding \$50,000 – 8 dockets	\$187	
or by individual assessment		

The following waste is not accepted: septic tank effluent, liquid trade waste and friable asbestos.

## Attachment 4 - Liquid Trade Waste

**Liquid Trade Waste**

Application Fee	\$202.00
Application Fee (Large Dischargers - Category 3)	\$339.00
Annual Trade Waste Fee	\$82.00
Annual Trade Waste Fee (Large Dischargers - Category 3) (The annual charge will be invoiced in July each year)	\$308.00
Re-inspection Fee	\$75.00
Trade Waste Usage Charges for Category 1 with Prescribed Pre-Treatment (per KL)	Nil
Trade Waste Usage Charges for Category 1 without Prescribed Pre-Treatment (per KL)	\$1.55
Trade Waste Usage Charges for Category 2 with Prescribed Pre-Treatment (per KL)	\$1.55
Trade Waste Usage Charges for Category 2 without Prescribed Pre-Treatment (per KL) Council will issue Category 1 and 2 trade waste usage every three months in arrears.	\$16.50
<b>Excess Mass Charges for Large Dischargers - Category 3</b>	
Total mass charges as calculated using individual parameter charges (t):	
Aluminium	\$0.77/kg
Ammonia (as Nitrogen)	\$2.25/kg
Arsenic	\$75.80/kg
Barium	\$37.95/kg
Biochemical Oxygen Demand (BOD)	\$0.77/kg
Boron	\$0.77/kg
Bromine	\$15.20/kg
Cadmium	\$350.50/kg
Chloride	-
Chlorinated Hydrocarbons	\$38.00/kg
Chlorinated phenolics	\$1,515.00/kg
Chlorine	\$1.60/kg
Chromium	\$25.30/kg
Cobalt	\$15.50/kg
Copper	\$15.50/kg
Cyanide	\$15.50/kg
Fluoride	\$75.80/kg
Formaldehyde	\$3.80/kg
Oil and Grease (Total O & G)	\$1.60/kg
Herbicides/defoliants	\$1.40/kg
	\$758.00/kg

## Attachment 4 - Liquid Trade Waste

Iron	\$1.60/kg
Lead	\$37.95/kg
Lithium	\$7.60/kg
Manganese	\$7.60/kg
Mercaptans	\$75.80/kg
Mercury	\$2,525.00/kg
Methylene Blue Active Substances	\$0.77/kg
Molybdenum	\$0.77/kg
Nickel	\$25.30/kg
Nitrogen (as TKN – Total Kjeldahl Nitrogen)	\$0.21/kg
Organosanic Compounds	\$758.00/kg
Pesticides General (excludes organochlorines and organophosphates)	\$758.00/kg
Petroleum Hydrocarbons (non-flammable)	\$2.55/kg
Phenolic Compounds (non-chlorinated)	\$7.60/kg
Phosphorous (Total Phosphorous)	\$1.60/kg
Polynuclear aromatic hydrocarbons	\$15.50/kg
Selenium	\$53.35/kg
Silver	\$1.45/kg
Sulphate (SO4)	\$0.21/kg
Sulphide	\$1.60/kg
Sulphite	\$1.70/kg
Suspended Solids (SS)	\$0.97/kg
Thiosulphate	\$0.31/kg
Tin	\$7.60/kg
Total Dissolved Solids (TDS)	\$0.10/kg
Uranium	\$7.60/kg
Zinc	\$15.50/kg

Liquid Trade Waste Excess Mass Charge (\$) =

$$\frac{(\$ - D) \times Q \times U}{1,000}$$

Where:

S = Concentration (mg/L) of substance in sample.

D = Concentration (mg/L) of substance deemed to be present in domestic sewage.

Q = Volume (kl) of liquid trade waste discharged to the sewerage system.

U = Unit prices (\$/kg) for disposal of substance to the sewerage system.

#### Food Waste Disposal Charge

Where Blayney Shire Council has approved installation of a food waste disposal unit for a hospital, nursing home or other eligible facility, the following additional food waste disposal charge will be payable annually.

Food Waste Disposal Charge (\$) = B x U<sub>f</sub>

Where:

B = Number of beds in hospital or nursing home.

U<sub>f</sub> = Annual unit price (\$/bed) for a food waste disposal unit at a hospital or nursing home.

Where

U<sub>f</sub> = \$21.00/bed

Attachment 5 - Plant Hire Rates

Plant Description	2013/14		2014/15	
	Tipping Trucks		Tipping Trucks	
<b>Hire Rates for Private Works (per hour during normal hours)</b>				
Water Cart	\$	149.00	\$	154.00
Grader Cat 12 Series	\$	165.00	\$	170.00
Loader	\$	168.00	\$	173.00
Backhoe	\$	130.00	\$	135.00
Roller Dynapac	\$	118.00	\$	123.00
Roller Multi Tyred	\$	190.00	\$	195.00
Tractor/Mower/Slasher	\$	115.00	\$	120.00
Kanga Mini Loader	\$	165.00	\$	170.00
Front Deck Mower	\$	92.00	\$	97.00
Street Sweeper	\$	125.00	\$	130.00
<b>Truck Hire Rates</b>				
<b>Capacity of Vehicle</b>	<b>Rate per Hour</b>	<b>Rate per Km</b>	<b>Rate per Hour</b>	<b>Rate per Km</b>
12 Tonne Tipper	\$134.00	N/A	\$139.00	N/A
30 Tonne Truck & Trailer	\$155.00	N/A	\$160.00	N/A

**Notes to Plant Hire Rates**

- The above scheduled rates apply to hire periods of 1 day (8 1/2 hr) duration or less. Hire of the scheduled items for periods greater than 1 day will be charged at Council's internal plant hire rates, plus labour charges (including on-costs) with a 30% surcharge on the total.
- Other Council plant items may be hired at the Council's private plant hire rates plus labour charges (including on-costs) with a 30% surcharge on the total.
- All time travelling from, and returning to the depot is charged at the hourly rate quoted.
- Overtime rates are in **addition** to the above rates as follows:
  - Saturday - 1st 2 hours @ \$45 per hour. Thereafter @ \$70.00 per hour.
  - Sundays and Public Holidays @ \$70.00 per hour
- A hire rate of 50% of the quoted rate will apply to all items of equipment when idle or wet weather on the job.
- Interest of 10% per annum to be charged on accounts outstanding for three months or more.



**The Hon. Duncan Gay MLC**  
Deputy Leader of Government in the Legislative Council  
Minister for Roads and Ports

21 MAR 2014

PR13/24867

**Councillor Scott Ferguson**  
Mayor  
Blayney Shire Council  
PO Box 62  
BLAYNEY NSW 2799

Dear Councillor Ferguson

**NSW Local Government Road Safety Program:  
Three year funding commitment for Road Safety Officer positions and  
projects**

I am inviting your council to participate in the revised Local Government Road Safety Program (LGRSP) which will commence from 1 July 2014.

The program will provide a three year funding commitment for local Council Road Safety Officer (RSO) positions and local road safety projects. This ensures greater funding certainty for RSO positions and support for the planning and delivery of local road safety projects of up to three years duration.

Under the revised LGRSP, councils may apply for grants to develop and implement local road safety projects addressing road user behaviours, such as speeding, drink driving and fatigue. The Council will develop a Three Year Road Safety Action Plan demonstrating their commitment to the program.

Funding will be provided on an annual basis. Applications will be competitively assessed and ongoing funding is dependent on successful delivery of the agreed Plan by Council each year.

The LGRSP will continue to be administered by Roads and Maritime Services' (RMS) regional offices. Transport for NSW and RMS continue to engage with local Councils through delivery of a series of workshops on the Safe Systems approach to developing local road safety projects.

If you have any questions about the program, please contact your RMS Regional Network and Safety Manager.

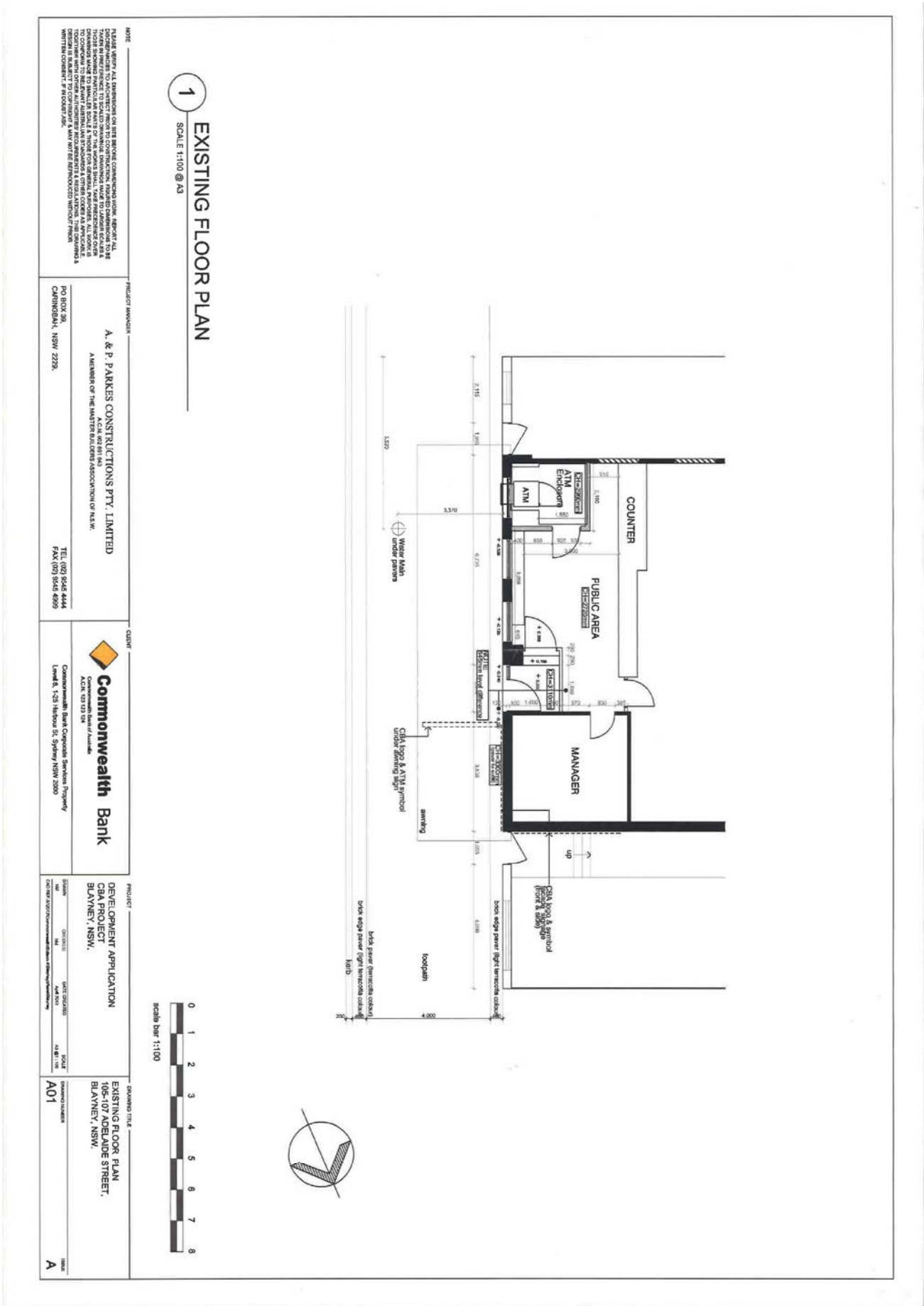
Yours sincerely

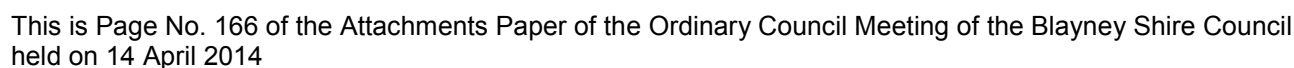
**Duncan Gay MLC**  
Deputy Leader of Government in the Legislative Council  
Minister for Roads and Ports

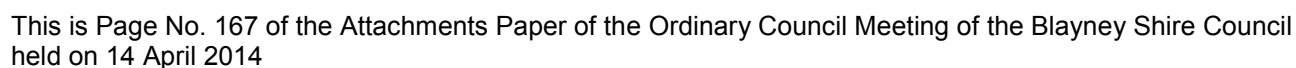
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Level 35, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000  
Phone: (61 2) 9228 5271 Fax: (61 2) 9228 5499 Email: [office@gay.minister.nsw.gov.au](mailto:office@gay.minister.nsw.gov.au)

<p>client:</p> <p><b>COMMONWEALTH BANK OF AUSTRALIA</b></p> <p>project managers:</p> <p><b>A &amp; P PARKES CONSTRUCTIONS P/L</b></p> <p>Site:</p> <p><b>105-107 ADELAIDE STREET, BLAYNEY, NSW</b></p>	<p><b>DRAWING REGISTER</b></p> <table border="1"> <thead> <tr> <th>Drawing Title</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>A01</td> <td>Title / Cover sheet</td> </tr> <tr> <td>A02</td> <td>Existing Floor plans</td> </tr> <tr> <td>A03</td> <td>Proposed Floor Plans</td> </tr> <tr> <td></td> <td>Proposed External elevations</td> </tr> </tbody> </table>	Drawing Title	Description	A01	Title / Cover sheet	A02	Existing Floor plans	A03	Proposed Floor Plans		Proposed External elevations		
Drawing Title	Description												
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	Proposed External elevations												
 <p>PROPOSED CBA BANK TENANCY</p>	<p>location plan - <b>105-107 ADELAIDE STREET, BLAYNEY, NSW.</b></p>												
<p>NOTE: PLEASE VERIFY ALL DIMENSIONS ON THIS DRAWING. COMMERCIAL WORK, AIRPORTS, AND OTHER SPECIALIZED WORKS ARE SUBJECT TO THE REQUIREMENTS OF THE NATIONAL BUILDING REGULATIONS. THE DRAWING IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE DRAWING IS THE PROPERTY OF A &amp; P PARKES CONSTRUCTIONS P/L. IT IS TO BE USED ONLY FOR THE PROJECT AND NOT FOR ANY OTHER PURPOSE. THE DRAWING IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF A &amp; P PARKES CONSTRUCTIONS P/L.</p> <p>PROJECT MANAGER:</p> <p><b>A. &amp; P. PARKES CONSTRUCTIONS PTY. LIMITED</b> A MEMBER OF THE PARKES GROUP OF COMPANIES PO BOX 30, CAMERBURN, NSW 2220. TEL: (02) 9645 4444 FAX: (02) 9645 4999</p>	<p>CLIENT:</p> <p><b>Commonwealth Bank</b> A.C.N. 121 321 124 Commonwealth Bank Corporate Services Property Level 6, 1425 Liverpool St, Sydney NSW 2000</p> <p>PROJECT:</p> <p><b>DEVELOPMENT APPLICATION CBA PROJECT BLAYNEY, NSW.</b></p> <table border="1"> <thead> <tr> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>10/07/2013</td> <td>Development Application</td> <td>Blayney, NSW</td> <td>10/07/2013</td> <td>Development Application</td> <td>Blayney, NSW</td> </tr> </tbody> </table> <p>DRAWING TITLE:</p> <p><b>DEVELOPMENT APPLICATION 105-107 ADELAIDE STREET, BLAYNEY, NSW.</b></p> <p><b>TITLE</b></p> <p><b>A</b></p>	DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY	10/07/2013	Development Application	Blayney, NSW	10/07/2013	Development Application	Blayney, NSW
DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY								
10/07/2013	Development Application	Blayney, NSW	10/07/2013	Development Application	Blayney, NSW								









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ABN 21 108 969 624

3 March 2014

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

Dear Mr Franze

**Section 82A Review of Determination of – DA 73/2013**

In response to the determination of refusal of development application, an application under Section 82A of the *Environmental Planning and Assessment Act 1979* is attached. The application seeks to provide additional information to enable development consent.

In terms of Section 82A of the *Environmental Planning and Assessment Act 1979*, the following comments are made:

- The application does not relate to complying development, designated development, integrated development, or Division 4 application by the Crown;
- The request is made within 6 months of the determination (10 September 2013);
- The prescribed fee is provided;
- Amendments are not applicable to the proposal;
- The current approved development is substantially the same development as determined in the original application.

For reasons outlined within the statement of environmental effects, the proposal as originally proposed does not compromise the natural and physical environment, and is not contrary to the public interest.

Therefore, the current application to grant development consent should be supported.

Regards

A handwritten signature in blue ink that reads "Jeremy Moy".

Jeremy Moy  
Greenfield DA Services

## SECTION 82A REVIEW OF DETERMINATION

### PROPOSED DEVELOPMENT

Alterations to existing bank branch including construction of a new external disabled access ramp, new automatic shopfront door and relocation of existing under awning and wall signs.

---

### SUBJECT PREMISES

Lot 6 DP 171735  
105 Adelaide Street, BLAYNEY NSW 2799

---

### OWNER

Commonwealth Bank of Australia

---

### BUILDER

A & P Parkes Constructions

---

### COUNCIL

Blayney Shire Council

---

### DATE

24 February 2014

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## INTRODUCTION

Development Application no. 73/2013 being for the alterations to an existing bank branch including construction of a new external disabled access ramp, new automatic shopfront door and relocation of existing under awning and wall signs was refused by Council on 9<sup>th</sup> September 2013 and Notice of Determination issued on 10<sup>th</sup> September 2013.

Additional information has been prepared and submitted in conjunction with the application and subsequently a review of determination is requested.

### 1.0

### SECTION 82A

Section 82A of the Environmental Planning and Assessment Act 1979 states:

- (1) If the consent authority is a council, an applicant may request the council to review a determination of the applicant's application, other than:
 
  - (a) a determination to issue or refuse to issue a complying development certificate, or*
  - (b) a determination in respect of designated development, or*
  - (c) a determination in respect of integrated development, or*
  - (d) a determination made by the council under Division 4 in respect of an application by the Crown.**
- (2) A council must, on a request made in accordance with this section, conduct a review.*
- (2A) A determination cannot be reviewed:
 
  - (a) after the time limited for the making of an appeal under section 97 expires, if no such appeal is made against the determination, or*
  - (b) after an appeal under section 97 against the determination is disposed of by the Court, if such an appeal is made against the determination.**
- (3) (Repealed)*
- (3A) In requesting a review, the applicant may make amendments to the development described in the original application, subject to subsection (4) (c).*
- (4) The council may review the determination if:
 
  - (a) it has notified the request for review in accordance with:
 
    - (i) the regulations, if the regulations so require, or*
    - (ii) a development control plan, if the council has made a development control plan that requires the notification or advertising of requests for the review of its determinations, and**
  - (b) it has considered any submissions made concerning the request for review within any period prescribed by the regulations or provided by the development control plan, as the case may be, and*
  - (c) in the event that the applicant has made amendments to the development described in the original application, the consent authority is satisfied that the**

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## STATEMENT OF ENVIRONMENTAL EFFECTS

(Lot 6 DP 171735) 105 Adelaide St, Blayney

*development, as amended, is substantially the same development as the development described in the original application.*

*(4A) As a consequence of its review, the council may confirm or change the determination.*

*(5) (Repealed)*

*(6) If the council reviews the determination, the review must be made by:*

*(a) if the determination was made by a delegate of the council—the council or another delegate of the council who is not subordinate to the delegate who made the determination, or*

*(b) if the determination was made by the council—the council.*

*(7) (Repealed)*

*(8) (Repealed)*

*(9) (Repealed)*

*(10) If on a review the council grants development consent, or varies the conditions of a development consent, the council is entitled, with the consent of the applicant and without prejudice to costs, to have an appeal made under section 97 in respect of its determination withdrawn at any time prior to the determination of that appeal.*

*(11) (Repealed)*

*(12) This section does not apply where a regional panel exercises a council's functions as the consent authority.*

Under the provisions of Section 82A of the Environmental Planning and Assessment Act 1979 Council is able to review the determination of Development Application Number 73/2013 for the following reasons:

- The development application was not considered to be a complying development certificate, designated development, integrated development or a determination made under Division 4 in respect of an application by the Crown.
- The time limit under the Section 97 of the Environmental Planning and Assessment Act 1979 has not expired.
- The required fee is included with the submission of the Section 82A Review of Determination.
- The development application has been amended to include additional information to address the reasons the development application was originally refused.

