



**ATTACHMENTS TO REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING
HELD ON MONDAY 19 JULY 2021**

EXECUTIVE SERVICES REPORTS

**08 Deed of Agreement (NSW Fire and Rescue, NSW RFS and
Blayney Shire Council)**

Attachment 1: Draft Deed of Agreement 1

PLANNING AND ENVIRONMENT SERVICES REPORTS

**10 DA4/2021 - Motel Accommodation, Signage & Subdivision of
Land (Staged Development) - 62 Osman Street Blayney**

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Deed of Agreement

Between

Blayney Shire Council

and

Fire and Rescue NSW

and the

NSW Rural Fire Service

KEY DETAILS

1 Parties

Council	Blayney Shire Council (ABN 47 619 651 511)
Address	91 Adelaide Street Blayney NSW 2799
BSC Representative	General Manager
Email	council@blayney.nsw.gov.au
FRNSW	Fire and Rescue NSW (ABN 12 593 473 110)
Address	1 Amarina Avenue Greenacre NSW 2190
Representative	Rob McNeil, Assistant Commissioner Regional Operations
Email	Robert.McNeil@fire.nsw.gov.au
NSW RFS	NSW Rural Fire Service
Address	4 Murray Rose Avenue Sydney Olympic Park NSW 2127
RFS Representative	To be determined
Email	To be provided

BACKGROUND

- A. FRNSW is a NSW Government agency and the registered owner of Lot 2/873113 known as 23 Church Street, Blayney (the **Land**).
- B. The current lease between FRNSW and the Council (**lessee**) dated 20 February 2014 for a period of 15 years is due to expire on 16 July 2027.
- C. A NSW RFS facility (**the premises**) has been built on the land leased from FRNSW by the Council.
- D. FRNSW propose to terminate the lease with the Council.
- E. RFS propose to utilise Council owned land within Blayney for the purpose of building new fire station.
- F. Funding has been allocated from FRNSW to transfer to the Rural Fire Fighting Fund for the purposes of constructing a facility on land provided by the Blayney Council for the Blayney Rural Fire Brigade.
- G. The Council has agreed that rights in the premises located on the land will be transferred to FRNSW.

TERMS

1. Duration

- (a) This Agreement will commence on the Commencement date and, unless terminated earlier in accordance with this Agreement, will remain in force until 30 June 2022.

2. Scope

- (a) The parties have a mutual commitment to ensuring the provision of fire services to the Blayney community.
- (b) NSW RFS proposes to build a new fire station at a different location within Blayney on land identified by Blayney Council for this purpose.
- (c) The parties are committed to maintain a positive and cooperative working relationship
- (d) The parties will undertake to complete all work related to this deed as quickly as possible to ensure completion of all parts of this agreement by 30 June 2022.

- (e) As the parties' mutual commitment, FRNSW, NSW RFS and BSC will act in accordance with the spirit and intent of this Agreement.

3. Objectives

The Parties entered into this Agreement to:

- (a) Establish a mutually beneficial working relationship; and
- (b) Ensure the Parties are aware of their obligations as outlined in this Agreement, including the obligation to act in accordance with the terms of this Agreement.

4. RFS to vacate the premises.

- (a) NSW RFS acknowledges FRNSW is the registered owner of the land on which the premises are located.
- (b) FRNSW will pay the Rural Firefighting Fund on receipt of a valid tax invoice from NSW RFS the sum of \$200,000 excl GST to acquire the premises currently occupied by RFS on the Land.
- (c) NSW RFS to vacate the premises as soon as practicable, but in any case no later than 30 June 2022.
- (d) If NSW RFS vacates the premises prior to 30 June 2022, RFS will provide advice to the Council and FRNSW of the expected vacation date at least four weeks prior to vacating the premises.
- (e) Subject to clause 4 (d), FRNSW agrees not to terminate the lease with BSC until 30 June 2022.

5. FRNSW funding

- (a) On execution of this agreement by all parties, FRNSW agrees to pay the Rural Firefighting Fund on receipt of a valid tax invoices from NSW RFS a sum of \$200,000 (the **funding**) excl GST and a further \$650,000 (the **grant**) excluding GST.
- (b) RFS agrees to use the funding to build a new rural fire services fire station to provide services to the Blayney community.

6. To Keep in Repair

RFS will, during the Term of this Agreement keep the whole of the Premises in good and substantial repair order and condition.

7. Variation

This Agreement, or any right created under this Agreement may only be amended, supplemented, replaced, novated, waived or varied by another written agreement executed by all parties.

8. Legal costs and expenses

The Parties agree to pay their own legal costs and expenses in relation to the negotiation, preparation and execution of this Agreement.

9. State Records and Privacy

- (a) As public sector agencies, each party must keep records of information generated or provided under this Agreement in compliance with the *State Records Act 1998 (NSW)*.
- (b) The parties are required to comply with the *Privacy and Personal Information Protection Act 1998 (NSW)* in respect to the collection and use of personal information in connection with this Agreement.
- (c) The parties will notify each other within five (5) Business Days of becoming aware of a failure to comply with clause 9(b).

10. Confidential Information

Each party must maintain the confidentiality of all sensitive information it receives from the other party or parties.

11. Issues Management

- (a) The parties will deal with issues at an operational level. Where this does not lead to a satisfactory solution, the parties may escalate the issues to the Authorised Officer listed in Details.
- (b) A party may escalate issues of concern by Notice in writing to nominated executives if:
 - i. the issue cannot be resolved in accordance with these issue management arrangements; or
 - ii. the matter relates to failure to deliver a critical component or activity.
- (c) The nominated executives will meet as required with the nominated topics for discussion.

12. Dispute Resolution

- (a) The parties agree to comply with Premier's Memorandum M1997-26 *Litigation Involving Government Authorities* in the resolution of any dispute between them.
- (b) If a dispute arises in relation to this Agreement ("a Dispute"), the party claiming that a Dispute has arisen must notify the other party in writing giving details of the Dispute.
- (c) Each party must use its reasonable efforts through a meeting of senior officers (or their nominees) to resolve the Dispute.
- (d) If the parties cannot resolve the Dispute within that period, any of the parties can raise the dispute with the Department's Secretary and FRNSW's Commissioner for resolution.
- (e) The NSW Premier will be the final arbiter in any Dispute between the parties.

13. General

13.1 Definitions

Unless a contrary intention is indicated, the terms used in this Agreement are to be interpreted throughout in the same manner, and expressions will have the following meanings:

Agreement means this Deed of Agreement.

Business Day means a day (9am to 5 pm) that is not a Saturday, Sunday or government declared public holiday in the place where, as applicable, a notice received, or other relevant action being performed under this Agreement

Commencement Date means the date on which the last party signs this Agreement.

Confidential Information of a party means all trade secrets, financial information and other commercially or scientifically valuable information of whatever description and in whatever form (whether written or oral, visible or invisible) which:

- (a) is by its nature confidential;
- (b) has been designated as confidential by a party;
- (c) is capable of protection at common law or equity as confidential information; or
- (d) is derived or produced partly from the information in paragraphs (a), (b) or (c) above

but does not include information that:

- (e) is in the public domain; or
- (f) is independently known or developed by the party receiving the information other than as a result of a breach of this Deed or any other obligation of confidentiality owed by or to any other person.

Council means Blayney Shire Council as described in the Key Details.

Deed of Agreement means this document and any attachments.

FRNSW means the entity described in the Key Details.

GST Law means A New Tax System (Goods and Services Tax) Act 1999.

Key Details means the section of this Agreement headed Key Details.

Land means the land identified in registered lease A1636604R.

Law includes any requirement of any statute, rule, regulation, proclamation, order or ordinance by by-law whether Commonwealth, state, territorial or local.

Lease means the registered lease between FRNSW and Blayney Shire Council dated 20 February 2014 for 15 years commencing on 17 July 2012 and expiring on 16 July 2027 for Lot 2 in DP873113 and attached at Attachment A.