**2.0****REASONS FOR REFUSAL**

The determination of the development application reveals the proposal was refused for the following reasons.

- 1. The proposed access ramp will form an unnecessary hazardous obstruction in the footway.*
- 2. The access ramp will hinder access for visually impaired persons.*
- 3. The access ramp will create a liability within the road reserve that is not in the public interest.*

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## STATEMENT OF ENVIRONMENTAL EFFECTS

(Lot 6 DP 171735) 105 Adelaide St, Blayney

4. *The proposed access ramp is visually unsympathetic to the streetscape.*
5. *Alternate access within the bounds of the commercial premises is possible.*

The following responses and additional information is provided in relation to each reason for refusal:

**The proposed access ramp will form an unnecessary hazardous obstruction in the footway.**

- The ramp is not considered to be "unnecessary". The main purpose of the development application is to provide access for disabled persons to the branch and the categorisation of this purpose as "unnecessary" may be considered discriminatory.
- The proposal incorporates the installation of Tactile Ground Surface Indicators (TGSIs) to warn pedestrians of the obstruction consistent with the Australian Standards.
- The ramp as proposed will encroach up to 1.25m of the 5.0m pathway. The resultant remaining area to allow safe passage of pedestrians along the street is considered adequate. The applicant would expect Council to condition a requirement to pave a small area of grass area located to the Northern side of the development to provide an even surface.
- The installation of the ramp will remove present hazards within the internal public area of the branch. The current entry requires customers to negotiate several steps once within the building. In the interest of public safety, the introduction of the external ramp with adequate warning measures (TGSIs) would be more than offset by the reduction of internal hazards.
- The locality in close proximity to the subject site comprises of existing street furniture, temporary tables and chairs from cafes, etc. which create similar obstacles but without TGSIs warnings.
- The Commonwealth Bank has installed a number of external ramps in country towns in Victoria, NSW and Qld and has not had a reported incident involving the ramp obstruction.

**The access ramp will hinder access for visually impaired persons.**

- The proposal incorporates the installation of Tactile Ground Surface Indicators (TGSIs) to warn pedestrians of the obstruction consistent with the Australian Standards.
- The ramp with TGSIs as indicated on the development application plans, would unquestionably provide a more predictable and safe passage for visually impaired persons up to the public area than is currently available due to number and location of internal steps upon entry.
- The locality in close proximity to the subject site comprises of existing street furniture, temporary tables and chairs from cafes, etc. which create similar obstacles but without TGSIs warnings.

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## STATEMENT OF ENVIRONMENTAL EFFECTS

(Lot 6 DP 171735) 105 Adelaide St, Blayney

- The Commonwealth Bank has installed a number of external ramps in country towns in Victoria, NSW and Qld and has not had a reported incident involving the ramp obstruction.

**The access ramp will create a liability within the road reserve that is not in the public interest.**

- The building owner, Commonwealth Bank of Australia, shall hold and maintain public liability insurance for any structure encroaching Council property and shall also provide the Council an indemnity against any claims that may arise from that encroachment. It would seem this requirement could be addressed in a condition of development consent.

**The proposed access ramp is visually unsympathetic to the streetscape.**

- Council heritage advisor acknowledges that the building façade has no heritage value per Planning report. It seems unusual that an Access Committee has more influence in determining streetscape issues than a qualified planning and heritage officers in Council.
- It is not unusual to have access ramps in front of older buildings with raised internal floor levels, particularly with the introduction of DDA & Premises Standards.
- Other public use buildings in the immediate locality also contain an external access ramp of similar position, bulk and scale. Therefore, the access ramp as proposed would not seem particularly unusual not detrimental to the streetscape character.
- As the applicant, I met the Access Committee on site on 20 November 2013 along with several Commonwealth Bank representatives. It was hoped we could discuss how colour schemes and materials could be used to reduce the visual impact and endeavour to blend the ramp into the streetscape. However, any attempt to discuss this issue was diverted to the ramp being repositioned elsewhere onto the site and we received no suggestions from the Access Committee in relation to this particular issue.

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## STATEMENT OF ENVIRONMENTAL EFFECTS

(Lot 6 DP 171735) 105 Adelaide St, Blayney



**Photo 1 – Blayney Post Office – external access ramp**

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## STATEMENT OF ENVIRONMENTAL EFFECTS

(Lot 6 DP 171735) 105 Adelaide St, Blayney



**Photo 2 – Blayney Shire Council – external access ramp**

**Alternate access within the bounds of the commercial premises is possible.**

- Whilst there has been repeated feedback from the Council, via the Access Committee, that there may be an alternate access within the bounds of the commercial premises, it is noted that any alternate access option would result in a major internal refurbishment of the premises. The development application put forward originally and in this review application does not seek major internal layout changes and it is requested that the application be reviewed on the basis that an alternative design layout is not desired, nor applied for and that alternative designs are not being sought in this process.
- Notwithstanding the "suggestions" put forward in the past, an alternative location for the access ramp would translate into a cost prohibitive exercise and refusal to consent to the proposal with the access ramp located as is, is likely to result in no access ramp being provided at all. It is noted that the main purpose of the development application is to provide an access ramp as opposed to other structural elements and that it be noted that it is a "voluntary offer" to provide an improved access to banking facilities in Blayney.
- The main entry of the branch ought to remain as is, at the front of the building to allow casual surveillance given the nature of the use. There were suggestions at the meeting to change the main entry to the side of the building to facilitate the alternate

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## STATEMENT OF ENVIRONMENTAL EFFECTS

(Lot 6 DP 171735) 105 Adelaide St, Blayney

position of the ramp. The suggestion could not be supported by the Commonwealth Bank, nor I, as it would diminish security measures for the purpose of protecting the safety of patrons and branch staff.

- The suggested relocation of the ramp to an alternate position being other than the main entry point for the building may result in a breach of the National Construction Code, The "Premises Standard" and may be considered discriminatory against disabled persons. For these reasons, the Commonwealth Bank, nor I, could support creating a separate entrance for disabled persons.

**3.0****REVISED ASSESSMENT CRITERIA**

The Council in its determination of refusal, has not cited any particular controls in its reasons for refusal. Therefore, revised assessment criteria is restricted to prescribed criteria under the Act.

**3.1****IMPACTS*****Natural Environment***

The proposed works are to be carried out upon the existing building and will have no additional adverse impact on the local and/or regional air and water quality.

It is therefore considered that the proposal will have no adverse impacts on the natural environment.

***Built Environment***

The proposed works will affect the built environment in that the siting of the disabled access ramp will be external to the building and on the council footpath road reserve. However, the reduction of pedestrian area to the will not be detrimental to the overall function of the public footpath area. Further, waste generated during the 'works phase' will not compromise or affect neighbouring properties.

It is further noted that the construction of an external access ramp is not dissimilar to external access ramps servicing other public use buildings in the township. Prime examples include Blayney Post Office and Blayney Shire Council. In this context, the proposed access ramp would not seem unusual or out of place for this particular locality.

***Economic Impact***

It is considered that the proposal will have no adverse economic impact other than providing residents and businesses in Blayney with an alternative bank branch service facilitating improved and disabled access.

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## STATEMENT OF ENVIRONMENTAL EFFECTS

(Lot 6 DP 171735) 105 Adelaide St, Blayney

**Social Impact**

It is considered that the proposal will enhance social impacts in that the proposed access ramp will provide bank branch services to persons who would otherwise be unable to access the branch due to physical restraints.

**3.2****SUBMISSIONS**

Neighbouring properties will be advised of the amended development in accordance with Council's Notification Policy.

Should objections be received it is hoped Council will enable mediation to occur in order to resolve any issues.

**3.3****PUBLIC INTEREST**

The proposed development maintains the existing retail and commercial character of the Blayney township. It is considered the proposal is in the interest of the public.

In addition, public interest will be further considered by Council during the assessment process should submissions be received as a result of the amended proposal's notification.

**4.0****CONCLUSION**

The application for the review of determination, being refusal, remains substantially the same development as described in the original application.

The development proposal being for alterations to an existing bank branch including new disabled access ramp, new automatic shopfront door and relocation of signage is permissible within the B2 – Local Centre zone under the provisions of Blayney Local Environmental Plan 2012 subject to consent.

This Statement also demonstrates compliance with relevant objectives and controls outlined in relevant Development Control Plans that apply to the site and the proposed development type.

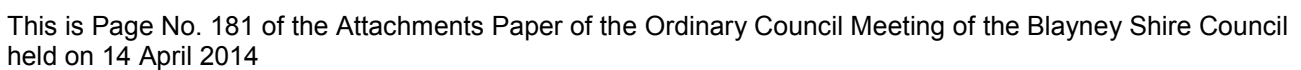
The proposed development is aimed primarily at providing improved access, particularly for disabled persons, to the existing bank branch. Whilst there may be some impact on the streetscape, the improved access would more than offset the impact.

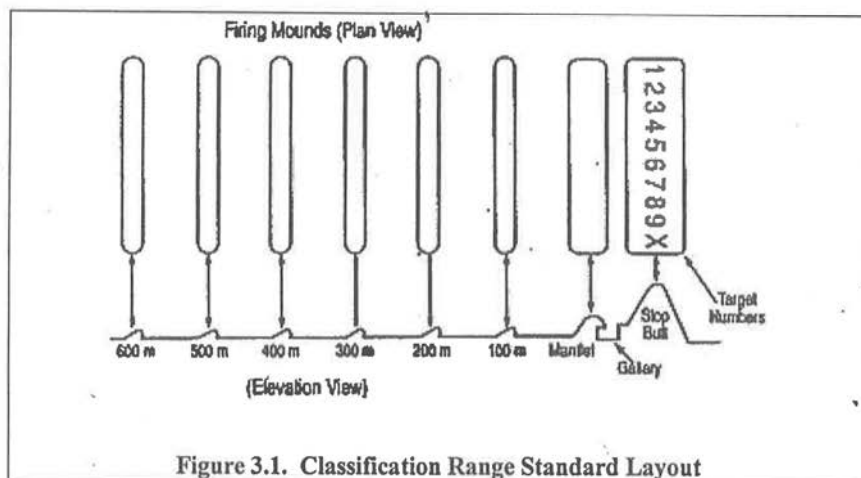
Accordingly, it is recommended that the development as proposed be supported.

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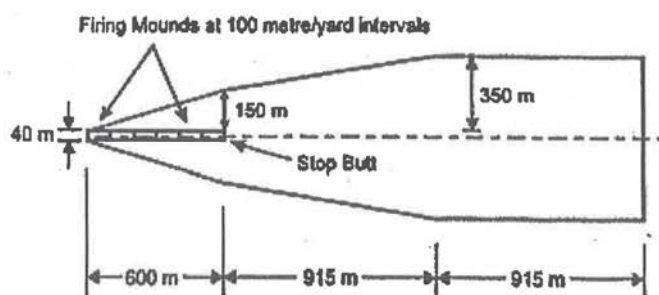




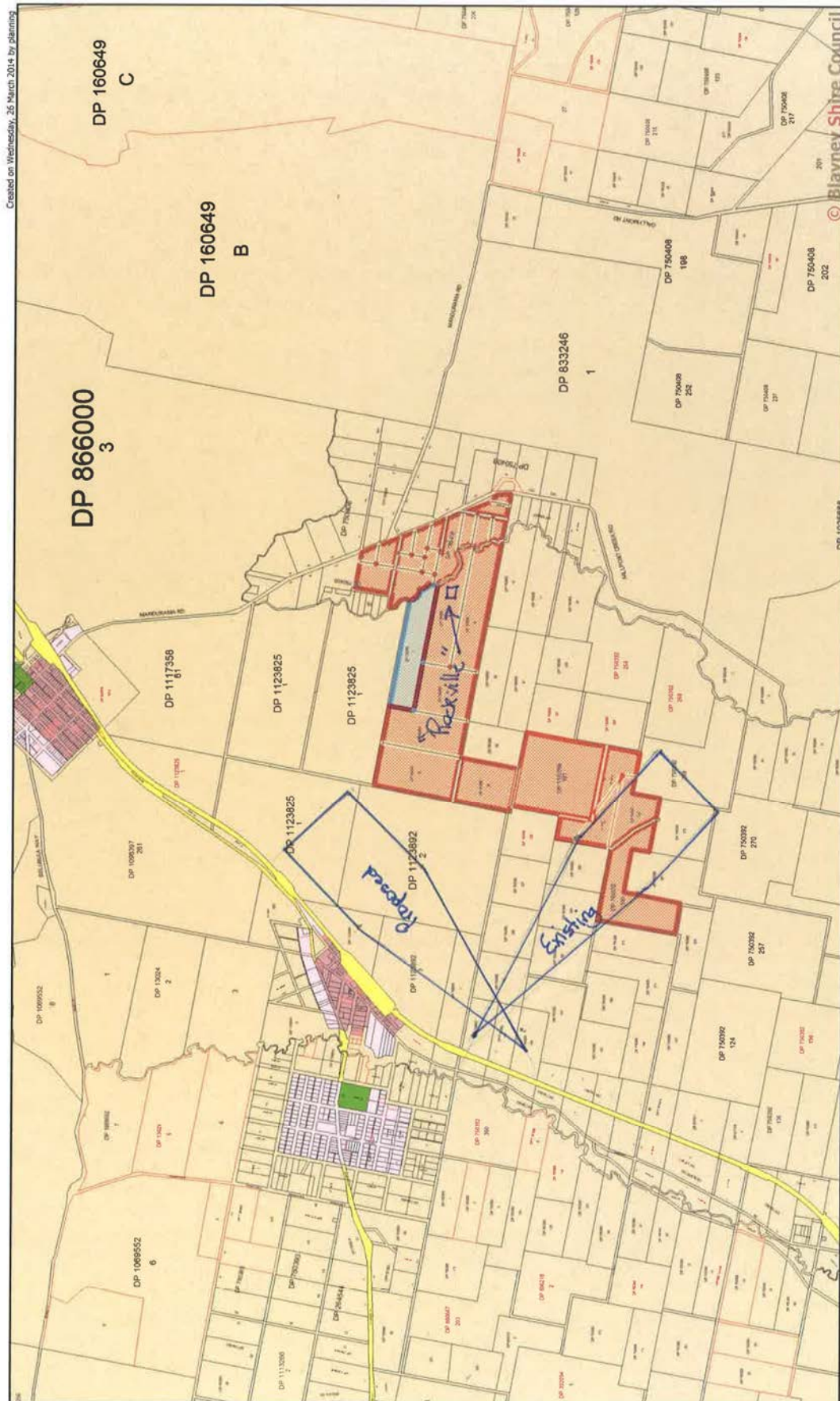


### Dimensions

A depiction of a 10-lane classification range is shown in Figure 3.2. The overall length of the range is divided into three sections by the target line, and the rear area full width line. The distance occurring before the target line is variable and depends on the number of firing points catered for. This could be as little as 100 m or as many as 1200 m in rare cases. The length of the danger area behind the target is a constant 1830m in length. The first 915m behind the target line expands in width from 150 m to 350 m as measured outward from each flank line of sight. The end portion of 915m length continues at a constant width of 350 m measured from each flank line of sight throughout its length. From this it will be seen that the terminal width is twice 350 m plus the width between the flank firers.



The Classification Range should always have a stop butt behind the targets, to both stop bullets in free flight and low ricochets, and to enable the markers to accurately locate



**Important Notice!**  
This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.<sup>™</sup>  
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**Aerial Photography:**  
**Contour Interval:**  
**Projection:**  
**Cost:**  
**Date:**  
**Drawn By:**

Diagram illustrating the relationship between GN (Geographic North), N (Magnetic North), and Grid Magnetic. GN is 10.5° above N, and Grid Magnetic is 10.5° above GN.

True North, Grid North and Magnetic North are shown, diagrammatically for the case of the Bayview Local Government Area. Magnetic North is correct for 2001, moving easterly by  $0.24^\circ$  in about five years.

Map Scale: 1:40,810 at A4  
Map Zoom: 7.199 mi

Existing Range



10/6/05  
4/3/14  
DA11/2014.

To: Ms Patsy Moppett  
Senior Town Planner  
Blayney Shire Council

27<sup>th</sup> February 2014

Dear Ms Moppett,

**Re: DA11/2014: Construction of Full Bore Rifle Range**

Thank you for this opportunity to make a submission in relation to the above development application.

**Background:**

As you may be aware a large tract (120 acres) of our property 'Rockville' was subject to the Range Danger Area (RDA) of the Lyndhurst Rifle Club in the club's former location on "Sion Hill" which is owned by Mr Ben Emms. In fact, according to the Director General of the NSW Department of Planning (Circular PS 11-006) issued 16th February 2011 (Appendix 1) we actually purchased this land as part of the rifle range without knowing that we did so.

An RDA is defined as an area "....within which danger to life, limb or property may be expected to occur arising from the initiation of specified ammunition." (p.8 Range Users Guide 2011 & 2013) As the neither the Council nor the Lyndhurst Rifle Club made us aware of this important matter either prior to or after purchase of the land my husband and I were put to an unacceptable risk of injury or death.

Furthermore, the Lyndhurst Rifle

Club was required, but failed to:

- a. mark out boundaries of the range where people are likely to enter (pp.40 & 72-3, Range Users Guide 2011; and p.38 & 70-71, Range Users Guide 2013) and
- b. gain permissive shooting rights from us (pp.18-19 of the Range Users Guide 2011, pp.17-18 of the Range Users guide 2013)

As we regard these as serious safety breaches we have requested the Commissioner of Police consider a revocation of approval of the Lyndhurst Rifle Club under Clause 91 (3) (c) (ii) of the Firearms Regulation 2006 which states

that "the club will conduct its activities with proper regard to the preservation of public safety....".

While this matter is in the hands of the NSW Police this submission will concern itself with the impact of noise levels on our property and our business of primary production. I will also consider the impact of noise on the area which formally fell within the RDA and is a significant remnant of native bushland which we have begun to develop as a nature reserve.