Lessee means Blayney Shire Council.

Notice means any approvals, consents, instructions, orders, directions, requests or other communication one party gives to another party in writing under this Agreement

Parties means more than one Party.

Party means a party specified in the Key Details.

Personnel means employees, officers, agents and subcontractors of either Party.

Premises means the buildings and infrastructure on the land under lease to Blayney Shire Council.

NSW RFS means the entity described in the Key Details.

13.2 Applicable Law

This Agreement is governed by the laws for the time being in force in New South Wales and the Parties irrevocably agree to submit to the non-exclusive jurisdiction of the courts of New South Wales.

13.3 Counterparts

This Agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

13.4 Giving effect to this agreement

Each party must take all steps, execute all documents and do everything reasonably required by any other party to give effect to any of the transactions contemplated by this Agreement.

13.5 Entire Agreement

This Agreement contains the entire agreement of the parties as to their subject matter. It sets out the only representations and warranties relied upon by the parties when entering into this Agreement.

13.6 No waiver

No failure to exercise and no delay in exercising any right, power or remedy under this Agreement will operate as a waiver. Nor will any single or partial exercise of any right, power or remedy preclude any other or further exercise of that or any other right, power or remedy.

13.7 Severance

Any provision of this Agreement which is prohibited or unenforceable in a jurisdiction will be severed to the extent necessary to make the Agreement valid and enforceable. The severance of a provision will not invalidate the remaining provisions of this Agreement nor affect the validity or enforceability of that provision in any other jurisdiction.

13.8 Notices

Any notice given under this Agreement:

- (a) must be in writing and authorised by a person who has the authority to give such a notice on behalf of the sender;
- (b) must be addressed to the intended recipient at the nominated address or email address in Parties;
- (c) must be delivered personally or sent by pre-paid mail, email or by facsimile to the nominated address or nominated email address; and
- (d) will be regarded as having been given by the sender and received by the recipient:
 - (i) if delivered in person, when it is left at the nominated address of the intended recipient
 - (ii) if by post, three days from and including the date of posting; if by facsimile, when the facsimile machine transmits a confirmation of receipt;
 - (iii) if by email, when the sender receives confirmation that the email has been delivered to the recipients address; and
 - (iv) if delivery occurs on a day or at a time that is not a Business Day at the recipients nominated postal address (regardless of how it is delivered), it will be taken to have been given at the start of the next Business Day in that place.

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13.9 Machinery of Government Changes

Replacements or transfers made by way of machinery of government do not require assignment or novation. If either party is replaced by another state entity or some or all of its powers, functions or responsibilities are transferred to another state entity, that party may assign or novate this Agreement to that state entity by notice to the other party. If either party is renamed or reconstituted, references to that party in this Agreement will be taken to refer to that renamed or reconstituted entity.

13.10 Interpretation

In this Agreement, unless the context otherwise requires:

- (a) a reference to any act, regulation or specification includes a reference to that act, regulation or specification as amended or replaced by another act, regulation or specification;
- (b) a reference to any agreement or document is to that agreement or document (and, where applicable, any of its provisions) as amended, novated, supplemented or replaced from time to time;
- (c) a reference to any Party to this Agreement, or any other document or arrangement, includes that Party's executors, administrators, substitutes, successors and permitted assigns;
- (d) a reference to a matter being to the knowledge of a person means that the matter is to the best of the knowledge and belief of that person after proper inquiry including enquires which a reasonable person would be prompted to make by reason of knowledge of a fact;
- (e) a word denoting an individual or person includes a corporation, firm, Authority, government or governmental authority and vice versa;
- (f) a reference to a recital, clause, schedule or attachment is to a recital, clause, schedule or attachment of or to this Agreement;
- (g) if a word or phrase is given a defined meaning, any other part of speech or grammatical form of that word has a corresponding meaning;
- (h) "includes" in any form is not a word of limitation; and

in the event of inconsistency between the provisions of this Agreement and any schedule attached to this Agreement, the provisions of the Agreement will prevail to the extent of the inconsistency.

Executed as an Agreement

Blayney Shire Council

Signed for and on behalf of Blayney Shire Council by its authorised signatory but not so as to incur personal liability:

Rebecca Ryan

Name of Authorised Signatory

Signature of Authorised Signatory

General Manager

Position of Authorised Signatory

Date

Fire and Rescue NSW

By entering into this Agreement the signatory warrants that the signatory is duly authorised to execute this Agreement on behalf of **Fire and Rescue NSW**.

Name of Authorised Signatory

Signature of Authorised Signatory

Position of Authorised Signatory

Date

NSW Rural Fire Services

By entering into this Agreement the signatory warrants that the signatory is duly authorised to execute this Agreement on behalf of **NSW RFS**.

Name of Authorised Signatory

Signature of Authorised Signatory

Position of Authorised Signatory

Date

Attachment A – Lease for Lot 2 in DP 873113

DRAFT



Statement of Environmental Effects

IN SUPPORT OF A DEVELOPMENT APPLICATION

Report No: 220022_SEE

Rev: 001D

31 May 2021

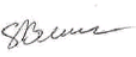


STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION



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A	16/12/20	Draft for client review			
B	22/12/20	Updated draft			
C	23/12/20	Final			
D	31/05/21	Amended SEE			
Prepared By		Reviewed By		Authorised By	
Sam Burns		David Walker		David Walker	

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Premise architectural drawings Version J dated 21/05/2021 and consisting of 11 sheets
Ausco Drawings 14830 and 14830_1
Premise servicing plan drawing dated 21/12/2020 and consisting of one sheet
Premise stormwater management plan dated 29/03/2021 and consisting of one sheet

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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION



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1. INTRODUCTION

1.1 BACKGROUND

Premise has been commissioned by Rovest Holdings Pty Ltd to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application (DA) for the development of a proposed motel, to be located at 62 Osman Street, Blayney (Lot 1 DP 162646, Lot 8 DP505215, Lot 20 DP569741, Lots 11, 12, 13, 14, Section 13 DP758121, and Lot 10 DP1114679). The project also impacts Lot 1 DP718479 to the south due to the need to discharge site stormwater via a proposed pipeline through this lot. Lot 1 is held in the same ownership as the development lot.

The former Blayney Bowling Club was historically located on the subject site.

This SEE has been amended to respond to a number of matters raised following lodgement of the application.

1.2 SCOPE OF THIS REPORT

This SEE has been prepared pursuant to Clause 50 and Part 1 of Schedule 1 of the Environmental Planning and Assessment Regulation 2000 and is provided in the following format.

- **Section 2** of this report provides a description of the subject site and its locality.
- **Section 3** outlines the proposed development.
- **Section 4** details the planning framework applicable to the subject site and proposed development.
- **Section 5** identifies the impacts of the proposed development.
- **Section 6** provides a conclusion to the SEE.

2. THE SITE & ITS LOCALITY

2.1 THE SITE

The subject site is 62 Osman Street, Blayney (Lot 1 DP 162646, Lot 8 DP505215, Lot 20 DP569741, Lots 11, 12, 13, 14, Section 13 DP758121, and Lot 10 DP1114679). The site features the former Blayney Bowling Club.

The site is irregular in shape, has a frontage to Osman Street in the west and a vehicular access driveway connection to Church Street in north.

The site is characterised by the former bowling club use, with a main two storey club house building in the centre of the site, together with outdoor bowling greens, car parking areas and various ancillary structures. The former bowling club building is unremarkable in appearance with limited streetscape value or architectural merit. The building is well set back from Osman Street with a minor streetscape presence.

A number of larger established trees are present in the east of the site within the former car parking area.

The development lot site is depicted in **Figure 1**.

The project also impacts Lot 1 DP718479 to the south due to the need to discharge site stormwater via a proposed pipeline through this lot. Lot 1 is held in the same ownership as the development lot.

2.2 THE LOCALITY

The locality around the subject site is characterised by a mix of commercial and residential land uses.