**Noise:**

Gun shots can result in two distinct noise events: the **muzzle blast** at the point of firing and the **supersonic projectile shock wave** from the firing position along the length of the shooting lane to the target. (Appendix 2)

*a) Intensity*

As no proposed noise levels were made available to us, or in fact to Council (Ms Moppett pers. com. 25/2/14) we are unable to determine whether they fall within an acceptable limit determined by the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2008.

However, we note that the point of firing will actually be **closer** to our land than where it had been originally. We therefore expect the muzzle blast at least to be louder in the wooded area of our property. (Appendix 3) Council will note that the area between the point of firing and our land is clear and flat and will offer little in terms of vegetation or incline to buffer the noise.

**The Lyndhurst Rifle Club has not to our knowledge offered any noise abatement proposals in their DA. At the very least an embankment immediately to the right of the firing point, if properly constructed, may shield us from muzzle blast.**

We have already experienced the noise from the Lyndhurst Rifle Club and find it noxious and startling. **In short, we will not be able to enjoy the wooded area of our property, which occupies at least 140 acres, while shooting is in progress.**

*b) Frequency*

While the club proposes to shoot every Saturday from 1-4pm the Club has left open-ended the number of Sundays in which it also intends to shoot. As training days will be revenue raisers for the Club, and the construction of the new range will be costly, I foresee that there will be more Sundays spent shooting than previously. **As we are largely weekend visitors to our property this will mean that there will be an undetermined number of weekends when my husband and I and our visitors cannot enjoy a large area of our property.**

*c) Effect on Animals*

As my husband and I are both veterinarians we are knowledgeable about the stress impacts of noise on animals. As we are also both horse riders we fear for

our safety and the safety of our friends if shooting commences without warning. It is very common for horses and dogs to startle at the sound of gunshot or to be 'gun shy'. If a horse bolts, the consequences can be fatal.

In addition, contrary to what many shooters believe and the SEE for this development, loud noise, especially intermittent supersonic noise, as is emitted by rifles, can have a serious adverse effect on animals. In fact, animals are more sensitive to the harmful effects of sound than humans. (Appendix 4, Table 2) Domestic animals may show lower production and reproductive performance. As we are in the business of livestock production we believe that the intermittent supersonic noise of the rifle range may adversely affect our productivity.

Field studies also indicate that reproduction of wild populations may be more adversely affected by noise disturbance than domestic populations. We note that the NSW Firearms Registry allows the restricted use of suppressors or silencers, for weapons used in feral animal control in National Parks. This is undoubtedly in recognition of the harmful effect of firearm noise on wildlife.

My husband and I have gone to great expense to fence off our wooded area, about 140 acres, to allow for understorey regeneration after decades of harmful cattle grazing. Our intention was to have this area officially created as a reserve where native birds and animals would be able to colonise once more.

*d) Effect on Lyndhurst Community*

It would appear that Council does not intend to inform Lyndhurst residents about the proposed changes to the rifle range (Ms Moppett pers. com.) even though, by a rotation of 90 degrees, it will significantly alter the noise impact on residents and potentially their safety. Rather than firing away from the village the shooting lane will run parallel to development. Areas that were once safe for straying children or animals will now fall within a danger zone. Six to seven hundred metres is not a great distance and not all shooters will be proficient if the Club is to host training days.

Once more the Range Danger Area will fall over private property and while the Club may be able to gain permissive shooting rights now, what will happen with a change of property ownership in the future? We would not like to see another purchaser suffer the distress, disappointment and asset devaluation that we have experienced. (Appendix 5)

**Conclusion:**

We believe that council should not approve the DA 11/2014 to construct a full bore rifle range for the following reasons:

- the Lyndhurst Rifle Club has demonstrably failed to show a commitment to public safety. As immediate neighbours this will be a constant threat to us.
- some members have shown a lack of integrity which is demanded in the Range Users Guide. Therefore, trust will be an issue.

- the noise will be unacceptable to us. It may impact on the productivity of our farm business and certainly will adversely affect the welfare of animals under our care.

We request a copy of the 'Noise Control Notice' served to the rifle club under the EPA *Noise Guide to Local Government* 4.2.1 outlining:

- a) acceptable noise level
  - b) measurement location
  - c) days and times when noise levels apply
  - d) activity that is to be controlled
- we believe that as the Club intends to rebuild their range, no doubt at considerable expense, then a more appropriate site could be found, perhaps allowing them a 1000 metre target range as previously held. The Club should consider securing its future now.

As a final word, many appeals have been made to tradition and the 100 years of operation of the rifle club in order to establish a right to continue as usual. Unfortunately, society moves on and rifle clubs and Councils must be responsive to changes in community attitudes and expectations. In Council, 'Planning', by virtue of its definition must be forward thinking and anticipate problems which might occur in the future and address them now.

Rifle ranges are very contentious developments. Impending changes to rifle range controls were signalled to Council many years ago and yet despite having the Lyndhurst Rifle Club displayed on its website no heed was paid to these warnings. For example in 2009 the Land and Environment Court advised that **"..range danger areas should be appropriately zoned and subject to a formal assessment process."** (Appendix 6)

Furthermore, in 2011 a Planning Circular (Appendix 1) said: "the Minister has directed planning authorities to consider a number of key issues to ensure an appropriate balance between the impact of existing shooting ranges and any proposed future land uses on adjacent and/or adjoining land."

Had the above warnings and directives been acted upon neither the shooters nor my husband and I would be in this position. Without a doubt, we would not have bought 'Rockville'.

Yours sincerely,

### Appendices

**Appendix 1** - *Section 117 Direction – Shooting Ranges*. Circular PS 11-006; issued 16<sup>th</sup> February 2011.

**Appendix 2** – Scott Hansen, 'Policy Track: Environmental Issues: Sound Attenuation Techniques and Technology', *Fourth National Shooting Range Symposium*, (2000), 118-122.

**Appendix 3** - Topographic map

**Appendix 4** – Mancini, K.M., D.N. Gladwin, R. Villella, and M.G. Cavendish (1988), *Effects of aircraft noise and sonic booms on domestic animals and wildlife: a literature synthesis*. U.S. Fish and Wildlife Service, National Ecology Research Center, Ft. Collins, CO.

**Appendix 5** – extract from letter to Commissioner of Police



Planning

APPENDIX 1

## PLANNING circular

### PLANNING SYSTEM

Local planning

<b>Circular</b>	PS 11-006
<b>Issued</b>	16 February 2011
<b>Related</b>	

## Section 117 Direction – Shooting Ranges

The purpose of this circular is to provide councils and the community with information regarding a new direction by the Minister that applies when a relevant planning authority prepares a planning proposal relating to land adjacent to or adjoining existing shooting ranges.

### Introduction

There are more than 354 shooting ranges of various types in NSW which have approval under the *Firearms Act 1996* and Firearms Regulation 2006.

Shooting ranges are generally located in rural areas. Where urban expansion occurs in close proximity to existing shooting ranges, land use conflicts can arise that affect the amenity of new uses as well as the operation of the shooting range.

To address this issue, the Minister has directed planning authorities to consider a number of key issues to ensure an appropriate balance is reached between the impact of existing shooting ranges and any proposed future land uses on adjacent and/or adjoining land.

### Overview of the direction

The direction seeks to ensure the following:

- that appropriate levels of public safety and amenity are maintained when rezoning land adjacent to an existing shooting range,
- that land use conflicts arising between existing shooting ranges and rezoning of adjacent land are reduced,
- that issues that must be addressed when giving consideration to rezoning land adjacent to existing shooting ranges are identified early in the plan-making process.

On land that adjoins or is adjacent to an existing shooting range, the relevant planning authority must consider the appropriateness of proposed future land uses. A planning proposal for that land must not seek to intensify land uses or permit land uses that are incompatible with the noise emitted by the existing shooting range.

However, a planning proposal that is inconsistent with this direction is permitted if the relevant planning authority can satisfy the Director-General of the Department of Planning that the provisions of the planning proposal are justified, and that consideration has been given to the objectives of the direction.

### Timing of changes

The direction was made by the Minister and came into effect on 1 February 2011.

### Further information

This and other Ministerial directions are available on the on the Department's website at <http://www.planning.nsw.gov.au>

For further information, please contact the Department of Planning's Information Centre on 1300 305 695.

Note: This and other Department of Planning circulars are published on the web at

<http://www.planning.nsw.gov.au/PlanningSystem/Circularsandguidelines/>

### Authorised by:

Sam Haddad  
Director-General  
NSW Department of Planning

**Important note:** This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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## LOCAL PLANNING DIRECTIONS

Section 117(2) of the *Environmental Planning and Assessment Act 1979***3.6 Shooting Ranges****Objective**

- (1) The objectives are:
- (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,
  - (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,
  - (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.

**Where this direction applies**

- (2) This direction applies to all relevant planning authorities.

**When this direction applies**

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.

**What a relevant planning authority must do if this direction applies**

- (4) A planning proposal must not seek to rezone land adjacent to and/ or adjoining an existing shooting range that has the effect of:
- a. permitting more intensive land uses than those which are permitted under the existing zone; or
  - b. permitting land uses that are incompatible with the noise emitted by the existing shooting range.

**Consistency**

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a strategy which:
    - i. gives consideration to the objectives of this direction, and
    - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites) and
    - iii. is approved by the Director-General of the Department of Planning and is in force, or
  - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
  - (c) is of minor significance.

**Note:** In this direction, an "existing shooting range" means a shooting range the subject of a valid approval issued under the *Firearms Act 1996* and *Firearms Regulation 2006*, and includes the Range Danger Area of that shooting range.

**Direction 3.6 – issued 16 February 2011**

## APPENDIX 2

## Policy Track: Environmental Issues

## Sound Attenuation Techniques and Technology

*By Scott Hansen, President  
Hansen Consulting, State College, Pennsylvania*

Sound is an important issue that must be understood by proprietors of shooting ranges if they want to survive in today's ever-changing world. Populations are migrating from the city to the quiet of the countryside. Ranges that have existed peacefully for several decades are being encroached upon by new developments and find themselves fighting to stay in operation. This paper will discuss techniques to control sound on ranges, their benefits and limits.

## Sound Fundamentals

Sound and noise are perceptually different. Sound is influential in the information and emotion it conveys. For instance, a person subjectively judges a sound to be noisy. Noise can be described as sound which may disturb a community, interfere with sleep and communication, and may be hazardous to a person's health. Noise is sound that may be too loud, unexpected, uncontrollable or occurs at inappropriate times. Even the sound of a dripping faucet is considered noisy and bothersome. Many involved in development or maintenance of shooting facilities are unfamiliar with the science of sound. A short discussion of sound and how it is measured is an appropriate place to begin.

The two major characteristics of a sound that determine its acceptability are **intensity** and **frequency**. Intensity is a measure of the magnitude of sound and is directly related to the sound pressure level. The human ear is capable of sensing a wide range of pressure fluctuations, from 0.00002 Pascals (the threshold of hearing) to over 5,000 Pascals. It is convenient to use a logarithmic scale with units of decibels (dB) to report sound pressure levels, because the logarithmic scale converts a range of 1 million in pressure to a range of 120 in decibels. An increase of 10 on the decibel scale represents a 10-fold increase in intensity. Sound intensity cannot easily be measured, but it is proportional to the square of sound pressure, which can be measured. The sound pressure level in decibels is defined as  $10\log(P/P_{ref})^2$  where  $p$  is the measured pressure and  $p_{ref}$  is the reference sound pressure of 20Pa (20 microPascals).

Frequency is a measure of the tonal quality of a sound. Because the human ear is not equally sensitive to all frequencies and responds differently at different sound pressure levels, it is difficult to present a simple, single numeric measurement that accurately represents what the ear will hear. This sensitivity led to the use of different frequency weightings. The A and C weightings (see Figure 1) are most commonly used and represent the sensitivities of the ear at low and high sound levels, respectively.

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*Scott D. Hansen is a 5th-year Ph.D. Candidate at The Pennsylvania State University. He holds a Masters in acoustics, also from Pennsylvania, and a Bachelors in electrical engineering from Syracuse. Through his firm, Hansen Consulting, Scott has conducted community noise assessments for state and local government agencies, developed noise abatement programs, counseled architects in the design of new facilities, and located and evaluated noise control products for racetracks and shooting ranges.*

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LEO FOURTH NATIONAL SHOOTING RANGE SYMPOSIUM

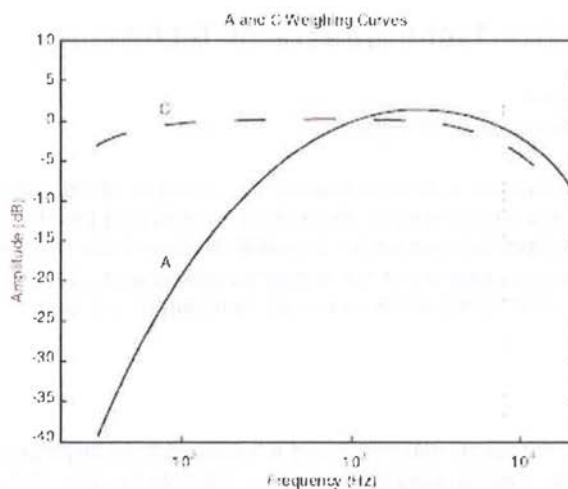


Figure 1. A and C weighting curves.

After a sound is measured and weighted, the **root mean square (rms)** value of the signal can be determined. The rms is a special kind of mathematical average. The rms value is directly related to the amount of energy in the sound being measured and is regularly used in describing most community noises. Although the perceived loudness of an impulse is lower than a steady continuous sound, the risk of hearing damage is not necessarily reduced. For this reason, the peak value of the sound also may be measured independent of its duration. Some standards require the peak value to be measured, while others ask for maximum rms or peak values of a sound.

It is important to understand the way sound decreases with distance. The attenuation or reduction of sound pressure level in air is 6 dB each time the distance is doubled. The inverse square law states that the sound pressure changes in inverse proportion to the square of the distance. The inverse square law assumes line-of-sight propagation. Obstacles placed between the source and receiver also will decrease the sound pressure level, depending on the type of barrier. Other factors affecting attenuation of sound include ground cover and environmental factors, such as temperature and wind.

Gunshots can result in two distinct noise events: the muzzle blast and the supersonic projectile shock wave. The muzzle blast originates at the end of the muzzle and propagates spherically in all directions. The muzzle blast is very directional, being typically 10 to 15 dB louder in front of the gun than behind the gun.

The shock wave from the projectile propagates supersonically in front of and to the side of the gun. The width of the shock lane is less than the distance from the gun to the target or backstop.

### Sound Laws and Regulations

The most common metrics that are used in sound laws are peak sound pressure level (spl), maximum level, equivalent level ( $L_{eq}$ ), which is an average level over some amount of time, and day-night level, which is a 24-hour average level with a 10 dB penalty for sounds occurring during nighttime.

The U.S. Environmental Protection Agency (EPA) has established guidelines regarding acceptable sound levels for public exposure. This guidelines state that a source that does not exceed a yearly day-night level of 55 dBA is acceptable. The yearly average is to account for day-to-day or seasonal variations.

Many state and local governments go beyond the EPA's regulations, and have developed their own predetermined limits and sometimes state a measurement procedure. For example, Connecticut and New Jersey regulate based on peak levels, whereas Maryland uses maximum levels. The State of Michigan has a state supreme court decision that determines the acceptable amount of sound leaving a range.

Many sound laws are designed to mitigate a current noise source in the community. Those who participate in the development of sound laws must take care to examine the sources of sound throughout the environment. It is common to find sound standards which only state that "no one may exceed a maximum level of 65 dBA at the property line," but do not include any exemptions for lawn care, construction, recreational activities, etc., that frequently exceed the prescribed level. Range owners should be involved in the creation of these laws and, if possible, include exemptions for shooting activity and have the measurement technique described or referenced.

### Sound Abatement Techniques

There are many techniques and treatments that reduce the sound levels and exposure on the community surrounding the range. These techniques work best when they are incorporated in the design phase of range construction. However, sound abatement must be reexamined when conditions on or surrounding the range change.

### Community Relations

A primary component of an effective noise mitigation program is a proactive and continuous public relations effort. Many people who have problems with neighboring ranges have a "Not in My Back Yard" attitude. They are not against people shooting on a safe range as long as they do not have to hear it. Good community relations are a key and effective strategy in keeping the range open with minimal complaints. A noise mitigation program should include a complaint management procedure. This program should be sensitive to the community's concerns. Invite neighbors and the community to voice their concerns directly to the club, as this allows them to feel that they have some control and that the club is willing to listen. Show them how much you do for the community, e.g., youth training courses, and how shooting competitions translate into money for the community. Communicate what days and hours you are open and when you have competitions.

In addition, it often is helpful to notify the public in advance of particularly noisy events. There may be simple solutions to the problem once you reveal its source. Document all of your public relations efforts and shooting activities. Make members log when and what they shoot. Often, other shooting activity in the area is blamed on your facility.

### Barriers

Barriers, such as those found along the highway, can be quite effective in reducing small arms sound. In general, sound can be controlled at the source, receiver or along the transmission paths. Barriers are most effective when they are placed close to the source or receiver and are wider than they are tall. Barriers are very effective in reducing noise to the rear of the range because they can be placed close to the shooters. Barriers along the side of the range are less effective, since they are relatively far from many shooting positions. They also can be placed between firing positions to provide larger attenuation, but this may cause safety and control problems.

Barrier effectiveness is a function of weight (mass), height, length and relative closeness to the source or receiver. These factors will determine the transmission loss through and the amount of sound diffracted around the barrier.

Even if a barrier is massive enough to have significant transmission loss, the reduction can be severely compromised if there are any holes or openings in the barrier. Large holes will transmit the sound directly to the receiver. At the wall the sound pressure increases, resulting in an amplification of the transmitted sound through any small holes. This results in a serious degradation of the barrier effect. A barrier can reduce high frequencies by 10 to 15 dB but only 2 to 5 dB at lower frequencies.

### Trees and Other Vegetation

A natural barrier can be formed by trees, shrubs and other undergrowth. Sound is scattered and absorbed by this type of barrier. Foliage absorbs high frequencies, and low frequencies are reduced through ground absorption. Branches and tree trunks scatter the sound. Still, a barrier of this type must be dense, i.e., no developed canopy for sound to propagate under. A sparse forest offers little resistance to propagating sound.

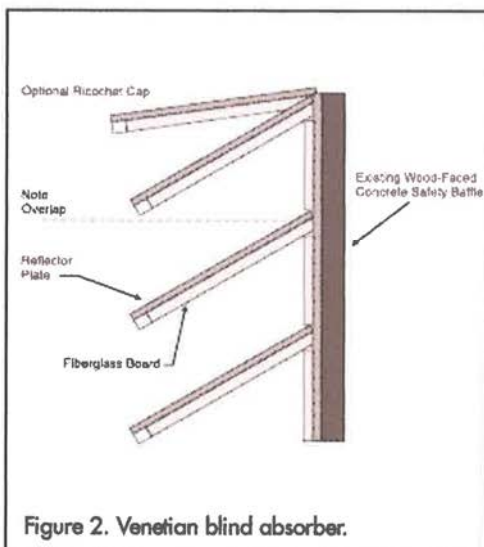
Studies have shown reductions between 3 and 20 dB per 100 meters of dense forest.

As with all barriers, it is better to situate a natural barrier close to the source to maximize its effectiveness. However, placing trees on top of berms may reduce barrier effectiveness by scattering sound downward along the backside of the berm.

### Baffle Systems

Reflections from baffle systems can produce louder sounds behind the shooter than the direct sound due to the directivity of the muzzle blast. Most often, the majority of this sound results from the interaction with the first baffle. Therefore, mitigating noise on the first baffle will reduce the loudest event, which has been correlated to complaints. This venetian blind absorber (Figure 2), designed by Karl W. Hirsh of Germany and tested by Larry Pater at U.S. Army Construction

Engineering Research Laboratory, is a series of reflector plates, 4 feet wide at a 45-degree angle. The panels can be constructed of 3/4-inch pressure-treated plywood covered with 2-inch fiberglass boards (6 pounds per cubic foot). Sound is reflected upward or hits sound-absorbing surfaces several times before it reflects back toward the shooter. This sound abatement treatment is designed for a 10 dB reduction or 50-percent loss in loudness.



#### Tube Ranges

Tubes, or muzzle blast mufflers, are a relatively new technique used to control small arms sound. The Swiss and U.S. governments have shown that they reduce muzzle blast by 10 to 20 dB. However, the mufflers are not sufficient to stop the projectile shock sound. An additional benefit of reducing the muzzle blast is that it decreases the exposure received by adjacent shooters, limiting the risk of hearing damage.

The 6- to 10-foot long mufflers are constructed of metal, concrete, wood or plastic, with dense insulation attached inside. The muzzle of the small arm is placed inside the tube when discharged.

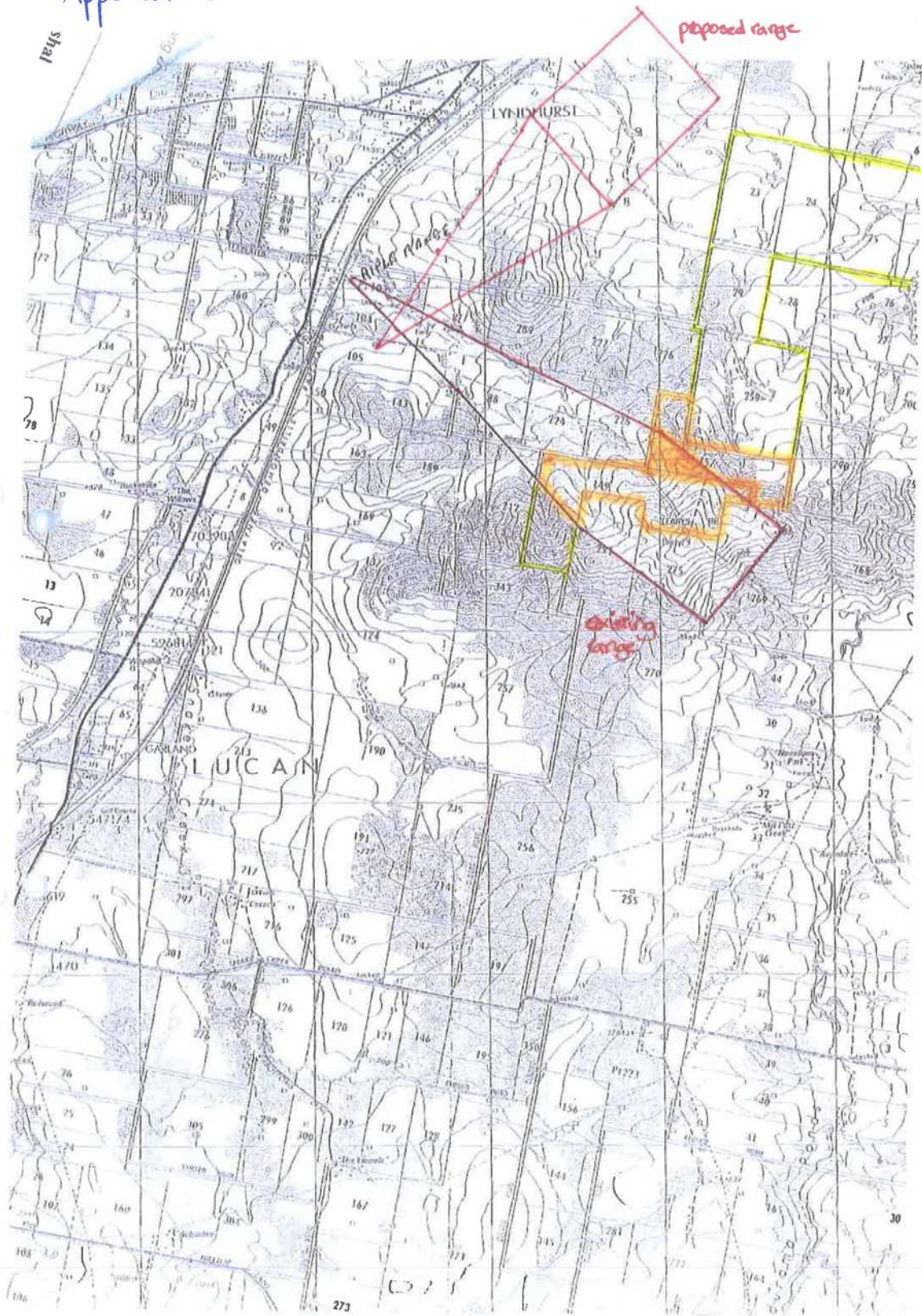
#### Shotgun Ranges

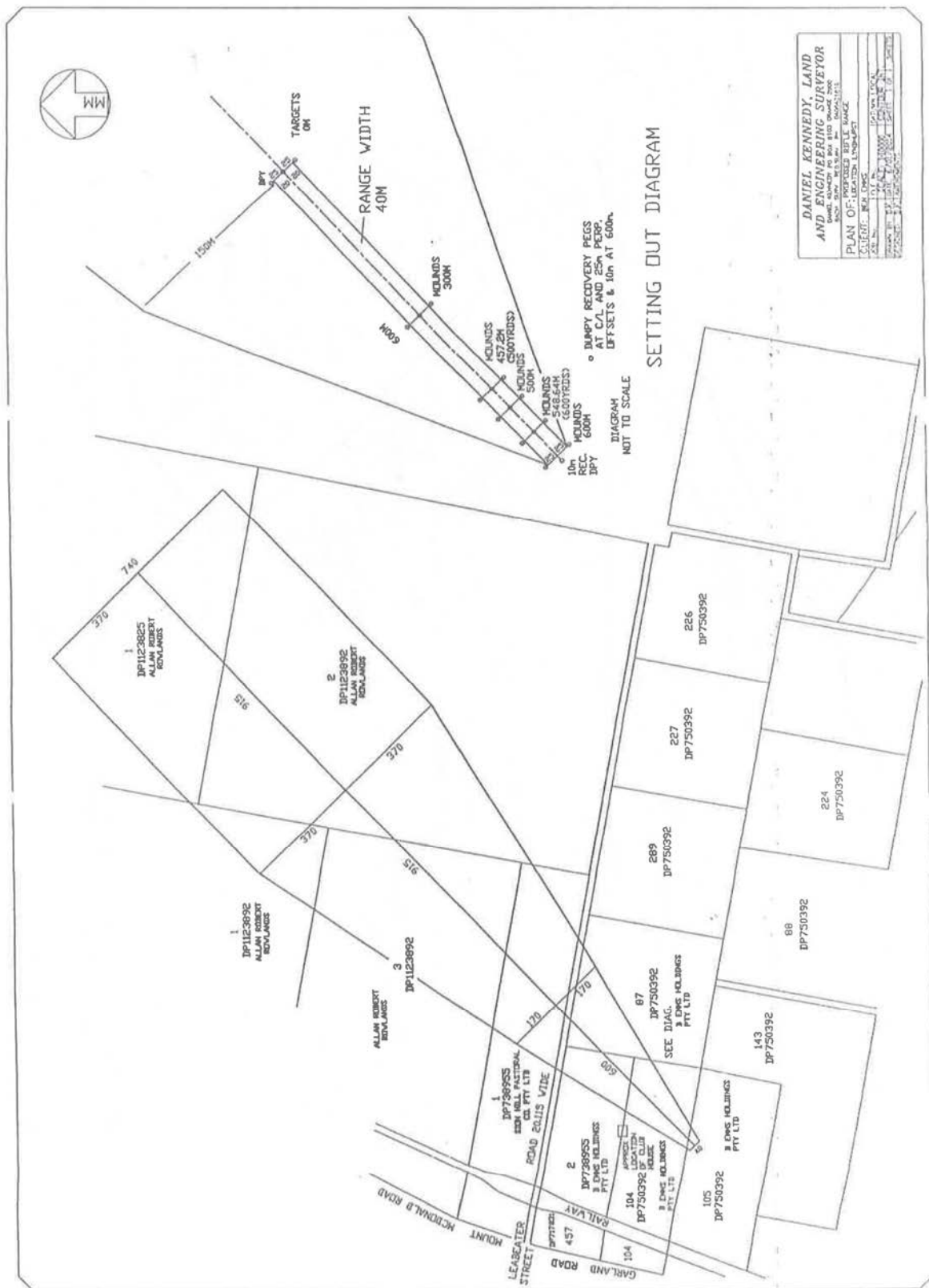
Sounds from shotgun ranges, e.g., trap, skeet, five-stand and sporting clays, are more difficult to mitigate than fixed-position shooting of other small arms. Shotguns move to take shots at various angles and elevations. Many of the abatement techniques used on small arms ranges also are applicable to shotgun ranges, such as barriers. However, these techniques also make it difficult to control activities when operating multiple shooting locations.

#### Conclusion

It is imperative to be prepared for increased pressure from communities as they encroach on ranges. Keeping abreast of any applicable and developing laws and documenting all range activities will maintain a proactive stance to access potential problems before they impact the facility. Several sound abatement techniques have been discussed in this paper. Some design considerations and expected reduction have been discussed where possible. Without totally enclosing the facility, sound will be heard beyond the range property. Community relations are just as vital as implementing sound abatement techniques in a noise mitigation program.

Appendix 3





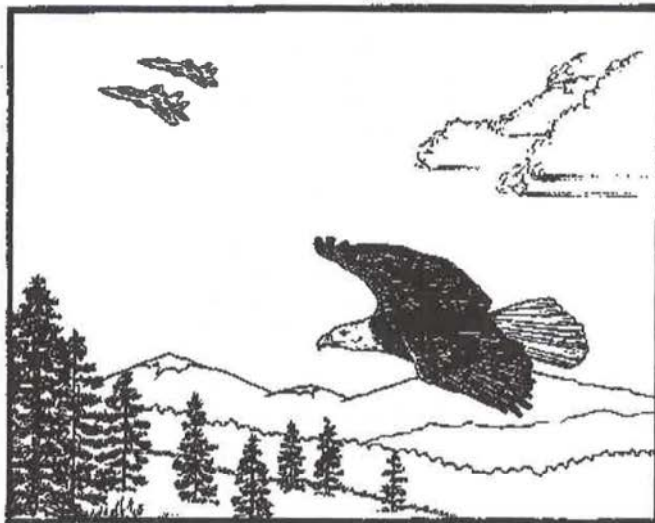
## APPENDIX 4

NPC Library: Effects Of Aircraft Noise and Sonic Booms on Domestic Animals and Wildlife: A Literature Synthesis

NERC 88/29  
JUNE 1988

AFESC TR 88-14

## EFFECTS OF AIRCRAFT NOISE AND SONIC BOOMS ON DOMESTIC ANIMALS AND WILDLIFE: A LITERATURE SYNTHESIS



Engineering and Services Center  
U.S. Air Force

Fish and Wildlife Service  
U.S. Department of the Interior

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AFESC TR 88-14  
NERC-88/29  
June 1988

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PREFACE

This report was produced as the result of a cooperative research project between the National Ecology Research Center, Ft. Collins,

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### 3.0 EFFECTS OF NOISE AND SONIC BOOMS ON DOMESTIC ANIMALS AND WILDLIFE

The effects of noise and sonic booms on animals vary due to the animal's hearing ability, which varies considerably among animal species. Each species has adapted, physically and behaviorally, to fill an ecological role within a community; an animal's hearing ability often reflects this role. Animals rely on hearing to avoid predators, to obtain food, and to communicate with members of their own species and other members of the community.

If sound has been a determinant in the evolution of behavior and morphology, its production and use have also depended on other aspects of the external environment (Bogert 1960). While specializations such as echolocation entail an integrated evolution of mechanisms of sound production and sound reception, the evolution of one is not always dependent on the evolution of the other. Sound production is not confined to animals with well-developed sound receptors, nor do all animals in which sound perception is well-developed produce sound themselves.

Sound production by animals also varies considerably. For example, mammalian vocalizations range in frequency from 50 to 100 Hz in the horse up to 150 kHz in some bats (Gould 1983). High-frequency sounds are extremely directional and attenuate quickly with distance. Low-frequency sounds attenuate slowly with distance and are relatively omnidirectional. The transmission properties of vocalization depend on environmental factors, such as temperature, humidity, landscape, and vegetation. Range of vocal signal is influenced by intensity of the source, background noise levels, rates of signal degradation, and the perceptual abilities of the receiver (Gould 1983). Vocal communication in social animals helps maintain group cohesiveness by giving cues to individual identification and the next possible action of group members (Kiley-Worthington 1984). Noise impacts could potentially disrupt a species' ability to communicate, either vocally or by disturbing its behavioral patterns.

The literature concerning hearing ability of animals includes studies of hearing mechanisms and determination of hearing thresholds (audiograms), through primarily behavioral responses to various noise levels in laboratory experiments. Knowledge of specific audiograms for even domestic species is scant; however, a number of studies have been conducted since the mid-1970's on the hearing ability of various wildlife species. Comparisons between groups of species within the same habitat have revealed a wide variety of tolerance to noise levels.

Noise affects wildlife and other animals, including humans, in many ways. Janssen (1980) categorized these effects as primary, secondary, or tertiary. Primary effects are direct physical auditory changes, such as eardrum rupture,

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temporary and permanent hearing threshold shifts, and the masking of auditory signals. Basking is the inability of an animal to hear important environmental signals. These signals include noises made by potential mates, predators, or prey. Aircraft noise could conceivably cause masking of the signals in some species and populations of wildlife. Secondary effects of aircraft noise and sonic booms on wildlife include such nonauditory effects as stress, behavioral changes, interference with mating, and detrimental changes in the ability to obtain sufficient food, water, and cover. Tertiary effects are the direct result of both primary and secondary effects, and include population declines, destruction of important habitat (Klein 1973), and, in extreme cases, potential species extinction (Bender 1977).

Animal species differ greatly in their response to noise of various characteristics and duration. Individual animal response to a given noise event or series of events also can vary widely, due to a variety of factors, including time of day and year, physical condition of the animal, physical environment (such as whether the animal is restrained or unrestrained), the experience of the individual animal, and whether or not other physical stressors (e.g., drought) are present.

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The effects of noise on the physiology of laboratory animals have been studied more thoroughly than effects on farm animals or wildlife. Although laboratory studies cannot be directly applied to effects of noise on wildlife in their natural habitats, they do describe a range of potential effects that may possibly occur. Hearing sensitivity, susceptibility to noise-induced hearing loss, and physiological effects of noise vary among animal species. Animals appear to be more sensitive to noise disturbance than humans (Borg, 1981). Possible harmful effects of sound may be more related to information content of the sound--information pertaining to risky actions or masking significant information--rather than to sound itself.

A sudden or unfamiliar sound is believed to act as an alarm, activating the sympathetic nervous system. The short-term physiological stress reactions, referred to as "fight-or-flight," are similar for many vertebrate species (Holler 1978). Various stimuli can produce similar physiological effects. Different stressors have their own unique effects, however, and reactions to stress can vary between species and also among individuals of the same species. Only laboratory studies have been able to eliminate these variables and show that noise produces certain physiological effects.

The general pattern of response to stress includes activation of the neural and endocrine systems, causing changes such as increased blood pressure, available glucose, and blood levels of corticosteroids. The effect of sympathetic activation on circulation also is believed to have an effect on hearing (Holler 1978). A correlation has been shown to exist between the reaction on the peripheral circulation and the temporary threshold shift caused by noise exposure. Prolonged exposure to severe stress may exhaust an animal's resources and result in death.

The introduction of commercial and military supersonic aircraft has raised the question of whether sonic booms should be considered as severe environmental pollution, with adverse effects on humans, animals, and

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structures (Cottreau 1978). Reviewers of Air Force proposals for new low-altitude training routes and military operating areas frequently express concern regarding the effect of jet noise on wildlife and farm animals (Shotton 1982). Differences in noise from low-altitude subsonic overflight and high-altitude supersonic overflight include the increased duration of noise from a low-altitude overflight, the greater probability that noise from low-altitude overflights will be accompanied by visual perception of the aircraft, and the broad-band frequency distribution of jet engine noise (about 200-20,000 Hz) versus the low-frequency noise of sonic booms (with most of the sound energy between 15-50 Hz).

Much of the knowledge in the past concerning effects of sonic booms was based on occasional booms, many of which had resulted in complaints and claims (Boutelier 1968; Bond 1971; Milligan et al. 1983). Although probably not always legitimate, these complaints indicate that concern has developed about the effects of sonic booms, and this concern should stimulate intensified research. However, only a few investigations, under field or simulated conditions, have been undertaken to determine the possible effects of sonic booms. The few documented behavioral observations of animals appear to indicate that sonic booms and subsonic low-altitude-flight noise evoke startle reactions; however, specific reactions differ according to the species involved, whether the animal is alone, and perhaps whether the animal has been previously exposed to sonic booms (Bell 1972). Some animals appear to adapt to the disturbances. Avian species seem to be more affected than mammals.

Trampling, moving, raising the head, stampeding, jumping, and running are among the common reactions reported for mammals exposed to sonic booms (Bell 1972). Birds occasionally run, fly, or crowd. Reactions vary from boom to boom and do not appear to be predictable. Animal reactions to sonic booms are similar to their reactions to low-altitude subsonic airplane flights, helicopters, and sudden noises.

Aircraft noise and sonic booms have been implicated as a cause of lowered reproduction in a variety of animals. The majority of

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research on the reproductive effects of noise on animals has been conducted in the laboratory with domestic species, particularly poultry. However, field studies indicate that the reproduction of wild populations may be more affected by noise disturbance than domestic populations. The reproductive effects have primarily been the result of disturbance of the animal's behavior during the reproductive cycle.

In the following sections, literature concerning animal hearing and the effects of aircraft noise and sonic booms on various groups of animals is presented. Some information concerning other types of noise is also included, to supplement the lack of knowledge on the effects of aircraft noise. These sections serve to summarize the literature, not to evaluate the appropriateness or adequacy of the scientific approach of each study.