Figure 2 above shows the location of the site in relation to the township of Blayney.

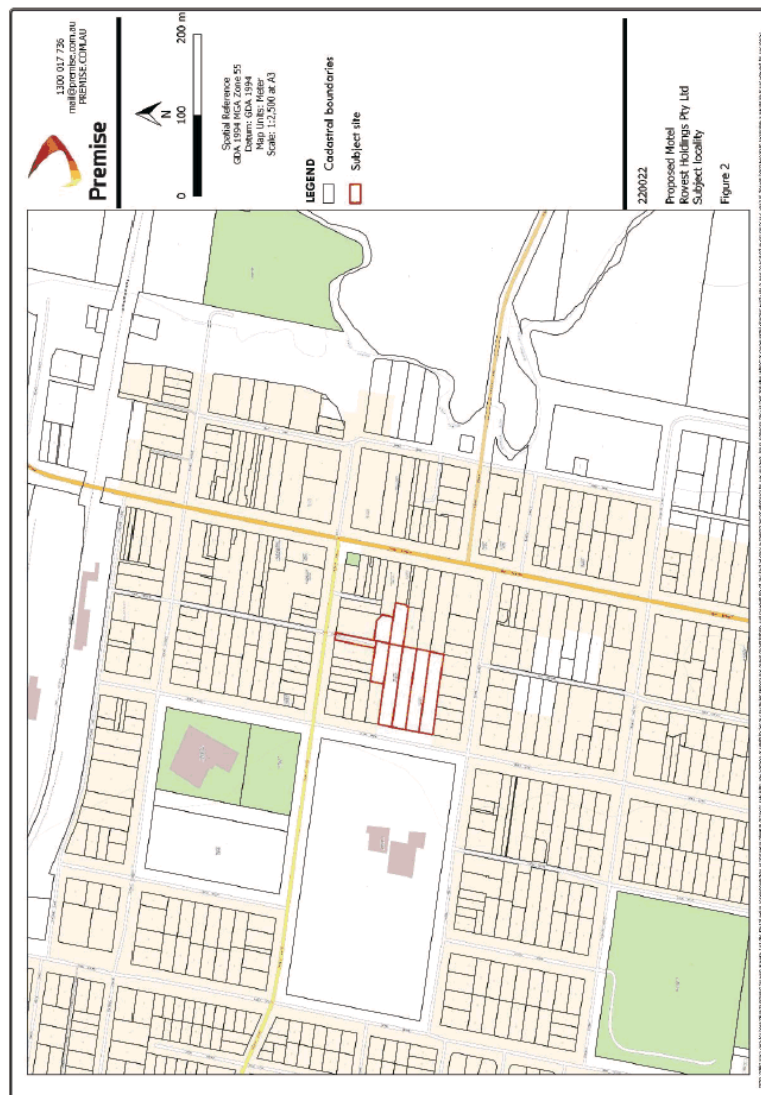


Figure 1 – Subject site (Source: NSW SDX Clip and Ship and Google Maps)





Figure 2 – Site locality (Source: NSW SIX Maps)



3. THE DEVELOPMENT

3.1 Introduction

This development application seeks approval for the development of the site as a (maximum) 98 room motel development utilising modular units, together with redevelopment of the former bowling club building and adjustment of lot boundaries (consolidation of eight (8) existing lots and re-subdivision into two (2) lots).

For the avoidance of doubt, Lot 1 DP718479 (to the south) would not form part of the consolidated lot and would remain as a separate lot.

The site is well suited for use as a motel, given its former use as a bowling club and relatively well shielded position in the context of the public domain. Auxiliary planting and fencing will assist to ensure that the development integrates with the site.

The site will operate as a conventional motel, including taking bookings from the general public via online booking systems. It is acknowledged and expected, given the high demand for accommodation in the Blayney, Orange, Cabonne sub-region at present, that during the initial years, a high proportion of usage would be for commercial clients housing transient staff. This is not inconsistent with other accommodation providers in the region and does not preclude the use of the site by other tourists and visitors.

Given the expected levels of usage associated with workers, car parking has been provided at a lower rate than reflected in Council's Development Control Plan in an acknowledgement of the expected reality that many guests will be arriving by bus from the local airports and train stations. Transport would be expected to be provided for commercial guests to their workplaces. Once the levels of construction worker usage drops, modules/rooms would be removed and additional parking provided. This acknowledges both the expected reduction in demand and increased requirement for levels of parking that are consistent with the Council's parking standards. This is discussed in more detail in **Section 5.3**.

The proposed stages of the development are set out as follows:

1. Stage 1 – Placement of 26 modular buildings on site to provide 92 single and six (6) double motel rooms (including two (2) disabled accessible rooms), together with development of 80 at-grade car parking spaces and development of a portion of the former bowling club building to provide on-site laundry and kitchen amenity areas and site office;
2. Stage 2 – Removal of three modular units, and the replacement of other buildings to increase the number of double rooms to eleven (11), and reducing the number of single motel rooms to 70 (81 rooms in total), and the replacement of these units with 20 additional car parks, bringing total parking to 100 spaces.

As an unrelated component of the project, it is proposed to develop buildings fronting Osman Street, conceptually in the form of single storey/double, detached dwellings. The exact form and scale of this development is not yet finalised and would be the subject of further development and design, including discussion with Council heritage and planning staff. This future development does not form part of this DA.

Further details of staging is discussed in **Section 3.2**.

3.2 Staging

Stage 1 entails:

- Site preparation to facilitate installation of modular units;

- The installation on the land of 21 x four single room modules, 4 modules with one double room and two single rooms, and two modules with 2 x double rooms, to provide a total of 98 motel rooms.
- Connection of necessary services;
- Development of at grade parking for 80 vehicles;
- Redevelopment of a portion of the former bowling club building to provide a reception area, communal kitchen and laundry, storage rooms and male and female amenities;
- Installation of fencing and landscaping; and
- Consolidation of the eight (8) existing lots into two lots. Proposed Lots 1 and 2 will have areas of 9,748 and 1,837 square metres respectively. Proposed Lot 2 will have direct frontage to Osman Street and is likely (in the future) to host residential style development. This aspect of the development is not addressed via this DA. Proposed Lot 1 would have a frontage to Church Street in the north – refer **Drawing A004**.

Stage 2 would consist of:

- Removal of three modular units, and the replacement of other buildings to increase the number of double rooms to eleven (11) and amend the number of single rooms to 70 (total 81);
- Increase the number of parking spaces from 80 to 100.

The arrangement of the modular units has been carefully designed to make effective use of the site, whilst ensuring that the development integrates with the surroundings, including installing the modular buildings on the former bowling greens and other cleared areas. Areas historically used for car parking would generally be used for parking for the proposed motel development.

The modular buildings satisfy the definition of moveable dwellings under the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Local Government Act 1993* (LG Act) and therefore approval under Section 68 is required prior to their installation on the land. Consent under Section 68 is sought via this application.

The development will employ up to 10 cleaning and administration staff, who will visit the site daily to perform cleaning, maintenance and management responsibilities.

24 hour check-in will be possible via utilisation of digital and/or traditional methods of entry.

Lighting would be installed within the site to provide a safe and secure environment. It would be designed to satisfy the requirements of *4282-1997 Control of the obtrusive effects of outdoor lighting* to ensure impacts to adjacent land owners are minimised.

At the completion of stage 2, the development would feature 81 motel rooms (70 single and 11 double) and 100 car parking spaces.

3.3 Future development of the site

Land in the west of the site is conceptually identified for future development of serviced apartments or detached housing with a frontage to Osman Street. This will provide visual shielding to the proposed motel. The short term fencing and landscaping will provide a sufficient visual barrier upon initial development of the project.

These buildings would be designed to reflect the character of the surrounding heritage conservation area.

This future development would be the subject of a separate application and would be the subject of ongoing consultation with Council to determine an appropriate form of development.

4. STATUTORY PLANNING FRAMEWORK

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

4.1.1 AIMS & OBJECTIVES

In New South Wales (NSW), the relevant planning legislation is the *Environmental Planning and Assessment Act 1979* (EP&A Act). The EP&A Act instituted a system of environmental planning and assessment in NSW and is administered by the Department of Planning, Industry & Environment (DPIE). In 2017, the Act was amended to provide a range of updated objects. The objects of the EP&A Act are:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development is not considered to be antipathetic to the above objects.

4.1.2 SECTION 1.7

Section 1.7 of the EP&A Act requires consideration of Part 7 of the *Biodiversity Conservation Act 2016* (BC Act). Part 7 of the BC Act relates to an obligation to determine whether a proposal is likely to significantly affect threatened species. A development is considered to result in a significant impact in the following assessed circumstances:

Table 1 – Section 1.7

Test	Assessment
<i>(a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or</i>	The site is highly disturbed as a result of previous land clearing and development. Vegetation on site is generally limited to non-native species planted in conjunction with the former land use. Given this, no significant impacts to threatened species or ecological communities, or their habitats are anticipated
<i>(b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or</i>	The site has a mapped minimum lot size of 1,000 m ² . As such the relevant clearing threshold for the site is 0.25 hectares. More than 0.25 hectares of clearing of native vegetation is not proposed; the threshold is not exceeded.
<i>(c) it is carried out in a declared area of outstanding biodiversity value</i>	The site is not a declared area of outstanding biodiversity value.

Source: Environmental Planning and Assessment Act 1979

4.1.3 SUBORDINATE LEGISLATION

The EP&A Act facilitates the preparation of subordinate legislation, consisting of:

- Environmental Planning Instruments (EPIs) (including State Environmental Planning Policies (SEPP), Local Environmental Plans (LEP), and deemed EPIs); and
- Development Control Plans (DCP).

In relation to the proposed development, the relevant subordinate legislation includes:

- *Blayney Local Environmental Plan 2012;*
- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *Blayney Development Control Plan 2018.*

The requirements of these are discussed in the following sections.

4.1.4 INTEGRATED DEVELOPMENT

Section 4.46 of the EP&A Act states that development requiring consent and another activity approval is defined as Integrated Development. The proposal is not considered to represent integrated development on the basis that, pursuant to Section 4.46(1) of the EP&A Act, no listed external approvals or consents are required to facilitate the development.

For the avoidance of doubt, the requirement to gain Section 68 approval under the *Local Government Act 1993* for placement of moveable dwellings and for changes to service connections does not render the development integrated.

Whilst the development has a frontage to a classified road (Church St), the development is not integrated on the basis that Blayney Shire Council remain the roads authority.

4.2 Local Government Act 1993

4.2.1 SECTION 68

Section 68 of the *Local Government Act 1993* (LG Act) provides the mechanism for consent by Council for a range of matters, including but not limited to the placement of moveable dwellings on land and to operate a caravan park or camping ground or both. As well as seeking development consent for the use of the land as a motel, this application also seeks requisite consent to place moveable dwellings on land for use as the motel units.

4.3 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2005

The object of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulations 2005* (LG Regs) is identified as:

The object of this Regulation is to provide opportunities for affordable alternatives in short-term and long-term accommodation:

(a) by continuing in force (in amended form) the standards for the design of manufactured home estates, caravan parks and camping grounds established by the former Regulations, and

(b) by continuing in force (in amended form) the standards for the design and construction of manufactured homes and other moveable dwellings and for their siting established by the former Regulations, and

(c) by continuing in force (in amended form) the standards to promote the health, safety and amenity of the occupiers of manufactured homes and other moveable dwellings established by the former Regulations.

Part 3 of the LG Regs provides for the placement of moveable dwellings outside of caravan parks. management of caravan parks, camping grounds and moveable dwellings. Clause 80 outlines a number of factors that must be considered prior to the grant of approval, *inter alia*:

In considering an application for approval to install a moveable dwelling or associated structure on any land, the council must take the following matters into consideration—

(a) whether any development consent required under the Environmental Planning and Assessment Act 1979 for the installation of the moveable dwelling or associated structure on the land has been given,

(b) whether the installation of the moveable dwelling or associated structure on the land contravenes the provisions of the Environmental Planning and Assessment Act 1979 or of any environmental planning instrument.

In relation to the above, the following is noted:

- Development consent is sought via this application; and

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- The installation of the proposed moveable dwellings does not contravene the provisions of the EP&A Act or any EPI.

Clause 79 provides a range of information to be supplied in making an application for approval to install a moveable dwelling. This are discussed in **Table 2**.

Table 2 – LG Regs Clause 79 Requirements

Clause 79 Requirement	Assessment
(1) An application for approval to install a moveable dwelling must be accompanied by the following—	
(a) two copies of the plans and specifications for the moveable dwelling,	Refer Ausco Drawings 14830-001, Sheets 1 & 2 of 4
(b) two copies of the plans and specifications for any fences already erected or to be erected,	Refer Ausco Drawings 14830-001, Sheets 1 & 2 of 4
(c) two copies of the site plan of the land,	Refer Premise Drawings A005-A006
(d) two copies of a sketch plan of the moveable dwelling, indicating its height and proposed external configuration as installed, in relation to its site.	Refer Ausco Drawings 14830-001, Sheets 1 & 2 of 4
(2) The plans for the moveable dwelling required by this clause must be drawn to a suitable scale and must not be less than A4 size.	Plans are provided at A3 size
(3) The plans required by this clause must show the following—	
(a) a plan of each floor section,	Refer Ausco Drawings 14830-001, Sheets 1 & 2 of 4
(b) a plan of each elevation,	Refer Ausco Drawings 14830-001, Sheets 1 & 2 of 4
(c) the levels of the lowest floor and of any yard or unbuilt-on area belonging to that floor and the levels of adjacent ground,	Refer Premise Drawings A008 - A010
(d) the height, design, construction and provision for fire safety and fire resistance (if any).	N/A
(4) If—	
(a) the plans and specifications relate to a proposal to carry out any alteration or rebuilding of an existing moveable dwelling, or	N/A
(b) it is proposed to modify plans and specifications that have been submitted to the council,	N/A

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Clause 79 Requirement	Assessment
both copies of the plans are to be coloured or marked to adequately distinguish the proposed alteration, rebuilding or modification.	N/A
(5) The specification of the moveable dwelling—	
(a) must describe the construction and materials of which the moveable dwelling is to be built and the method of drainage, sewerage and water supply, and	The moveable dwellings would be steel framed, placed on footings, with Durascape and mesa external cladding and Superdek roof covering. The site would be connected to an internal system of stormwater management, together with the Councils reticulated water and sewer networks.
(b) must state whether the materials will be new or second-hand and give particulars of any second-hand materials to be used.	The units were construction of new materials, but were previously used in another location.
(6) This clause does not apply to moveable dwellings that are vehicles of a kind that are capable of being registered within the meaning of the Road Transport Act 2013 .	N/A

Clause 81(1) requires that:

An approval to install a relocatable home elsewhere than in a caravan park or camping ground is subject to the condition that it must be designed, constructed and installed in accordance with the requirements of Division 4 (clauses 133–136 excepted).

Clause 81(3) states:

(3) For the purpose of applying the provisions of Division 4 to the installation of a relocatable home or associated structure elsewhere than in a caravan park or camping ground—

(a) a reference in those provisions to a caravan park is taken to be a reference to the land on which the relocatable home or associated structure is to be installed, and

(b) a reference in those provisions to an approval for a caravan park is taken to be a reference to the approval for the installation of the relocatable home or associated structure.

Those matters outlined in Division 4 are outlined in **Appendix C** together with an assessment of the existing and proposed arrangement of the subject site.

From a review of the above factors, it is considered that the development is compliant with the relevant provisions of Division 4 of the LG Regs.