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### 3. MAMMALS

The sense of hearing has become highly developed and specialized in the mammals relative to other tetrapods (Stebbins 1978; Harrison 1984). Increases in absolute sensitivity to acoustic stimuli in the audible frequency range and enhanced differential acuity to auditory stimuli, such as frequency and intensity, have contributed to the success of the mammals as a group. Evolutionary changes in the structure of the middle ear conducting system, in the cochlea, and, to a lesser extent, in the central nervous system are presumed responsible for the highly developed sense of hearing. The considerable variation in auditory capabilities in the various Orders and Families of mammals reflects the different selective pressures that have played a major role in hearing development. In some mammals, orientation and navigation have emphasized extended high-frequency sensitivity, while in others the obvious adaptive value of tightly knit social organization has placed a premium on the fine discrimination of the small, but significant, changes in the acoustic patterning of intraspecific communication sounds.

The basic characteristics of hearing, communication, and orientation signals were investigated in 30 species of insectivores (e.g., moles, shrews), bats, and marine mammals. The sensitivity of hearing, range of reception, and time parameters were found to be distinctly dependent on ecological factors and the acoustics of the environments of the animals under study (Konstantinov 1978). Animals with exclusively underground life habits (e.g., moles) show hearing of the lowest frequency and relatively high thresholds. A considerable extension of the reception range into the ultrasound frequency zone, with a lowering of the thresholds and more rapid response to the subsequent acoustic signals, was ascertained in species of largely nocturnal life habits. The acoustic system is most refined in animals using ultrasound echolocation for orientation and searching for prey in a tridimensional space, under optically unfavorable conditions (e.g., bats, porpoises).

Sound levels above about 90 dB are likely to be adverse to mammals and are associated with a number of behaviors such as retreat from the sound source, freezing, or a strong startle response. Sound level below about 90 dB usually cause much less adverse behavior. Laboratory studies of domestic mammals have indicated that behavioral responses vary with noise types and levels, and that domestic animals appear to acclimate to some sound disturbances (e.g., Anthony et al. 1959; Bond et al. 1963; Ames and Arehart 1972; Espmark et al. 1974; Ames 1978).

Host studies on the effects of noise and sonic booms on mammals have been conducted on laboratory animals (Table 2). However, field studies, primarily investigating behavioral effects, have been conducted on several species of wild mammals.

#### 3.1.1 Domestic Livestock

Surprisingly, the hearing of livestock has not been investigated, with the exception of a few studies that determined auditory thresholds of Suffolk ewe lambs (Ames and Arehart 1972; Ames 1978) and cattle (Ames 1974). The threshold curve of the lambs

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declined gradually from 100 to 500Hz, then

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**Table 2.** Some possible negative effects of noise and sonic booms on animals.

Species	Type of noise	Effect
<b>Ruminant livestock:</b>		
Various species	Sonic boom (80-370 mN/m <sup>2</sup> ); low-level subsonic flights (50-200 m) (Nixon et al. 1968; Bond et al. 1974; Espmark et al. 1974).	Startle reaction
Dairy cow	Exploding paper bags (Ely and Petersen 1941)	Cessation of milk ejection
	General noise (105 dB) (Kovalcik and Sottnik 1971)	Reduces feed consumption, milk yield, and rate of milk release
	Tractor engine sound (97 dB) (Broucek et al. 1983)	Increased glucose concentration and leukocyte counts in the blood; reduced level of hemoglobin
	General noise (1 kHz, 110 dB) (Broucek et al. 1983)	Increase in glycemia, nonesterified fatty acids, creatin; decrease in hemoglobin and, thyroxin concentration
Goat	Jet noise (Sugawara et al, 1979)	Reduced milk yield
Swine	General noise (108-120 dB) (Borg 1981)	Influence on hormonal system: increase of plasma 11-OH-corticosterone and catecholamines; decreased corticosteroid level
	General noise (93 dB) (Dufour 1980)	Aldosteronism (excess secretion of aldosterone from the adrenals)
	Recorded aircraft noise (120-135 dB) (Bond et al. 1963)	Increased heart rate
Sheep	White noise (100 dB) (Ames and Arehart 1972)	Higher heart rate and respiration rate; lower feeding efficiency
	White noise (90 dB) (Ames 1978)	Decreased thyroid activity
	General noise (4 kHz, 100 dB) (Ames 1978)	Increased number of corpora lutea; more lambs/ewe
<b>Wild ungulates:</b>		

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Reindeer	Sonic booms (35-702 Pa) (Espmark 1972)	Slight startle responses: raising of head, pricking the ears, scenting the air
Caribou	Low-altitude aircraft (<200 ft): fixed-wing, helicopter (Klein 1973)	Running and panic behavior
	Low-altitude aircraft (<500 ft): fixed-wing, helicopter (Calef et al. 1976)	Escape or strong panic reactions
	General noise (Calef 1974)	Increased incidence of miscarriages; lower birth rates
Pronghorn	Low-altitude helicopters (150 ft, slant range of 500 ft; 77 dBA) (Luz and Smith 1976)	Running
<b>Laboratory rodents and rabbits:</b>		
Various species	General noise (150 Hz-40 kHz, 132-140 dB) (Anthony and Ackerman 1957)	"Anxiety-like" behavior
Guinea pig	General noise (128 dB SPL) (Beagley 1965); simulated sonic booms (130 dB) (Hajeau-Chargois et al. 1970)	Anatomical hearing damage; hearing loss
Mouse	Simulated sonic booms (Reinis 1976)	Auditory damage; inner ear bleeding
	Intermittent noise (110 dB) (Anthony and Ackerman 1955)	Decrease in circulating eosinophils; adrenal activation
	Recorded subway noise (105 dB SPL) (Busnel and Holin 1978)	Longer time interval between litters; lower weight gain of young; increased incidence of miscarriage, resorption and malformations
	Continuous, high-intensity jet engine noise (127 dB); random onset noise (103-110 dB); high-frequency noise (113 dB) (Nawrot et al. 1980)	Decreased pregnancy rate (all groups); decrease in number of implantation sites per litter and fetolethal effects (high-intensity jet noise)
	General noise (106 dB) (Ishii and Yokobori 1960)	Teratogenic effects
Rat	General noise (105 dB SPL) (Moller 1978; Borg 1979, 1981)	Hearing loss; damage to inner ear structure
	General noise (80 dB SPL) (Borg 1978a, b,c)	Vasoconstriction
	General intermittent sound (Buckley and Smookler 1970)	Rise in blood pressure; hypertension
	Recorded thunderclaps (98-100 dB SPL, 50-200 Hz) (Ogle and Lockett 1966)	Increased urinary excretion of sodium and potassium; excretion of oxytocin and vasopressin
	Electric buzzer (110 dB) (Sackler et al. 1959)	Decreased adrenal, body, thymus, spleen, liver, pituitary, ovary, and uterine weights; slight gain in thyroid weight; increased production of ACTH; inhibition of gonadotrophin, ovarian hormones, and possible inhibition of the thyrotrophic and thyroid hormones

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	General noise (1 kHz, 95 dB) (Fell et al. 1976)	Suppressed thyroid activity
	General noise (120 Hz, 95-105 dB) (Jurtshuk et al. 1959)	Reduced glutathione levels in blood, increased adrenal weights and ascorbic acid; decrease in total adrenal cholesterol
	Intermittent noise(95 dB)(Hrubes and Benes 1965)	Increased secretion of catecholamines in the urine; increased free fatty acids in the blood plasma; increased weight of the adrenals; inhibition of growth
	General noise (92 dB) (Gamble 1982)	Persistent vaginal estrus prolonged vaginal cornification; higher preweaning mortality of young
	White noise (102-114 dB) (Friedman et al. 1967)	Change in the hypothalamus
	Electric bell (95-100 dB) (Zondek and Isacher 1964)	Enlarged ovaries; persistent estrus; follicular hematomas
Domestic rabbit	General noise (Zondek 1964)	Decreased fertility
	White noise (107-112 dB) (Nayfield and Besch 1981)	Increased adrenal weights; decreased spleen and thymus weights
	White noise (102-114 dB) (Friedman et al. 1967)	Change in the hypothalamus; higher plasma cholesterol and plasma triglycerides; fat deposits in the irises of the eyes; more aortic atherosclerosis and higher cholesterol content in the aortas
Chinchilla	Electric bell (95-100 dB) (Zondek and Isacher 1964)	Enlarged ovaries; persistent estrus; follicular hematomas
	Simulated sonic booms; general noise (65-105 dB) (Carder and Miller 1971, 1972; Reinis 1976)	Hearing loss; outer cell damage of the cochlea
<b>Wild rodents:</b>		
Desert kangaroo rat	ORV noise (78-110 dB SPL) (Brattstrom and Bondello 1983)	Temporary threshold shift in hearing
House mouse (feral)	Aircraft (110-120 dB) (Chesser et al. 1975)	Increased adrenal weights
Cotton rat	Recorded aircraft noise (110 dB SPL) (Pritchett et al. 1978)	Increased body weights; increased secretion of ACTH
	High-pitched whistles (Hepworth 1966)	Enlarged ovaries; persistent estrus; follicular hematomas
<b>Carnivores:</b>		
Domestic cat	Noisy laboratory (Liberman and Beil 1979)	Hearing threshold shifts; loss or damage to hair cells of inner ear
	General noise (100-1,000 Hz) (Miller et al. 1963)	Hearing threshold shifts
Domestic dog	Sudden loud noises (Stephens 1980)	Increase in plasma corticosteroid concentrations
Farm-raised mink	Simulated sonic booms (167-294 mN/m <sup>2</sup> ) (Travis et al. 1974)	Brief startle reaction

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Wolf/grizzly bear	Low-altitude fixed-wing aircraft and helicopters (Klein 1973)	Startle reaction; running
<b>Aquatic mammals:</b>		
Beluga whale	Boat traffic (Acoustical Society of America 1980)	Easily displaced
Pinnepeds	Sonic booms (80-89 dBA SPL) (Jehl and Cooper 1980)	Startle reactions
Elephant seal	Impulse noise created by a carbide pest control cannon (115.6-145.5 dBA) (Stewart 1982)	Alert behavior
Sea lion	Simulated boom (Stewart 1982)	Left beach during non-breeding season and went into surf
<b>other mammal groups:</b>		
Rhesus monkey	General noise (Leq (24): 85 dB) (Peterson et al. 1981)	Increased blood pressure

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decreased rapidly and reached its lowest point at 7,000 Hz. The audiogram for sheep was similar in shape to that for humans, but at a higher frequency (most sensitive at 7,000 Hz). Significant differences were observed among individual sensitivities at different frequencies, with the lower frequencies exhibiting large variations. Therefore, response to sound stimuli can be expected to vary among individuals within a species.

Behavior reactions observed in livestock exposed to sonic booms (80-370 Pa) or low-altitude subsonic flights (50-200 m) have generally consisted of startle reactions that were considered minimal (Nixon et al. 1968; Bond et al. 1974; Espmark et al. 1974). Espmark et al. (1974) suggested that observed reactions (e.g., backward jumping) may be more dangerous for tied-up animals, and that the effects of these disturbances might be more severe for animals under certain physiological conditions, such as gestation.

The use of military aircraft at supersonic speeds has already resulted in damage claims being made (and in some cases, being paid) for alleged injury or losses in domestic livestock (Ewbank 1977). This has prompted a number of investigations of the effects of noise on domestic farm animals, including the physiological effects of aircraft and nonaircraft noise on dairy cows, goats, pigs, and sheep.

One of the earliest studies of noise effects on cows was an attempt to determine the relationship between the nervous system and the ejection of milk of three Jersey cows at the Kentucky Agricultural Experiment Station (Ely and Peterson 1941). The left half of the udder of each cow was denervated. After recovering from surgery, all three cows began ejecting milk normally. The denervated half of the udder was able to eject milk just as well as the intact half. One cow was then subjected to various experiments to determine the effect of the nerve supply to the glands under various conditions, such as fright caused by loud noises. Fright was induced by exploding paper bags every 10 seconds for 2 minutes just prior to attaching the mechanical milker. This resulted in an immediate cessation of milk production. Thirty minutes following exposure to exploding paper bags, 70% normal milk production occurred. No difference in response between the two halves of the udder was observed. Injections of adrenalin gave similar results. The amount of adrenalin injected appeared to determine the length of time needed before natural milk ejection resumed. Presumably,

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**Appendix 5 – extract from letter to Police Commissioner Andrew Scipione***Background:*

My husband and I bought a 740-acre rural property in Mandurama at public auction on 16th August 2012. The selling agent was Ray White Emms Mooney of Blayney. At no time prior to the auction was it mentioned that 120 acres of the property fell within the Range Danger Area of the Lyndhurst Rifle Club.

The Lyndhurst Rifle Club is sited on the property next door which is owned by Mr Ben Emms. Ben Emms is not only a Director of Ray White Emms Mooney but also was Secretary of the rifle club at that time. Additionally, the Certificate 149 issued by Blayney Council at the time of purchase did not show that a large tract of land fell within the Range Danger Area despite the Council being well aware of the range and advertising it as a public sporting facility on its website. (Planning Circular PS 11-006 was a Director General directive to councils about Shooting Ranges and given in February 2011). Due to a multiple failure to disclose we bought a rural property in complete ignorance of a rifle club and the fact that the range extended within our boundaries.

Three months after purchase we decided to walk in the bushland at the top of our property. The walk was curtailed because the shooting was so loud and frightening. It was only some time later that we made the chilling discovery that we had been walking right in the line of fire behind the targets. **There had been no evidence of signage or pegs on our land to indicate that we had walked into a dangerous area.**

When I returned to Sydney I searched on the Internet for rifle ranges and by chance found a contact email address. Within a short time we were made aware of our situation and learned of the phenomenon of a Range Danger Area. When the police ranger determined that, in fact, our land did fall in the Range Danger Area and that we had not given permissive firing rights, the police response was immediate and the shooting stopped. Had I not taken the initiative, however, we would have been none the wiser about the danger. In fact our other neighbour, Mr Allan Rowlands, who is a life member of the Lyndhurst Rifle Club had told my husband previously that if we heard shooting and it was a training day we were to run for the trees (within the Danger Area)! He must have thought it was a great joke.

It seems difficult to conceive that a rifle club could be so cavalier in its attitude to safety and the regulations in which it is enshrined. In the short period prior to sale and the three months after our purchase of the land not one member of the Lyndhurst Rifle Club approached us about the rifle range. They must surely have known that they were required at the very least, to seek a formal written 'permissive shooting rights' from us (pp.18-19 of the *Range Users Guide* 2011, pp.17-18 of the *Range Users Guide* 2013).

In January 2013, in attempt to resolve the issue, we did sign a document presented to us by Ben Emms in which we granted permissive shooting rights. This, however, was on the understanding that Mr Emms was going to purchase the affected land at an agreed price. In the interim, we went to great lengths and cost (\$5,000) to prepare the land for sale, which required a DA to the council, surveying fees, changes of title and valuation.

At the appointed time for drawing up the contract we contacted Mr Emms, who told us that he was no longer going to buy the land. Up until this point he had given us no indication that he would renege on our agreement, which we have in writing. We acted in good faith and felt we had been duped by the rifle club. We have not since been reimbursed by Mr Emms.

We withdrew our permission to shoot and the rifle club elected to stop shooting before the police could close the range.



PO Box 18  
CARCOAR NSW 2791  
10<sup>th</sup> March, 2014

Ms Patsy Moppett  
Senior Town Planner  
Blayney Shire Council  
91 Adelaide Street  
BLAYNEY NSW 2799

Dear Ms Moppett,

Re: Development Application No. 09/2014 – Relocation of Rifle Range

Attached are our replies to the list contained in the submission received by the Blayney Shire Council from the owners of "Rockville".

I trust the answers are sufficient but if you require any further information, please contact me.

Yours faithfully,

Greg Hahn  
For the Lyndhurst Rifle Club

*Re: DA No. 09/2014 – Relocation of Rifle Range – Page 1*

1. Not advised

The Club has been informed that on one occasion when the complainants were inspecting “Rockville” with the agent before the sale, the Rifle Club was shooting on the range. When asked what the shooting was about, the agent informed the complainants of the existence of the Rifle Club. Therefore the first statement in the submission is untrue.

2. Lack of notification

The sale of the property was in the hands of an agent and the Rifle Club had no involvement in the sale of the property. Therefore the Club had no responsibility in that regard.

3. Boundary delineation

The range danger area (RDA) on the proposed range has been officially surveyed by a registered surveyor and permissive rights have been obtained from the two affected landowners and have been lodged with the Firearms Registry.

4. (a) Noise Intensity

A noise assessment was carried out on 5<sup>th</sup> March, 2014, by Mr. Steven Cooper, in the presence of four Club members, on the property adjacent to the “Rockville” homestead. Regarding the noise impact, the acoustics expert can answer that. His report will be supplied. The point of fire in the proposed new range will not be any closer than in the original range. The wooded area referred to is more than a kilometre away from the firing point in a 4 o’clock direction. The topography is not flat. The proposed new range is sheltered by a large hill, providing a far greater buffer zone to the right and in front of the firing point.

(b) Frequency

It is not the complainants’ business to be concerned about the rifle club activities or finances. The proposed new range will not encroach on the complainants’ property or activities.

(c) Effect on animals

Regardless of the claims made on the effects of shooting on animal health, etc. most ranges have some form of wildlife, as the enclosed photos reveal. The Lyndhurst Club has on many occasions had to stop shooting in order to move sheep and cattle out of the line of sight so shooting could continue. Numerous flocks of Superb Parrots and countless other birds have landed and fed on the range while shooting was in progress.

(d) Effect on Lyndhurst community

In regard to the Lyndhurst community, we have had countless enquiries from residents as to why the Club is not operating and they have expressed disgust, anger

*Re: DA No. 09/2014 – Relocation of Rifle Range – Page 2*

and disappointment regarding the reason it has closed and expressed their wish to see it re-open. Regarding straying children and animals, the Club members are target shooters, not indiscriminate shooters. Projectiles are contained in a 5m high earth bank behind the targets. In addition, there is a railway line, fenced on both sides, running parallel to the town between the proposed range and the town. The proposed range, including the danger zone, is on private property. Regarding the future change of property ownership, that is something to deal with if and when it arises. There is no evidence and there have never been any claims or complaints in the past in relation to distress, disappointment or loss of asset valuation because of the operation of the rifle range, throughout its entire existence.

#### 5. Public safety

There has never been an issue of public safety in the 100 years of the Club's operation, neither has there been anyone subjected to danger of any type. The Club operates under the National Standard Shooting Rules, which are strictly enforced on all rifle ranges.

#### 6. Integrity

Without knowing the facts on this comment, we are not able to give an opinion.

#### 7. Unacceptable noise

There is no evidence that noise levels have impacted or will impact on productivity or the welfare of animals.

#### 8. Noise control notice

The Club has never received a Noise Control Notice. However, the subject has been addressed in 4(a).

#### 9. Club rebuild

The danger zone on the range now being proposed will have no impact on the complainants' property and it will be up to the Club members to decide the future of the Club.

#### 10. Appeals to tradition

The Club has been an integral part of the Shire for 100 years and has generated considerable income for the Shire, including accommodation and services for International, National and State teams using the range. Local businesses have expressed their experience of loss of income due to the range closure.