4.4 ENVIRONMENTAL PLANNING INSTRUMENTS

4.4.1 BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012

4.4.1.1 Introduction

The site is located within the Blayney Local Government Area (LGA) and the *Blayney Local Environmental Plan 2012* (LEP) is the appropriate environmental planning instrument applying to the site. The aims of the LEP are:

- (1) This Plan aims to make local environmental planning provisions for land in Blayney in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) The particular aims of this Plan are as follows—*
 - (a) to encourage development that complements and enhances the unique character and amenity of Blayney including its settlements, localities, and its rural areas,*
 - (b) to provide for a range of development opportunities that will contribute to the social, economic and environmental resources of Blayney in a way that allows present and future generations to meet their needs by implementing the principles of ecologically sustainable development,*
 - (c) to facilitate and encourage sustainable growth and development that—*
 - (i) avoids and minimises risks to human life and property and minimises the cost of development by restricting development in areas prone to natural hazards and significant environmental constraints, and*
 - (ii) protects, enhances and conserves prime agricultural land and the contribution that agriculture makes to the regional economy, and*
 - (iii) avoids or minimises impact on drinking water catchments to protect and enhance water availability and safety for human consumption, and*
 - (iv) protects and enhances environmentally sensitive areas, ecological systems, areas of a high scenic, recreational or conservation value, and areas that have potential to contribute to improved environmental and scenic outcomes, and*
 - (v) protects and enhances places and buildings of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places, and*
 - (vi) encourages the sustainable management, development and conservation of natural and human-made resources whilst avoiding or minimising any environmental and social impacts, and*
 - (vii) encourages a range of housing choices in planned urban and rural locations to address population growth and meet the diverse needs of the community, and*

(viii) allows for the orderly growth of land uses while minimising conflict between land uses within the zone and land uses within adjoining zones, and

(ix) promotes the efficient and effective delivery of utilities, infrastructure and services that minimises long-term costs to government, authorities and the community.

It is not considered that the proposed development is antipathetic to the above aims.

4.4.1.2 Mapping

A review of mapping associated with the LEP identifies constraints to be considered in the assessment of the application, together with relevant clauses of the LEP that require consideration. These are set out in **Table 3**.

Table 3 – LEP Mapping Review

Map	Relevance	Section of the report discussed
Land Application Map	The site is identified as located within the Blayney LGA	No further discussion required
Land Zoning Map	The site is zoned B2 – Local Centre	Refer Section 4.4.1.3
Minimum Lot Size	The site is mapped as having a minimum lot size of 1000 m ²	Refer Section 4.4.1.4
Heritage	The subject site is mapped as being located within the Blayney Heritage Conservation Area. Additionally, a number of local heritage items bound the site.	Refer Section 4.4.1.5

The above matters, together with other relevant LEP clauses, are discussed in the following sections.

4.4.1.3 Zoning

The site is located within the B2 – Local Centre zone (refer **Figure 3**).

The objectives of the B2 zone are:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- To encourage employment opportunities in accessible locations.*
- To maximise public transport patronage and encourage walking and cycling.*
- To preserve Adelaide Street as the retail and commercial centre of the Town of Blayney to support the needs of Blayney.*

The development is considered to be consistent with the above objectives.

The proposed development represents motel accommodation, which is a form of Tourist and Visitor Accommodation. Tourist and visitor accommodation is defined as:

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a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

...

(d) hotel or motel accommodation,

Motel accommodation is defined as:

a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that—

(a) comprises rooms or self-contained suites, and

(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles, but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

'Tourist and Visitor Accommodation' is a permitted land use within the B2 zone on the basis that the development type is listed in Part 3 of the LEP B2 Land Use Table and developments in Part 3 are permitted with consent.

The proposed use is considered to be most appropriately characterised as motel accommodation on the basis that it provides rooms/self-contained-suites for temporary/short term accommodation for visitors to the region. Visitors are made up of:

- Traditional tourists visiting the region;
- Traditional visitors visiting the region for the purposes of work or other non-tourism related purposes; and
- Short term workers associated with commercial clients.

On the basis of the above, the proposed use is most appropriately characterised as a motel accommodation and is therefore permitted with consent.

The proposed motel makes use of moveable dwellings to provide the proposed motel units. A moveable dwelling is defined by the *Local Government Act 1993* (LG Act) as:

moveable dwelling means:

(a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or

(b) a manufactured home, or

(c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the Local Government Act 1993) for the purposes of this definition.

The Standard Instrument LEP, on which the Blayney LEP is based, adopts the definition of a moveable dwelling by reference to the LG Act.

The proposed units at the site are modular structures constructed off site and transported to the site for installation. They have no wheels but are by their nature portable due to being capable of being transferred

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to a truck, and are capable of collection and relocation to another location with only minor works required. They therefore satisfy the first aspect of the definition at part (a) of the moveable dwelling definition in that they are a portable device.

The second aspect of the definition is that they used for human habitation. This requirement should not be confused for an obligation that the structure satisfy the requirements of a dwelling domicile. It has been established by case law that in order to satisfy the definition of a dwelling domicile, there must be a measure of permanency of habitation or occupation (*North Sydney Municipal Council v Sydney Serviced Apartments Pty Ltd (1990) 21 NSWLR 532 at 537 – 538*). By contrast, to be capable of being used for human habitation merely requires that a person may reside there. There is no restriction suggesting that all essential features of a domicile must be provided in a building that is capable of human habitation. Simply put, the structure must be able to be lived in and essential features can be supplied by other infrastructure on site.

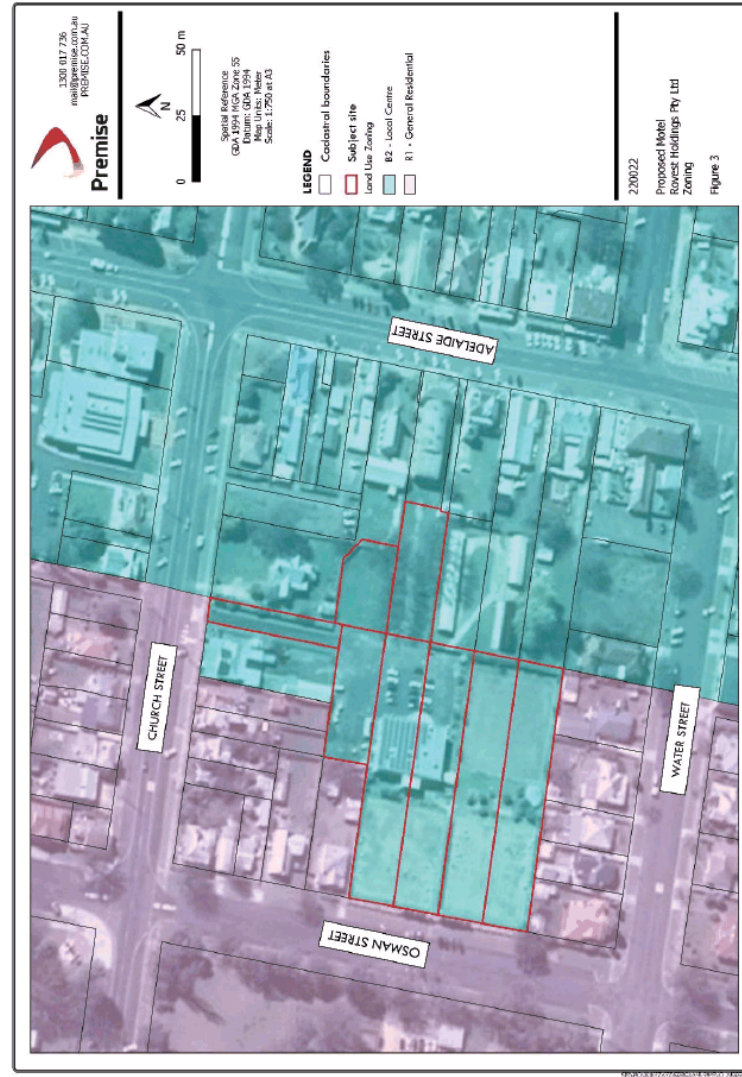
The moveable dwellings provide bedrooms and bathrooms for guests. Communal kitchen and laundry facilities are provided for use by guests. In this manner, the site can be inhabited by the occupants, with access to all necessary functions. The structure is therefore capable of habitation and therefore satisfies the second aspect of the definition at part (a).

The units therefore satisfy the definition of moveable dwellings and may be used to provide the motel rooms.

The modular units are built to a high standard of construction, with excellent sound and temperature insulation properties, to ensure a high quality of accommodation for guests.



Figure 3 – Land use zoning



4.4.1.4 Minimum Lot Size

Clause 4.1 of the Blayney LEP relates to the minimum lot sizes of identified land within the LGA. The objectives of clause 4.1 are as follows:

- (1) The objectives of this clause are as follows—*
- (a) to minimise the cost to the community of—*
- (i) the fragmented and isolated development of rural land, and*
- (ii) providing, extending and maintaining public amenities and services,*
- (b) to ensure that the character and landscape setting of an area is protected and enhanced by any development,*
- (c) to ensure that development is undertaken on appropriately sized parcels of land commensurate with available services (including any associated sewerage system) and responds to any topographic, physical or environmental constraints,*
- (d) to protect drinking water catchments from over-development that may impact on water quality and quantity in the catchment and drinking water systems.*

The proposed development involves the subdivision of land at stage 1 to re-order lot boundaries.

The minimum lot size applying to the land by reference to the lot size map is 1,000 square metres.

The site currently consists of eight lots. This will be rationalised into two lots, proposed Lots 1 and 2, with areas of 9,748 and 1,837 square metres respectively.

Both lots will achieve the minimum lot size and therefore the development is consistent with clause 4.1.

4.4.1.5 Heritage conservation

Clause 5.10 of the LEP applies to the consideration and protection of items of state and local heritage significance.

The site is noted as being bounded by a number of local heritage items. Council's LEP confirms that these items are:

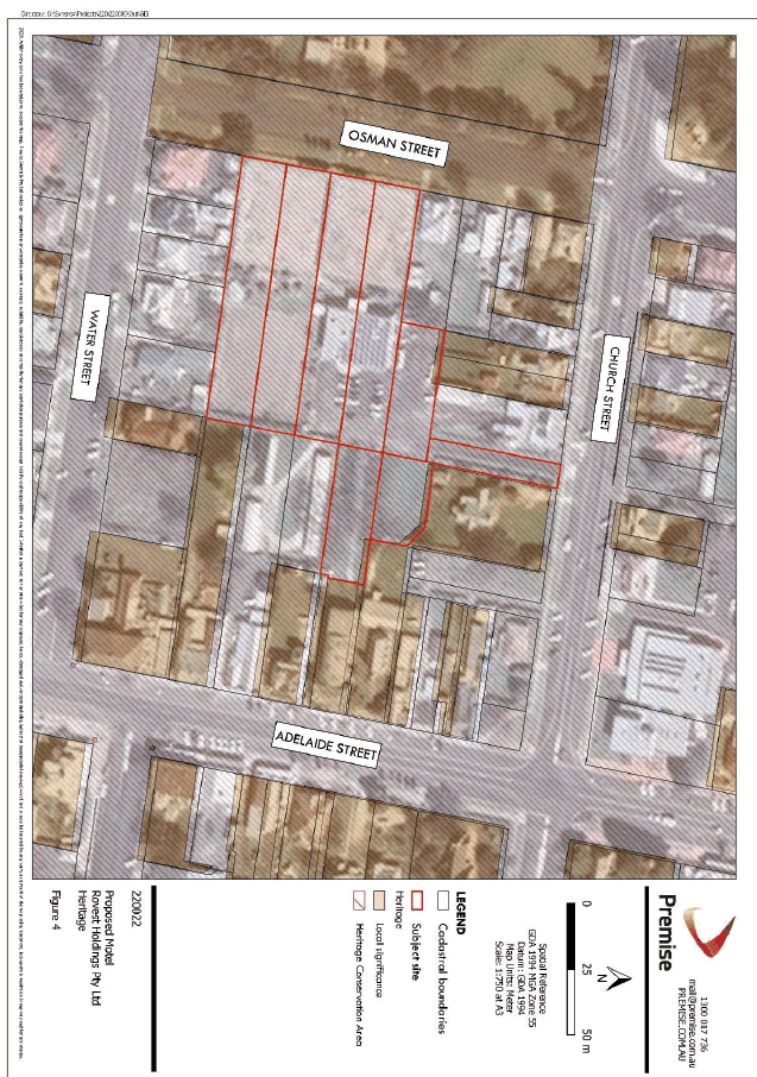
- Item I24 - St James' Catholic Church (former Town Hall)
- Item I28 - Surgery and residence
- Item I23 - National Australia Bank (former CBC Bank and stables)
- Item I26 - St. Paul's Presbyterian Church
- Item I55 - Two storey house and cottage
- Item I88 - Street trees
- Item I109 - Residence (former Railway Institute of the Arts)

There are also a number of other mapped local heritage sites surrounding the subject site.

Additionally, the site is located within the Blayney Heritage Conservation Area.

Figure 4 demonstrates the heritage context of the site.

Figure 4 – Heritage



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The objectives of the Clause 5.10 are as follows:

- (a) to conserve the environmental heritage of Blayney,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The proposed development is not considered to impact the heritage value of the surrounding heritage items. The design of the proposed motel would be sympathetic of the heritage value of the area.

A statement of heritage impact (SoHI) prepared by Kate Higgins is attached as **Appendix A**.

The SoHI forms the following conclusions:

Heritage conservation is not about preserving heritage significant places without allowing change. Rather it is about understanding what is significant about a place before deciding on appropriate change. The impact of the proposed new motel has been considered with regard to the setting of the heritage items in the immediate vicinity of the subject site, and with regard to the character of the Blayney Heritage Conservation Area. After a careful assessment it is concluded that, subject to the recommendations below, the proposed works will have a limited and acceptable impact on the heritage significance, and would satisfy the heritage provisions of Blayney Local Environmental Plan 2012.

Subject to a number of recommendations, it is determined that the development would not result in unacceptable impact to the heritage significance of the locality. These recommendations are reflected in **Section 5.6.2**.

4.4.1.6 Stormwater management

Clause 6.2 of the BLEP seeks to:

...minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.

The clause is applicable to the subject site as it is located within a business zone (6.2(2)).

Subject to clause 6.2(3):

- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
- (c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

In the context of the above, the following is noted:

- (a) The site features an array of development and hard stand areas. Where possible, the existing car parking areas are to be re-used and units have been placed on former bowling greens. Car parking areas would be used for the management of stormwater and detailed design would be supplied demonstrating that the post development flows meet or exceed pre-development levels
- (b) Opportunities for stormwater re-use for grey water are being investigated
- (c) The site is suitably sized to enable the on-site detention and management of stormwater to ensure no detrimental impacts to the locality.

On the basis of the above, the development is considered to be acceptable in the context of clause 6.2.

A stormwater management plan is provided (refer **Premise Drawing 03A_C001**).

Stormwater modelling was undertaken using the ILSAX hydrological model in watercom 'DRAINS' software. model parameters of 1mm impervious area depression storage, 5mm pervious area depression storage, soil type 2.5 and antecedent moisture condition of 3.0.

All roof catchments are to connect to the underground pipe system. stormwater modelling assumes any rainwater tanks are full at the commencement of the storm simulation. Final design of the stormwater system including detention is subject to detailed engineering design.

Stormwater is directed to a pit and pipe system with system discharge to the south to Water Street. An existing (pre and post development) overland flow path is located to the south-east of the subject site. As a result of the proposed measures, post development overland flows are reduced to nil for up to 10% AEP storm event. 1% AEP overland flow reduced under post development conditions by approximately 36%.

On the basis of the above, the development results in a reduction in off site flows by comparison to the existing situation and is considered an acceptable design response.