#### 11. Contentious development

The Lyndhurst Rifle Club is not seen by Council or the community as being a contentious issue. The only change in community attitude is that which has occurred since the sale of "Rockville" and involves the complainants. The Club has no jurisdiction over what State authorities advise or what Councils adopt.

*Re: DA No. 09/2014 – Relocation of Rifle Range – Page 3*

12. Planning circular

The Club has little or no control over this issue.

13. Purchase of “Rockville”

Having heard the shooting in progress on one of the property inspections and having been told by the agent of the existence of the rifle range, if the complainants had any concerns at the time about a rifle range being in the vicinity, research by the complainants and/or the complainants’ solicitor would have disclosed the danger zone in question before the purchase.

14. Proposed SEPP

The Club has no control over such issues.

15. Freedom to expand

If the SEPP comes into being and the range expands to other disciplines or other days of the week, there will be no effect on the neighbouring properties. Noise levels will be no greater than the noise produced over the past 100 years and this is backed up by the current noise assessment.

16. Nature reserve

With regard to the complainants’ proposed nature reserve, the proposed new full bore range is facing away from that area and will have no effect whatsoever on any development they wish to pursue.

17. Environmental impact

The environmental impact is minimal as the entirety of land clearing consists of removal of three mature trees, two of which are in advanced stages of dieback, and the removal of small trees in a tree line planted by the property owner in recent years and, possibly, some further overhanging limbs.

18. Noise impact

This has been addressed previously - see 4(a).

IL/7056.

PO Box 18  
CARCOAR NSW 2791  
24<sup>th</sup> March, 2014

General Manager  
Blayney Shire Council  
91 Adelaide Street  
BLAYNEY NSW 2799

Dear Sir,

In relation to Council's Reference No. IAPP/6216 regarding Development Application No. 09/2014 – Relocation of Rifle Range, the Lyndhurst Rifle Club has received an external review of the Council's letter of 7<sup>th</sup> March, 2014, which set out issues raised in one submission that was received by Council.

Enclosed is a copy of the review, which is additional to the reply already provided to Council by the Lyndhurst Rifle Club.

Yours faithfully,



G.V. Hahn  
For Lyndhurst Rifle Club

10<sup>th</sup> March, 2014

Blayney Shire Council  
PO Box 62  
BLAYNEY NSW 2799

**RE COUNCIL'S LETTER 7<sup>TH</sup> MARCH, 2014**  
**CONCERNING LYNDHURST RIFLE RANGE**  
**YOUR REFERENCE IAPPD/6216**

Further to provision of comments concerning the letter of 7<sup>th</sup> March, 2014 that set out issues raised in one submission that was received, an external review for the rifle club of the Council's letter has identified a number of significant errors, misleading statements, and defamatory comments that have been made in the submission as reported by Council.

The first bullet point implies that the Council is responsible for identifying the existence of the range by quoting a circular issued by the Department of Planning in February, 2011.

Examining the document indicates that there is no requirement for the Council to identify an existing rifle range. The intent of the Direction is identified as the third bullet point on the first page of the document "that issues must be addressed when giving consideration to rezoning land adjacent to existing shooting ranges and identified early in the plan-making process".

As we understand it the Council has not sought to undertake any rezoning of the subject land and there is no requirement to advise new purchases of the existence of the range.

If however the owners of adjoining properties were to approach Council about rezoning the adjacent land for other purposes then it is correct under the circular that it is a matter for Council to consider the Direction.

The second bullet point is irrelevant and emotive.

It would appear that the purchasers of the property 'Rockville' have an issue with the lack of due diligence in purchasing the property by not being advised of the adjacent land uses and that may be an issue for them to take up with their conveyancing solicitor.

The permission to have a drop zone encroaching upon Rockville has been removed by the current owners, thereby requiring relocation of uses on the No 1 Range to the No 2 Range.

The fourth bullet point is not based upon any technical competency when one considers the fact that for a firing position at the intersection of the No 1 and No 2 Ranges the dwelling of Rockville is in the order of 4 km away and is subject to shielding by way of the topography. The resultant noise levels would be well under criteria issued by the EPA notwithstanding slight change in levels as a result of the reversal of uses on the two ranges.

There is no basis in terms of the allegations concerning funding in that there is a relocation of targets and construction of additional mounds on the No 2 Range.

The effect on animals has no basis of fact in relation to the subject site. Noise from the rifle range at a distance in the order of 4 km cannot equate to aircraft noise or sonic booms and as such the reference document is simply a red herring.

The sub point in relation to Lyndhurst community is addressed by the appropriate templates for the range of which permission has been obtained to utilise the No 2 Range now for full bore shooting.

The next bullet point is simply one of a clear case of defamation and is a matter that has been referred to the Club's solicitors. The Club rejects the failure of obligations of its range officers in relation to public safety and the claim as a lack of commitment to public safety is rejected entirely.

The next bullet point claiming that uses of the range show a lack of integrity is again a matter for the Club's solicitors.

The next bullet point in terms of claims of noise being unacceptable has no issue in terms of the existing landowners. Nor has the range (as alleged) has an impact on productivity of business or the welfare of animals under their care.

Noise from wildlife in the area that is not associated with farm businesses in actual fact is louder than that from the firing of rifles as found in recent testing.

The next bullet point in relation to a Noise Control Notice again is incorrect and simply is one of bullying tactics. First off there are a number of versions of the EPA's *Noise Guide to Local Government* but more importantly there is no Noise

Control Notice issued in relation to the Lyndhurst Rifle Club nor has there ever been a Notice. The Club was in existence well before licensing requirements came in under the Noise Control Act and the imputation that such a Notice is required to control the club's activity is rejected.

The claim as to considerable expense has already been addressed by the Club. Similarly appeals to tradition and forward-thinking is irrelevant as there have been no problems with the operation of the Club only in the concept of the one complainant.

The next bullet point referring to the Land and Environment Court without specifying any case would appear to be intimidation of the Council. A search of case law does not find the quoted text.

If we assume that the 'warning' refers to that of Justice Biscoe 24<sup>th</sup> November, 2009 (proceedings of 40333 of 2009) concerning Hilltop Residents Action Group versus The Minister for Planning, it would have been appropriate to identify that paragraph related to the text. That decision relates to an application for judicial review of a major project approval under s75J in part 3A of the Environment Planning & Assessment Act.

The relocation of shooting activity from No 1 Range to No 2 Range is not a major project as considered by the State Government of which as identified in paragraph 20 of the decision fell under a Major Projects State Environmental Planning Policy Amendment number 33. The nature of the Hilltop proposal was the addition of a number of different shooting disciplines with multiple ranges to the south of the existing range and involving relocation of other shooting ranges to the subject site so as to create (as identified in paragraph 25) of the judgement the "Southern Highlands Regional Shooting Complex".

There were three grounds raised in the judicial review in relation to technicalities of the approval for a major project. The submission nominated by Council does not identify the section of the decision as to range danger areas being "appropriately zoned". Following paragraph 42 (of the decision) there is discussion of the range danger area in proximity to a National Park and the matter for requiring that area to be fenced. A search of the decision does not find the quoted extract!

The submission has failed to identify that a number of Appeal by residents in relation to the Hilltop Complex came back to the Land and Environment Court

with proceedings number 40407 and 40619 of 2010 before the Chief Judge of the Land and Environment Court. The decision confirms Hilltop does not fall under normal planning laws with the Appeal being dismissed. Another appearance before Justice Pepper (proceedings number 40839 of 2010) seeking interim injunctive relief in relation to site clearing works with the application for interim injunctive relief being dismissed twice. Neither decision contains the words so slated.

The submission in the next bullet point refers to the Planning Circular which has no relevance in terms of the subject matter. The next bullet point (first point on page 3) identifies that if the purchasers of Rockville had been aware of the proximity to the shooting range they would not have bought the property. That would seem to be the crux of the objection.

The next bullet point in relation to or the suggestion that the Land and Environment Court applied restrictions to the Southern Highlands Shooting Complex is incorrect. The application came before an Independent Hearing Assessment Panel that recommended approval of the existing range in operation and new ranges. There is no restriction on the operation of the range by the Land and Environment Court as claimed.

Irrespective of the claim as to whether an SEPP Infrastructure for shooting ranges comes into effect or not, the range itself can operate without any restrictions at the present point in time. The only issue that would be of concern for restriction in day shooting would be seeking compliance with the EPA's noise requirements.

The next bullet point in relation to a proposed nature reserve may very well be one of subject rezoning or at least the objector has identified that with knowledge of the Department of Planning requirements they must take into consideration such an application if the nature reserve will be affected by the rifle range. It is noted that Rockville is a relatively large parcel of land with sufficient area to locate the nature reserve well away from the range.





## Bendigo

completed in time for the 127th Queens Prize series in March 2002.

\* new cantilever target mechanisms  
(1000 yards)

able to the best in the country.



Dear Mr Hahn,

29<sup>th</sup> October 2013

Thank you for your letter of 19<sup>th</sup> October regarding the Lyndhurst Rifle Range and the book on the club's history. You have been very generous.

As you are probably aware, my wife lost her lecturing position in ethics at the University of Sydney as a direct result of the activities of one particular shooter in the veterinary school at the university who, as well as being a lecturer, was under the direction of the Sporting Shooters Association. He vilified her at every opportunity and threatened to marshal the shooters of NSW to march on the university to remove her, so she could not voice her concerns over the formation of the NSW Game Council. As you can imagine, shooting has become anathema to her.

Page 1 of 1

*Extracts from letter received from*

Margaret & Greg Hahn

Dear Greg,

The facts are quite plain. The situation between us and the rifle club is not of our making. However, we did try very hard to ensure that your club could continue at its present site. I am unsure if Ben has made you aware of the circumstances but our requests were very specific in that regard. Ben was the one who elected to not follow through with those requests.

Also, as a consequence of our initial discussions with Ben we have spent close to \$5,000 to accommodate the rifle club's needs - not ours. So far, Ben has elected to not reply to us in regard to this expense which was carried out to facilitate the club's continuance at Sion Hill.

We have no problems with the club continuing - we just have problems with the club shooting over our land. Perhaps you could consider relocating the range to a larger property in the area whose owners are more amenable to shooting.

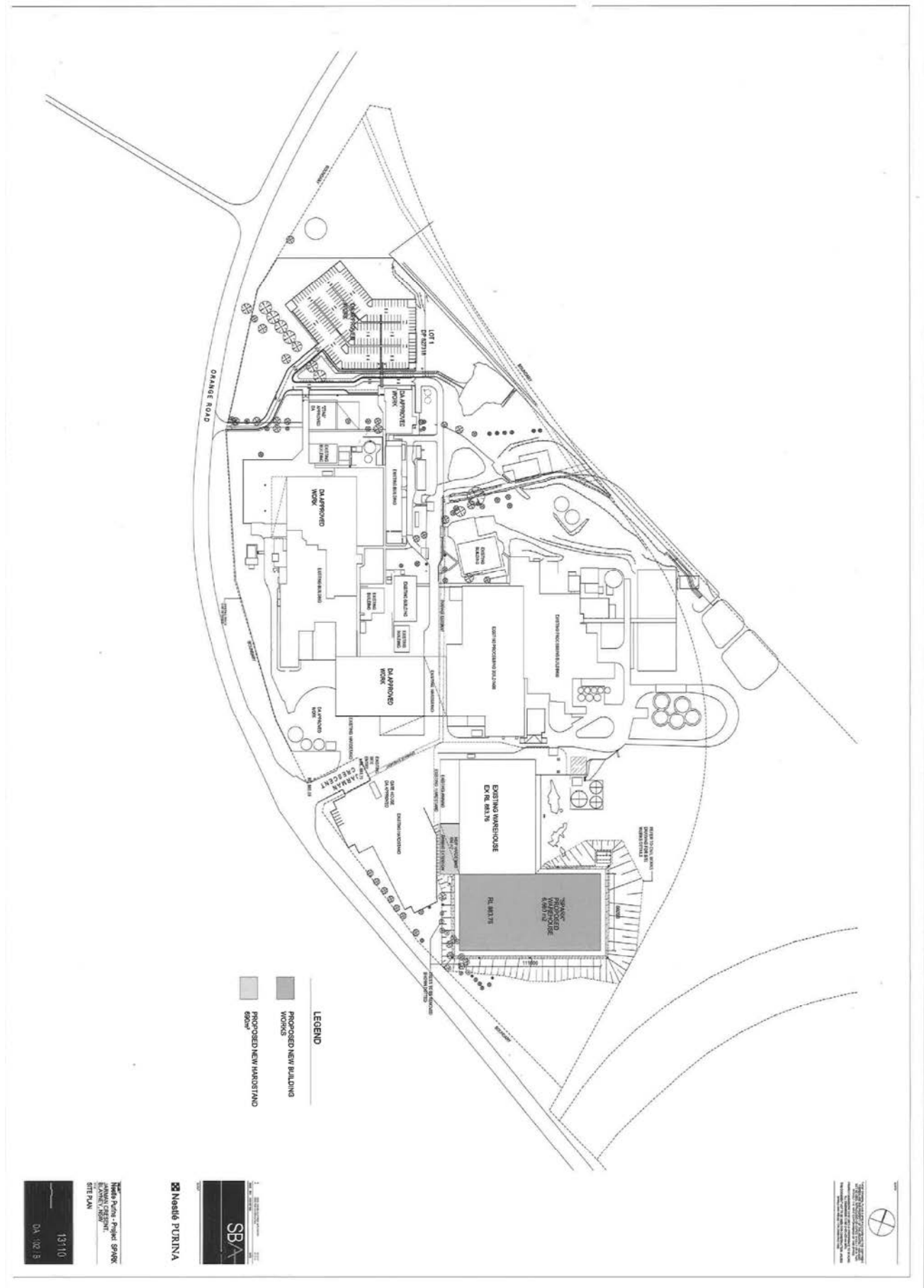
When Ben reneged on the sale, we informed him that we would turn the land into a nature reserve and there would be no more shooting across it. That was the end of it as far as we were concerned, so please accept the finality of this decision and do not contact us anymore.

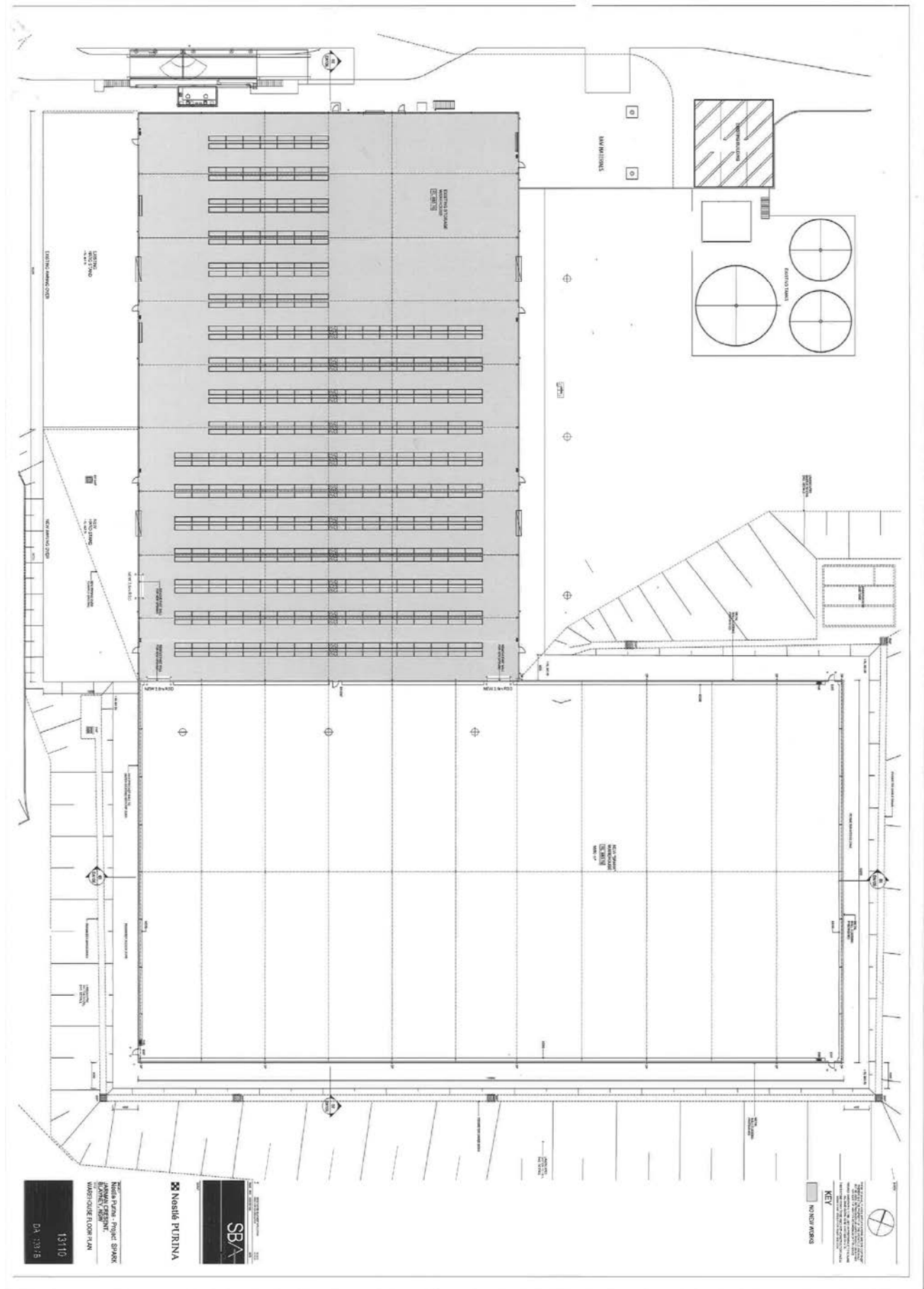
Regards,

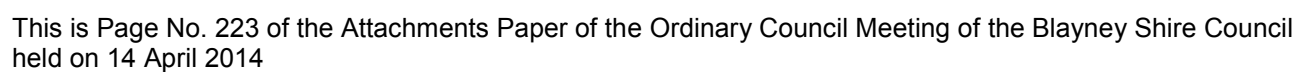
### Meaning of "Anathema" from the World Book Dictionary

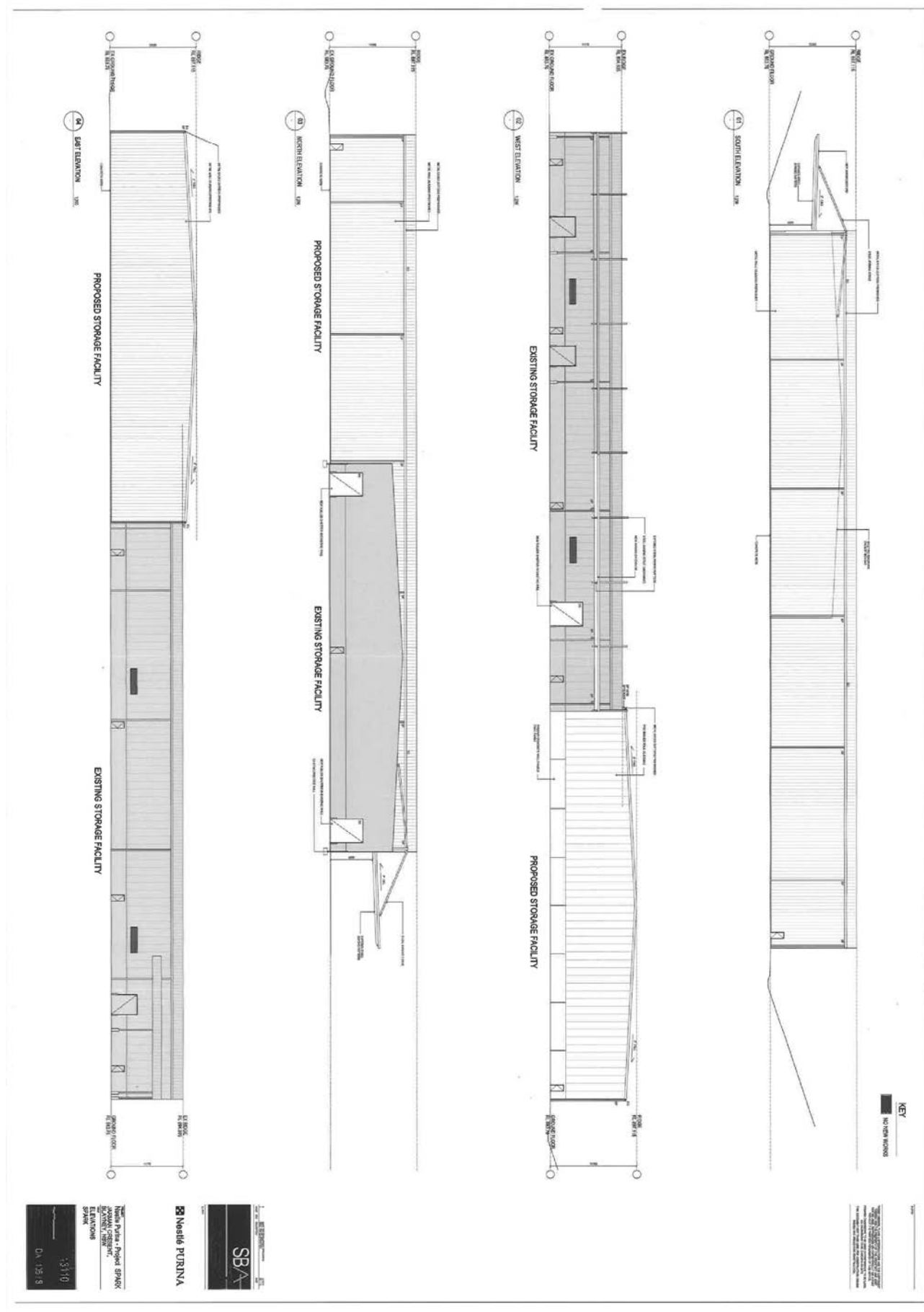
A person or thing that is utterly detested or condemned.

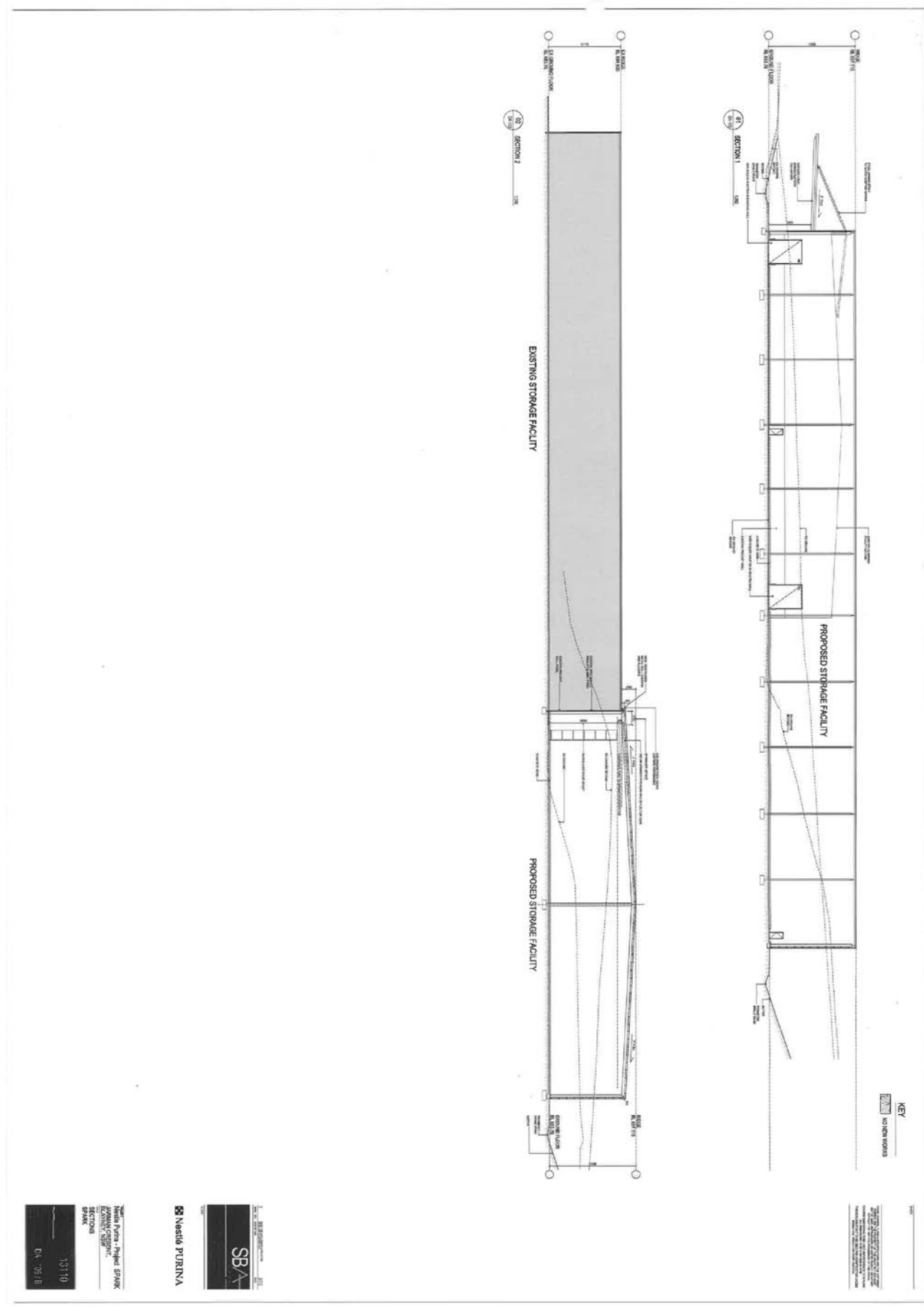
The act of denouncing and condemning some person or thing as evil.

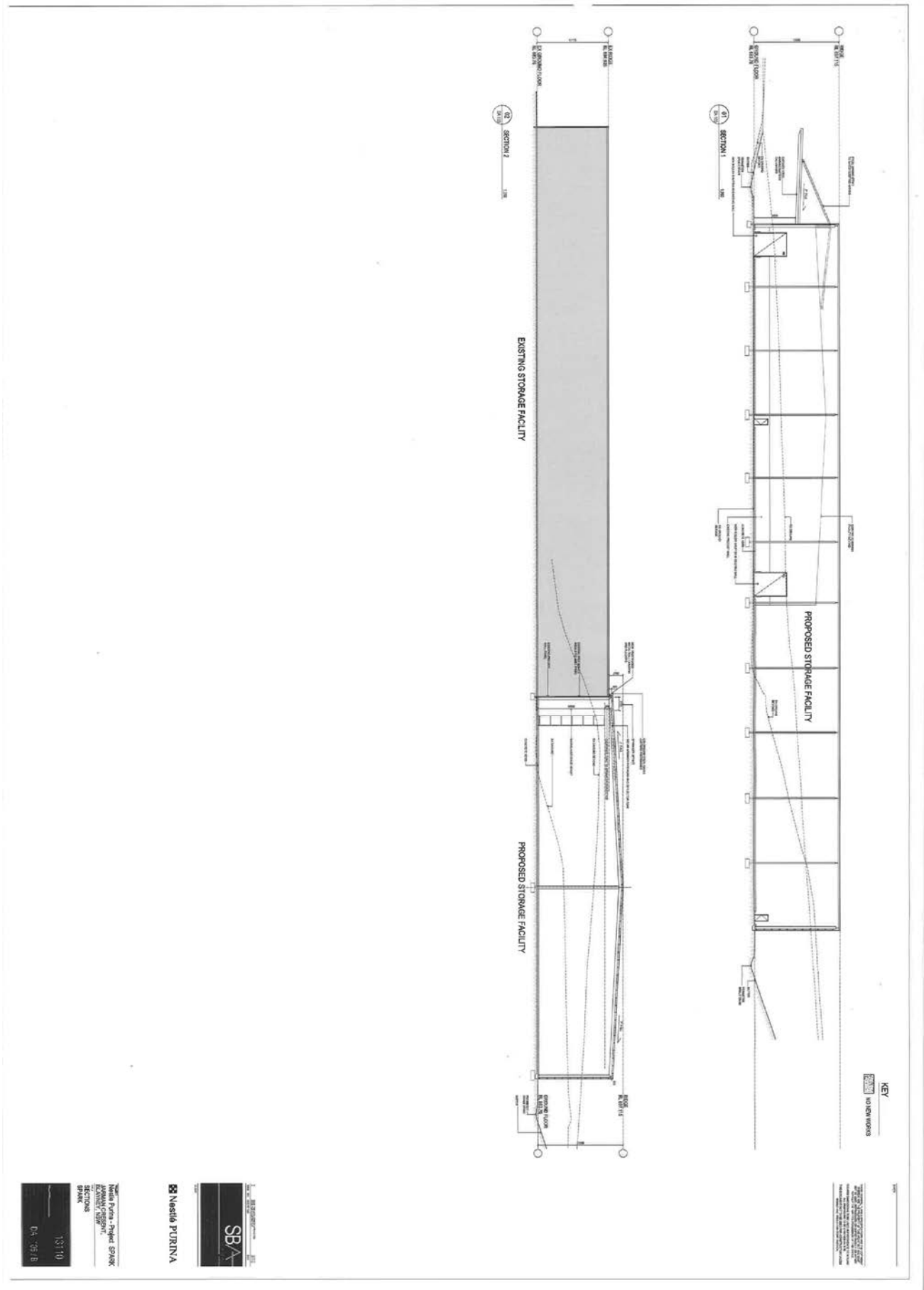












MANAGING DIRECTORS  
MATTHEW PALAVIDIS  
VICTOR FATTORETTO

DIRECTORS  
MATTHEW SHIELDS  
BEN WHITE



## Spark Warehousing Facility

## Noise Impact Assessment

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## DOCUMENT CONTROL REGISTER

<b>Project Number</b>	20131211.1
<b>Project Name</b>	Spark Warehousing Facility
<b>Document Title</b>	Noise Impact Assessment
<b>Document Reference</b>	20131211.1/1012A/R1/JS
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<b>Attention To</b>	Hansen Yuncken Pty Ltd Mr Paul Blair

Revision	Date	Document Reference	Prepared By	Checked By	Approved By
0	10/12/2013	20131211.1/1012A/R0/JS	JS		TT
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## 1 INTRODUCTION

Acoustic Logic Consultancy (ALC) have been engaged to conduct an acoustic assessment of potential noise impacts associated with the proposed Spark Warehouse Facility to be located in the Nestle Purina facility at Jarman Crescent, Blayney.

This assessment will discuss in detail potential noise impacts associated with:

- Internal operations within the warehouse;
- Additional heavy vehicle movements on the site; and
- Sleep arousal associated with heavy vehicle movements on site during the night time period.

Noise impacts from the proposed Spark warehouse have been assessed against the requirements of Blayney Shire Council and the New South Wales 'Industrial Noise Policy'.

This document references the TRAFFIX 'Traffic Impact Assessment' 13.208r02v3, and the SBA architectural drawings number SK-10, dated 14<sup>th</sup> May 2013.

## 2 SITE PROPOSAL

The proposed Spark warehouse facility is to be located adjacent to the southernmost existing warehouse of the Nestle Purina facility at Jarman Crescent, Blayney.

The warehousing facility is proposed to operate continuously throughout the day and night time periods.

The nearest sensitive receivers from the proposed Spark warehouse are the residential dwelling on Memorial Drive, located approximately 240m to the South of the site, and the residential area located approximately 200m South East of the Site.

Noise impacts associated with heavy vehicle movements have been assessed to this location as it presents the closest unscreened sensitive receiver location. It should be noted that the loading dock hard stand will be generally screened via the Spark warehouse to residences to the East of the site.

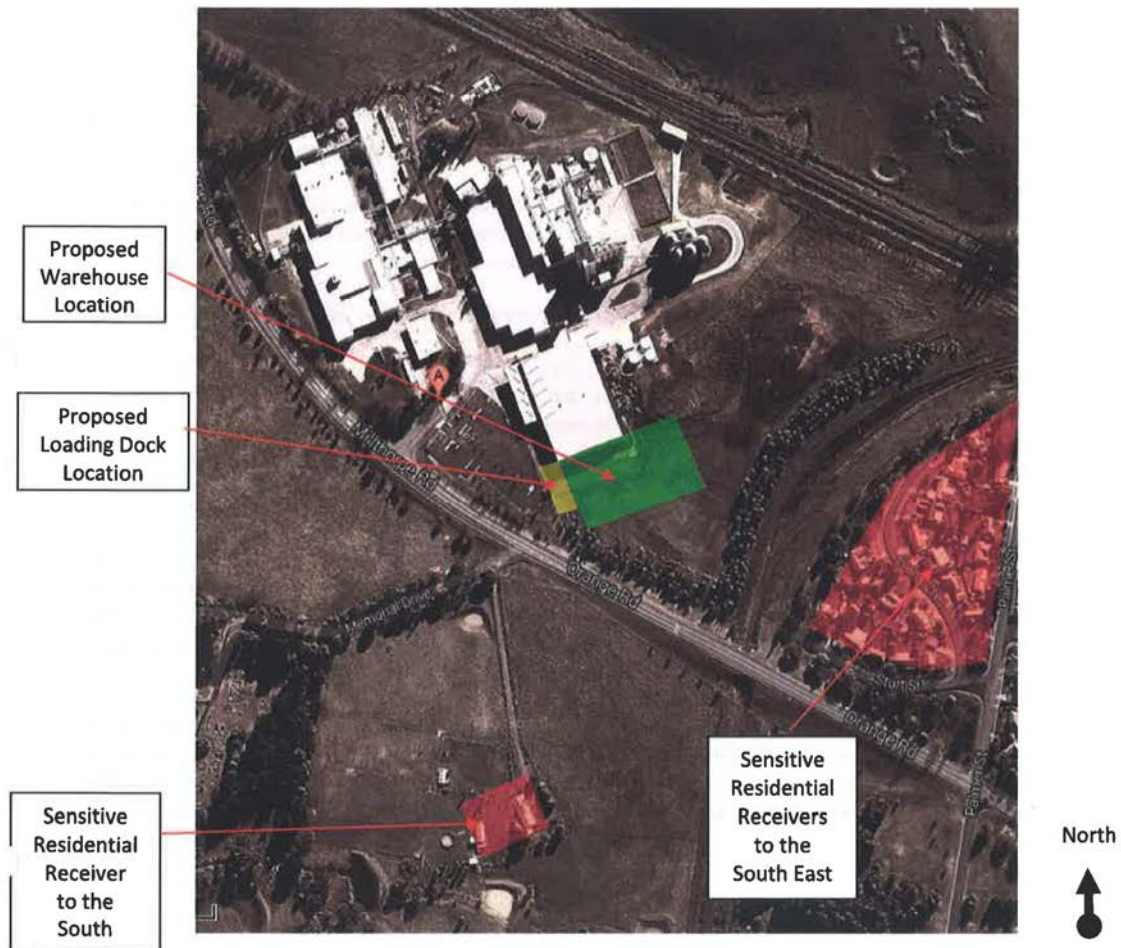


Figure 1: Site Map and Sensitive Receiver Locations

### 3 EXISTING ACOUSTIC ENVIRONMENT

The existing acoustic environment surrounding the site is categorised by low levels of noise associated with rural areas.

#### 3.1 ENVIRONMENTAL NOISE DESCRIPTORS

Environmental noise constantly varies. Accordingly, it is not possible to accurately determine prevailing environmental noise conditions by measuring a single, instantaneous noise level.

To accurately determine the environmental noise a 15-20 minute measurement interval is utilised. Over this period, noise levels are monitored on a continuous basis and statistical and integrating techniques are used to determine noise description parameters.

In analysing environmental noise, three-principle measurement parameters are used, namely  $L_{10}$ ,  $L_{90}$  and  $L_{eq}$ .

The  $L_{10}$  and  $L_{90}$  measurement parameters are statistical levels that represent the average maximum and average minimum noise levels respectively, over the measurement intervals.

The  $L_{10}$  parameter is commonly used to measure noise produced by a particular intrusive noise source since it represents the average of the loudest noise levels produced by the source.

Conversely, the  $L_{90}$  level (which is commonly referred to as the background noise level) represents the noise level heard in the quieter periods during a measurement interval. The  $L_{90}$  parameter is used to set the allowable noise level for new, potentially intrusive noise sources since the disturbance caused by the new source will depend on how audible it is above the pre-existing noise environment, particularly during quiet periods, as represented by the  $L_{90}$  level.

The  $L_{eq}$  parameter represents the average noise energy during a measurement period. This parameter is derived by integrating the noise levels measured over the 15 minute period.  $L_{eq}$  is important in the assessment of environmental noise impact as it closely corresponds with human perception of a changing noise environment; such is the character of environmental noise.

## 4 NOISE EMISSION CRITERIA

Acoustic requirements relating to noise emissions from the proposed warehouse facility are not specifically addressed in any Blayney Shire Council Development Control Plan. In the absence of this, noise emissions from the site will be assessed with reference to the EPA Industrial Noise Policy (Intrusiveness and Amenity Criteria).

The potential for sleep arousal has been assessed against the requirements of the NSW Environmental Criteria for Road Traffic Noise (ECRTN) during the night time period.

### 4.1 EPA - INDUSTRIAL NOISE POLICY

The Industrial Noise Policy provides guidelines for assessing noise impacts from industrial developments. The recommended assessment objectives vary depending on the potentially affected receivers, the time of day, and the type of noise source. The Industrial Noise Policy has two requirements which both have to be complied with, namely an amenity criterion and an intrusiveness criterion.

#### 4.1.1 Intrusiveness Criterion

The guideline is intended to limit the audibility of noise emissions at residential receivers and requires that noise emissions measured using the  $L_{eq}$  descriptor not exceed the background noise level by more than 5 dB(A).

Background noise monitoring was conducted at the site over a 7-day period, however the noise data was heavily affected by adverse weather and construction noise on the Nestle Purina site during the day time period. Noise data not affected by the adverse weather and construction noise indicates that the background noise level during the day will be typically between 32-35dB(A)  $L_{90}$ .