4.4.1.7 Essential Services

Clause 6.8 states:

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable vehicular access.*

The following is noted in the context of clause 6.8:

- (a) The site is connected to the town reticulated water network, and these connections would be augmented to ensure sufficient supply of water to the development. This is further discussed in **Section 5.5**. Proposed connections are demonstrated in **Drawing 02A_C001**.

- (b) The site is connected to the reticulated electricity network. The site has historically accommodated loads associated with the bowling club development, and these would be augmented as required to supply the proposed development. There is adequate room on site to accommodate any necessary infrastructure.
- (c) The site is connected to the sewer reticulated water network, and these connections would be augmented to ensure sufficient supply of water to the development. This is further discussed in **Section 5.5**. Proposed connections are demonstrated in **Drawing 02A_C001**.
- (d) Refer **Sections 4.4.1.6 and 5.14**, and **Drawing 03A_C001**.
- (e) The site features a two way access to Church Street and this would be upgraded to provide safe ingress and egress for vehicles – refer **Section 5.3** and **Appendix B**

On the basis of the above, the development is considered to be acceptable in the context of clause 6.8.

4.4.2 STATE ENVIRONMENTAL PLANNING POLICY

4.4.2.1 State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP55) provides a state-wide approach to remediation of contaminated land and aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Clause 7 of the SEPP No. 55 states that a consent authority must not consent to the carrying of development unless it has considered, among other things, whether the land is contaminated.

The site is generally cleared of vegetation and is located in an area characterised by commercial land use.

The site features a former bowling club including the former bowling club clubhouse, bowling greens and car parking areas.

It is reasonably expected that the site has a low likelihood of potential contamination. This is confirmed by a review of the EPA list of sites reported to the EPA as at 1 of September 2020 and the EPA contaminated land register confirms that the site is not listed as a contaminated site. There are no sites on the contaminated land register within the Blayney LGA.

By reference to the above, the development is considered to satisfy the requirements of clause 7 of SEPP55.

4.4.2.2 State Environmental Planning Policy (Infrastructure) 2007

The *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) aims to facilitate the effective delivery of infrastructure through the state.

The subject site has a frontage to a classified road (Church Street), and as such clause 102 applies.

Clause 102(2) states:

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

- (i) the design of the vehicular access to the land, or*
- (ii) the emission of smoke or dust from the development, or*
- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

A traffic study has been prepared to support the application, attached as **Appendix B**. This study has found that the proposed development is acceptable in the context of the local traffic environment – refer **Section 5.6**.

Clause 103 of the ISEPP relates to excavation in or immediately adjacent to corridors. Any excavation associated with the development would be limited to minor works associated with services augmentation. This could entail minor excavation adjacent to a classified road, however, as the subject road is not a specified classified road listed in clause 103(1). As such, clause 103 does not apply to the proposed DA.

Clause 104 of the ISEPP applies to development identified in Schedule 3 of the ISEPP as traffic generating development. This includes development providing car parking for any development (where access is gained from a classified road) for 50 or more vehicles. As the site access is via Church St, which is a classified road, and more than 50 spaces are proposed, clause 104 applies.

Before determining the application, Council must refer the matter to Transport for NSW (TfNSW) and take into consideration the content of any submission made by TfNSW.

It is therefore expected that the application and traffic study would be referred to TfNSW by Council and that the views of TfNSW would be taken into account.

4.4.2.3 State Environmental Planning Policy (Vegetation in Non Rural Areas) 2017

The *State Environmental Planning Policy (Vegetation in Non Rural Areas) 2017* (Vegetation SEPP) applies to all non rural zoned lands in the state. The aims of the Vegetation SEPP are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

By virtue of clause 9, the Vegetation SEPP applies to all vegetation in non-rural area of the state that is declared by a Development Control Plan to be vegetation to which Part 3 of the Vegetation SEPP applies.

A review of the Blayney Development Control Plan reveals no specific controls applying with respect to tree removal. As such, the Vegetation SEPP is not considered to apply to the development.

4.4.2.4 State Environmental Planning Policy No. 64 – Control of Advertisements

State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP64) seeks to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communications in suitable locations, and is of high quality design and finish.

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One new advertising device is proposed, consisting of a small freestanding sign on Church Street at the property entrance. The sign would be approximately 3.7 metres high and have an area of one (1) square metres – refer **Drawing A005**.

Any other signage proposed would not be visible from the public domain, and therefore SEPP64 does not apply to these.

An assessment of the proposed signage against the Schedule 1 Assessment Criteria of SEPP No. 64 is provided below.

4.4.2.4.1 Character of the area

Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?

The site is located in the commercial core area of Blayney and within the Blayney Conservation Area. No statement of significance of the conservation area is available.

Character is a subjective term and can be applied, by reference to the Land and Environment Court planning principles, to either the existing/prevaling character or by reference to emerging character. Consistency in planning terms can also be defined as compatibility. Compatible can be taken as '*capable as existing together in harmony*' (*Project Venture Developments v Pittwater Council [2005] NSWLEC 191*). Character within the locality is influenced by the nature of surrounding land uses, the road network and the character of heritage buildings. The subject site is not generally visible from the street.

Proposed signage would be installed to identifying the site and is consistent with the height of surrounding buildings and the former pylon sign on the site (noting this is located on Osman St and would be removed – refer **Figure 5**). Signage adjacent to the site is reflected in **Figure 6**.

Figure 5 –Existing pylon sign at the property – to be removed



Figure 6 – Surrounding signage



The proposed freestanding sign is consistent with the scale of signage in the locality. On the basis of the above, the proposed sign does not detract from the heritage significance of the conservation area.

Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

Yes; the area is a commercial core featuring a range of external advertising. The proposed advertising is consistent with these existing forms of advertising.

4.4.2.4.2 Special Areas

Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

No, the proposed signage is appropriately integrated into the characteristics of the site to ensure the visual amenity and visual quality of the streetscape is not detracted from.

4.4.2.4.3 Views and Vistas

Does the proposal obscure or compromise important views?

No, the proposed signage is appropriate in size and scale in the context of the character of the public domain.

Does the proposal dominate the skyline and reduce the quality of vistas?

No, the proposed freestanding sign is consistent with the height of other signage in the locality. Given the flat grade of the road, the proposed freestanding sign ensures sufficient visibility and sight lines for traffic to provide them with ample opportunities for safe decision making in terms of accessing the site.

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Does the proposal respect the viewing rights of other advertisers?

Yes. The scale and appearance of the signage is consistent with that of other advertisements and does not detract from these.

4.4.2.4.4 Streetscape, Setting or Landscape

Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?

Yes, the proposed signage is consistent with the scale of the area and is appropriately designed to minimise any impacts to the public domain.

Does the proposal contribute to the visual interest of the streetscape, setting or landscape?

Yes, the signage is considered to be both reflective of the style of the proposed motel and with the character of the conservation area, and positively contributes to the character of the locality.

Does the proposal reduce clutter by rationalising and simplifying existing advertising?

Existing signage on Osman Street would be removed. Some rationalising would therefore occur.

Does the proposal screen unsightliness?

Not applicable.

Does the proposal protrude above buildings, structures or tree canopies in the area or locality?

Proposed signage is consistent with the buildings heights in the locality. No street trees on this section of Church Street.

Does the proposal require ongoing vegetation management?

No.

4.4.2.4.5 Site and Building

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?

Yes, the proposed advertising is consistent with the design of the host buildings and forms a positive relationship with the host building.

Does the proposal respect important features of the site or building, or both?

Yes, the signage is consistent with the built form and signage in the locality.

Does the proposal show innovation and imagination in its relationship to the site or building, or both?

Yes, in so far as able to be achieved.

4.4.2.4.6 Associated Devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

Yes.

4.4.2.4.7 Illumination

Would illumination result in unacceptable glare?



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Illumination levels would not result in glare impacts due to the design of the advertising and the placement of the illumination.