Notwithstanding above, in the absence of a substantial set of unaffected noise logging, ALC have adopted a background noise level of 30dB(A) for the day, evening and night period pursuant to the INP. This is the lowest noise level adopted in the Industrial Noise Policy, and therefore assessment with reference to this noise level represents the most stringent possible assessment criteria which could be imposed under the Policy.

Table 1 – INP Intrusiveness Criteria

Time of day	Background Noise Level dB(A) $L_{90}$	Intrusiveness Criteria (Background+5dB(A)) dB(A) $L_{eq}$
Day	30	35
Evening	30	35
Night	30	35

#### 4.1.2 Amenity Criterion

The guideline is intended to limit the absolute noise level from all noise sources to a level that is consistent with the general environment.

The Industrial Noise Policy sets out acceptable noise levels for various land uses. Table 2.1 on page 16 of the policy has four categories to distinguish different residential areas. They are rural, suburban, urban and urban/industrial interface. Pursuant to the INP, the residential receivers in the vicinity would be considered Rural. Corresponding Amenity Criteria noise emission goals are presented below.

**Table 2 – INP Amenity Criteria**

Type of Receiver	Time of day	Recommended Acceptable Noise Level dB(A) $L_{eq}$
Residential (Rural Areas)	Day	50
	Evening	45
	Night	40

#### 4.2 SLEEP AROUSAL CRITERIA

Sleep arousal criteria has been adopted from the NSW Environmental Criteria for Road Traffic Noise (ECRTN). Section B5 of the ECRTN states that:

- Maximum internal noise level below 50-55 dB(A) are unlikely to cause awakening reactions.
- One or two noise events per night, with maximum internal noise levels of 65–70 dBA, are not likely to affect health and wellbeing significantly.

ALC have adopted the 50dB(A)  $L_{Max}$  internal noise level as a basis for assessing the potential for sleep arousal.

## 5 ASSESSMENT OF NOISE IMPACTS

This section examines potential noise impacts on neighbouring residences associated with the use of the proposed warehouse. The primary noise source will be heavy vehicle movements between the proposed hardstand area and the Nestle Purina facility entrance on Jarman Crescent.

### 5.1 NOISE MODELLING PARAMETERS FOR DAYTIME OPERATION

The following parameters have been used in the assessment of noise impacts from the development during the daytime period.

#### 5.1.1 Heavy Vehicles

The assessment of noise emissions from heavy vehicle movements have been assessed using the following assumptions detailed in the table below.

**Table 3 – Assumed Vehicle Operational Noise Levels**

Noise Source	Sound Power Level dB(A)	Speed	Area Assessed
Semi trailer / B-Doubles	105	10km/h	Between proposed hardstand area and entrance to Nestle Purina facility on Jarman Crescent

Vehicle movements used for the assessment have been based on the traffic flow diagram presented in Appendix C of the Traffic Impact Assessment 13.208r02v3.

This assessment has been conducted using a worst 1-hour period of operation. This constitutes 2 truck trips within a single 1 hour period as predicted in the traffic impact assessment.

#### 5.1.2 Internal Operational Noise Levels

Internal noise levels within the warehouse have been based on an indoor sound pressure level of 75dB(A)  $L_{eq}$ . This is based on four petrol powered forklifts operating within the warehouse at any one time.

It should be noted that generally gas powered forklifts would be used within an enclosed warehouse which are substantially quieter. However, for the purposes of this assessment the worst case noise level for petrol powered forklifts have been used.

This indoor noise level would be generally conservative for this type of warehousing usage.

Predictions are made on the assumption that the loading dock door is left open (a worst case scenario).

### 5.1.3 Predicted Noise Levels

Noise emissions from the development have been predicted to the nearest most affected sensitive receiver locations (as identified in Figure 1, section 2).

Predictions take into account noise attenuation with distance losses.

The noise levels presented below take into account the recommendations presented in Section 6.

**Table 8 – Predicted Noise Levels At Nearest Noise Sensitive Receiver**

Receiver Location	Noise Source	Predicted Noise Level dB(A) Leq 15min	Noise Level Criteria dB(A) Leq 15min	Complies
South	Heavy Vehicle Movements	32	35	Yes
	Warehouse Operations	31	35	Yes
	Cumulative Noise Impact	34	35	Yes
South East	Heavy Vehicle Movements	< 25	35	Yes
	Warehouse Operations	33	35	Yes
	Cumulative Noise Impact	33	35	Yes

### 5.2 SLEEP AROUSAL

The potential for sleep arousal has been assessed for the residential receiver to the Southwest of the development across Orange Road. Sleep arousal has been assessed for noise associated with heavy vehicles starting and assuming that receivers have windows to bedrooms left open.

**Table 9 – Assumed Vehicle Noise Levels for Sleep Arousal**

Noise Source	Sound Power Level dB(A) L <sub>Max</sub>
Semi trailer / B-Doubles	115

Note: The noise level presented above is for a semi-trailer starting. Airbrake discharge will be slightly quieter in noise level than this.

### 5.2.1 Predicted Noise Levels

The predicted internal noise levels of the southern residential receiver take into account noise attenuation from distance losses and air absorption. The predicted internal noise levels are presented in the table below.

**Table 10 – Predicted Noise Levels At Southern Receiver for Sleep Arousal**

Receiver Location	Noise Source	Predicted Internal Noise Level dB(A) $L_{max}$	Internal Noise Level Criteria dB(A) $L_{max}$	Complies
South (with windows open)	Heavy Vehicles at Loading Dock	48	50	Yes

### 5.3 DISCUSSION

The predicted noise levels presented in the tables above indicate that the proposed warehouse will comply with the strictest possible criteria under the Industrial Noise Policy. Furthermore, ALC notes the following:

- Noise emissions from the proposed warehouse to the nearest most affected sensitive receivers are expected to be substantially lower than that already existing from heavy vehicles using Orange Road.
- Noise emissions are based on the worst case 1 hour associated with peak vehicle movements and peak warehouse operation during the daytime period. Outside of these periods, noise emission from the site would be quieter still.
- The assessment has been based on the most conservative of criteria during the day time period. Noise measurements recorded at the site indicate that the typical background noise level will be in excess of 35dB(A) during the day which would result in an assessment criteria of 40dB(A)  $L_{eq\ 1hour}$ .
- The potential for sleep arousal has been assessed for trucks starting within the loading dock area. Predicted noise levels indicate that maximum noise levels from night time operation will be less than 50dB(A)  $L_{Max}$  and as such will be unlikely to cause awakening reactions.

Furthermore it is expected that vehicle movements along Orange Road would be more likely to cause sleep arousal when compared to movements on the site during the night time period.

## 6 RECOMMENDATIONS

The following is recommended to ensure that noise levels from the development comply with the assessment criteria used for the purposes of this assessment.

- The warehouse walls and roof are to be constructed from minimum 0.42mm sheet metal. Heavy weight construction (concrete tiles etc) will be acoustically acceptable.
- Untreated ventilation openings on the façade directly facing the residents to the South is not to exceed 30m<sup>2</sup>.
- Untreated ventilation openings on the façades facing East and West are not to exceed 15m<sup>2</sup>.
- Loading dock doors may be left open during the day time period of operation.

### 6.1 MECHANICAL VENTILATION

As the design of future mechanical plant to serve the development is yet to be completed, treatments cannot be determined at this stage. All plant and mechanical equipment are to be designed to comply with the noise emission objectives detailed in Section 4 of this report.

## 7 CONCLUSION

This report presents the assessment of noise emissions from the proposed Spark Warehousing Facility to be located within the Nestle Purina facility at Jarman Crescent, Blayney.

Noise emission predictions for the internal operations of the warehouse and heavy vehicle movements into and out of the proposed development have been assessed to the nearest sensitive receivers in the immediate vicinity of the site.

ALC confirms that noise emissions from the operation of the proposed warehouse will comply with the requirements of the NSW Industrial Noise Policy.

The potential for sleep arousal has been assessed for noise emissions from the site during the night time period. Predicted noise levels from heavy vehicles using the loading dock area indicate that sleep arousal from on-site activities would be unlikely when assessed against the sleep arousal criteria detailed in the NSW Environmental Criteria for Road Traffic Noise.

We trust this information is satisfactory. Please contact us should you have any further queries.

Yours faithfully,



Acoustic Logic Consultancy Pty Ltd  
Justin Leong



27<sup>th</sup> March 2014

Patsy Moppett  
Senior Town Planner  
Blayney Shire Council

Level 6, 15 Bourke Road  
Mascot NSW 2020  
PO Box 409 Mascot 1460

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sydney@hansenyuncken.com.au  
www.hansenyuncken.com.au

Dear Patsy,

**RE: Development Application No. 09/2014 – Storage Warehouse – Lot 15 DP 1187293, 1 Jarman Crescent, Blayney**

In response to the Blayney Shire Council letter dated 24 February regarding the submission received. The proponent has sought advice from its consultant team in preparing the following response.

#### SUBMISSION

*Increase in noise will not be within guidelines. The detailed analysis of the noise impact only mentions what is likely to affect. Detailed sound analysis has not been performed under normal conditions due to construction so if no baseline is set how can we judge a peak. Wind conditions can also severely affect the results.*

*Semi trailer movements of up to 105dB is unacceptable. Admittedly this is measured at the front gate but a few hundred meters away on a quiet Blayney evening this would still translate to a guess 70dB. A truck travelling past the plant on Orange Road makes far less noise than a truck accelerating from the front gate. Having all their tabled results within 1-2dB of maximum criteria to me is not enough. The permission for 24 hour truck movements should not be approved currently there seems to be a downtime from 10-11pm till daybreak the opening of finished product seem to be considerably quieter than their supply 24 hour truck movement will expose the town to even more noise. It must be noted that the trucks removing finished product seems to be considerably quieter than supply trucks. As mentioned there is a pseudo time limit on truck movements but it is still not uncommon to hear the crashing of tailgates from truck at 12am sometimes later. These tippers seem to have less restrictive exhausts causing high noise levels on departure from the factory.*

*Since the birth of our daughter 2.5 years ago we struggle with the noise coming from Nestle. Every night we play a white noise app on an ipad in her room to prevent the peak noises which seemed to plague her sleep routine. More truck movements is only going to increase our woes.*

*Also worth mentioning is that the view from our back yard windows seems to be getting more and more obscure by Nestle. Previous objections have gone unnoticed.*

*Truck movements need to be monitored on site measuring of noise needs to be monitored and acted upon if trucks are noisy – ban them from the site Nosy practices – such as slamming the tailgates of a tipper needs to be eliminated. More blending / screening of buildings should also be considered.*

ABN 38 063 384 056



## RESPONSE

- The acoustic assessment has been undertaken in conjunction with the relevant EPA and Australian Standard requirements. As part of the assessment the minimum background noise level of 30 dB(A) was used for the assessed across all periods of the day, evening and night as directed by the INP. The resulting criteria adopted are conservative for the assessment of noise impact to the surrounding receivers.
- The acoustic assessment uses a Sound Power (SWL) of 105 dB(A) has been used as the basis of the assessment and in no way represents the resulting noise level at any surrounding receivers. As per the report and simple acoustic principles the resulting noise level at all surrounding residence is less than 35 dB(A). The expected noise level at these receivers is significantly less than other noise sources within the local environment such as local traffic, traffic on Orange Road, neighbours activity noise and the like.
- The acoustic assessment includes noise levels for the source of trucks both moving and accelerating as measured by this office (the author of the Acoustic Report) at other similar facilities.
- The acoustic assessment includes noise levels for the source of trucks both moving and accelerating as measured by this office (the author of the Acoustic Report) at other similar facilities.
- The factory is already a 24 hour operation and no change to hours is proposed as part of the DA.
- This DA relates to a warehouse which is not associated with 'tipper' type trucks.
- The factory has already planned noise reduction actions in 2014 for existing operations – however while these will benefit local residents they are voluntary and not part of the scope of the DA.
- With respect to comments regarding view, the facade has been designed to complement our existing facade, and significant tree plantings have previously been undertaken along the southern boundary. This has resulted in a more natural aspect for many nearby residents.

The proposed development will have an impact on the character of the Nestle Purina site. However the proposal will improve the way Nestle Purina deliver their product in the region and the state, further it will enable Nestle Purina to provide a new state of the art storage facility that responds to the emerging needs in a cost efficient and equitable manner.

For the reasons mention above Blayney Shire Council is requested to consider the application favourably.

Yours faithfully  
**HANSEN YUNCKEN PTY LTD**



**Danny Kataieh**  
Design Manager

**MINUTES OF THE BLAYNEY SHIRE TOWNS AND VILLAGES  
COMMITTEE MEETING  
HELD ON THURSDAY 13 MARCH 2014  
AT THE BLAYNEY SHIRE COMMUNITY CENTRE**

Meeting commenced at 6.06pm

**PRESENT**

Judy Belecky, Alvaro Marques, Tony Kearney, Glenn Wilcox, Loretta Kervin, Cathy Griffiths, Elizabeth Russ, Sally Ryan, and Anton Franze. Cr Allan Ewin (from 6.15pm).

**APOLOGIES**

**RESOLVED:** That the apologies received from Richard Bloomfield, Viv Hamilton, Wayne Moore, Cecily Walters and Kerry Adams be accepted (Alvaro Marques / Cathy Griffiths).

**CHAIR**

Elizabeth Russ appointed Chair due to absence of Cr Allan Ewin at commencement of meeting.

**CONFIRMATION OF MINUTES**

The minutes of 12 December 2013 should reflect that Laurie Williams has been liaising on behalf of Millthorpe Village Committee.

The minutes of the previous meeting held on 12 December 2013 were confirmed to be a true and accurate record of that meeting (Cathy Griffiths / Judy Belecky).

**DECLARATIONS OF INTEREST**

Nil.

**VILLAGE PLANS**

Council is awaiting feedback on any amendments to the final draft of Village Plans circularised to enable adoption of Village Plans by Council.

**RECOMMENDED:** That Council adopt the Village Plans. (Alvaro Marques / Tony Kearney)

**UPDATE RE RAILWAY STATIONS IN VILLAGES**

- Meeting held by Council with Millthorpe Village Committee, Paul Toole John Holland.
- Meeting held by Council with Newbridge Progress Association, Paul Toole John Holland.
- A further meeting to occur regarding resolution of responsibility of repairs to footbridge at Newbridge Railway Station.

**RECOMMENDED:** That Council the update regarding the Railway Stations at Newbridge and Millthorpe be noted.(Cathy Griffiths / Sally Ryan)

**WORKSHOP FOR DEVELOPMENT OF EVENTS STRATEGY**

- Discussion held with a view to development of strategy for a “Festival of Events” over a number of weeks.
- Concept such as “Festival of the Villages” or “Showcase the Shire”.
- Sally, Loretta and Elizabeth have expressed interest in being part of group to progress concept.

**RECOMMENDED:** That a group comprising interested members of Towns & Villages Committee, Economic Development Committee, Blayney Town Committee, Blayney Festival Committee and business develop ideas to progress concept for a “Festival of Events”.

**DISPLAYS ON FOOTPATHS POLICY**

- Millthorpe Village Committee will provide a separate written submission. It was advised by the General Manager that legislation is proposed that may impact on the introduction of this policy. When clarification of legislation is received Council will be in a position to determine the future direction of this matter.

**GENERAL BUSINESS**

- Query regarding Hobbys Yards Hall following confirmation that it is not on a Crown Reserve. Council is committing to any lease of buildings pending a review of crown reserves and other properties.
- Financial Assistance Program is currently open and is scheduled to close 28/03/2014.
- IPART is accepting submissions on Council’s application for a Special Variation to its General Income.
- Update from Loretta re: Textures of One Art Exhibition

**FUTURE AGENDA ITEMS**

- Noticeboard for events

**NEXT MEETING**

The next meeting of the Blayney Shire Towns and Villages Committee will be held on Thursday 12 June 2014 commencing at 6.00pm.

**MEETING CLOSE**

The meeting closed at 7.25pm.

**MINUTES OF THE MEETING OF BLAYNEY SHIRE AUDIT COMMITTEE  
HELD IN THE COMMUNITY CENTRE ON FRIDAY 7 MARCH 2014**

The meeting commenced at 9:00 am.

**1. Present**

Cr. David Somervaille	(Councillor – voting)
Steve Kent	(Chair - Independent – voting)
Phil Burgett	(Independent – voting)
Jennie Robson	(Risk Officer)
Chris Hodge	(Acting Director Corporate Services – secretariat)
Mark Griffiths*	(Grant Thornton Aust. – Internal Auditor)

*\*Joined via conference call for approx. 10 mins at end of meeting.*

**2. Apologies**

Cr. Scott Ferguson	(Councillor – voting)
Cr. Allan Ewin	(Councillor – voting)
Glenn Wilcox	(General Manager)
Anton Franze	(Director Corporate Services – secretariat)

**3. Declarations of Interest**

Nil.

**4. Adoption of Previous Minutes**

**Recommendation:** That the minutes for the previous Audit Committee meeting held on 25 November 2013 were a true and accurate record of that meeting.

**5. Audit Committee Annual Report 2012/13**

Steve Kent presented the Audit Committee Annual Report. The Audit Committee Charter adopted by Council requires that the Committee report at least annually on its activities. The Annual Report covered the period 1 November 2012 to 31 December 2013. The report provided a background to the establishment of the Audit Committee, its membership, achievements during the period and future directions for the Committee in the year to come.

**6. Risk Management Update**

A report by Council's Risk Officer was presented. Revised Footpath policy adopted by Council. The Continuous Improvement Pathway continues with footpaths review commenced. Conditions of hire for the Blayney Community Centre being reviewed and drafted. CentrePoint hire agreement approved and implemented. Council wide Risk register is still under development and advised that appropriate resources should be allocated to meet the 2014 completion timeframe.

**7. Major Developments/Issues**

Development Applications audit review to commence March/April 2014 by Grant Thornton Australia. Council Integrated Planning and Reporting

documents adopted at February Council meeting. Special Rate Variation application submitted to IPART (4.69% 2014/15 and 5.11% 2015/16). Work continues on the WBC shared services project, report from KPMG to be finalised April 2014.

**8. Status of Prior Report Recommendation's**

A status of prior report recommendations was presented to the Audit Committee for review. Progress to date was noted. It was requested that the date of review undertaken be inserted; more specific target dates rather than quarter and high risk items prioritised. Requested that all completed items be removed from list. Further information of item 25 was also requested.

**9. Future of Internal Audit Discussion Paper**

A discussion paper 'Internal Audit & Risk Management' was presented on behalf of the WBC Executive Manager. The paper gave a background on the WBC approach to internal audit and risk management outlining the costs and structure of the committee. The paper gave a number future options for the committee to discuss. The committee does not support the recommendations presented in the report.

**10. Future Meeting Dates**

Next meeting to be held in June 2014. Date to be agreed upon by Committee members closer to meeting.

**11. Any other Business**

External Audit dates have been agreed upon. Interim audit to be completed on 7/8 April and 23 June 2014. Final audit to be conducted 25-27 August 2014. April audit management letter to be tabled at next meeting.

There being no further business the meeting closed at 11.07am.