Would illumination affect safety for pedestrians, vehicles or aircraft?

No, signage is appropriately scaled to ensure no impact to safety.

Would illumination detract from the amenity of any residence or other form of accommodation?

Signage is well removed from nearby residential land uses to ensure impacts would not be unreasonable.

Can the intensity of the illumination be adjusted, if necessary?

Yes

Is the illumination subject to a curfew?

Lighting would be turned off outside of opening hours.

4.4.2.4.8 Safety

Would the proposal reduce the safety for any public road?

No, signage is well setback from the street, is of acceptable scale in the context of the locality and has appropriate levels of illumination such that it is unlikely to distract users of the public road.

Would the proposal reduce the safety for pedestrians or bicyclists?

No, as above

Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

No, as above.

4.4.2.4.9 Conclusion

On the basis of the above, Council can be satisfied that the proposed signage is acceptable in the context of the overarching planning framework and the locality in which it is located.

4.4.3 DEEMED ENVIRONMENTAL PLANNING INSTRUMENTS

There are no deemed environmental planning instruments known to affect the site.

4.5 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

At the time of preparation of this report, there are no draft planning instruments applying to or affecting LEP clauses that affect the site.

4.6 DEVELOPMENT CONTRIBUTIONS PLANS

The Blayney Local Infrastructure Contributions Plan 2013 and the Development Servicing Plan for Sewerage Services apply to the Blayney LGA.

The Blayney Local Infrastructure Contributions Plan 2013 applies to residential and heavy haulage developments, and therefore does not apply to the proposed development.

As the proposed development would be connected to council sewer infrastructure, contributions in accordance with the Development Servicing Plan for Sewerage Services are applicable – refer **Section 5.5**.

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4.7 DEVELOPMENT CONTROL PLANS

The *Blayney Development Controls Plan 2018* (DCP) provides more detailed controls for development in addition to those set-out in the Local Environmental Plan (LEP). Parts D, G and H of the DCP are applicable to the proposed development. Part D provides controls for commercial and industrial development, Part G provides environmental management controls, and Part H provides heritage controls.

Relevant clauses of the DCP are addressed in **Table 4**

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Table 4 – Blayney Development Control Plan 2018

Section	Controls	Assessment	Compliance?
Part D - Commercial, Community & Industrial Development			
D2.2 General Building Setbacks	<p>1) Road Frontages: Setbacks to road frontages (other than rear lanes) should:</p> <p>a) Reinforce the desired built form pattern, street character and function and not dominate the street whilst allowing variability where it can be justified;</p> <p>b) Respond to the level of pedestrian activity required for any proposed retail frontage(s);</p> <p>c) Respond to adjacent development and adjacent building setbacks;</p> <p>d) Minimise impacts on adjacent lots;</p> <p>e) Provide areas to service these uses whilst minimising the impact of large parking, utility, or storage areas on street character/activity;</p> <p>f) Accommodate (where appropriate) outdoor dining areas, disabled access and landscaped setbacks; and</p> <p>g) Provide adequate sight distances for vehicle and pedestrian safety, particularly on corner lots</p> <p>2) Rear Lanes</p> <p>3) Side & Rear Setbacks:</p>	<p>The site has frontages to Osman and Church Streets.</p> <p>The primary access is from Church St, consistent with the historic access arrangements.</p> <p>The proposed motel would be well setback from Osman St and visually shielded by fencing and landscaping.</p> <p>Future development of Osman St would respect the prevailing character and setback pattern</p> <p>No significant change to the existing vehicle access point is proposed. Good sight lines exist.</p>	Yes
D2.6 Building Height & Bulk	<p>The applicant must demonstrate how the proposed building height and bulk will:</p> <p>1) Minimise visual impacts of larger buildings;</p> <p>2) Integrate with the existing/desired scale and street character for the relevant land use zone</p>	<p>N/A</p> <p>NCC does not apply as motel consists of moveable dwellings. Nonetheless, setback requirements are achieved.</p> <p>Proposed motel units are low profile, single storey. A heritage report has been provided at Appendix A demonstrating the consistency with the heritage character of the area. No</p>	Yes

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Section	Controls	Assessment	Compliance?
	<p>and location with consistent street frontage heights (including parapets/roof lines);</p> <p>3) Be sympathetic to heritage buildings and conservation areas (where applicable);</p> <p>4) Be sympathetic to and, if necessary, provide a transition in height to adjacent buildings;</p> <p>5) Minimise overshadowing of the living spaces and private open spaces of adjacent dwellings and any community facilities (e.g. school yards, churches etc.);</p> <p>6) Use building height and massing to reinforce key corner sites and 'gateways' to the town;</p> <p>7) Maintain the dominant building façade/heights to main streets and setback additional height behind this street frontage height.</p>	<p>overshadowing would occur and units would not dominate the locality.</p>	
D2.7 Building Design	<p>1) Variation</p> <p>2) Blank Walls</p> <p>3) Activation/Safety</p> <p>4) Security Grilles</p> <p>5) Safety by Design</p> <p>6) Servicing Areas</p> <p>7) Corner Sites</p> <p>8) Utilities</p>	<p>1) Modules feature variation and will be further articulated through the use of material choices, on site landscaping and colour.</p> <p>2) No blank walls to boundaries</p> <p>3) The site is positioned well back from the street behind other lots. The proposed subdivision to create a residue lot in the west of the site provides for the opportunity to activate the Osman St frontage via a future application</p> <p>4) No security grilles proposed</p> <p>5) Refer Section 5.19</p> <p>6) Car parking is well setback from the street</p> <p>7) Not a corner site</p> <p>8) Utilities would be positioned away from core areas</p>	Yes


STATEMENT OF ENVIRONMENTAL EFFECTS IN SUPPORT OF A DEVELOPMENT APPLICATION			
Section	Controls	Assessment	Compliance?
D4 Access & Parking D4.2 Vehicle Access	<p>O1. To ensure all lots have appropriate and safe provision for access to and egress from a site.</p> <p>O2. To ensure that development is provided with appropriate access, circulation, loading and unloading areas and vehicle parking areas that are safe and efficient and integrated with the site and building design.</p> <p>O3. The applicant must demonstrate that any proposed site vehicle access location and design has considered public safety including, but not limited to:</p> <p>a) The type of road the access will front onto and its design;</p> <p>b) Sight distances and vehicle speeds;</p> <p>c) Proximity to intersections or pedestrian crossings;</p> <p>d) Existing and proposed landscaping design;</p> <p>e) Potential conflicts with other vehicles and pedestrians/ bicycles on and off-site.</p>	<p>This is addressed in detail in Section 5.3 and Appendix B</p>	Yes
D4.3 Circulation & Loading/Unloading	<p>O1. To ensure that all traffic generating developments are designed in accordance with Council's Guidelines for Engineering Works.</p> <p>O2. To provide parking areas which promote ease of access as well as safe and effective internal circulation patterns.</p>	<p>There is sufficient room on site to accommodate the turning paths of the largest vehicle expected to access the site (8.8 m rubbish collection vehicle) – refer Premise Drawing A007</p>	Yes
D4.4 Parking	<p>O1. To provide adequate off-street parking consistent with the parking demand generated by the development so that there is not an unreasonable reliance on on-street parking or impacts on other users.</p>	<p>This is addressed in detail in Section 5.3</p>	Yes (in final arrangement)
D4.5 Pedestrian Access and Mobility	<p>O1. To improve equity of access for the entire community.</p> <p>O2. New buildings, substantial alterations and additions, parking and access must comply with the Disability (Access to Premises — Buildings) Standards 2010 (as amended or</p>	<p>The site has been selected in part due to its flat grade. Accessible buildings would be provided.</p>	Yes

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Section	Controls	Assessment	Compliance?		
D4.6 Parking and Safety	replaced) under the Disability Discrimination Act 1992 and the National Construction Code and Australian Standards. 1) Parking Navigation 2) Pedestrian Connections 3) Safety Principles 4) Lighting	1) The arrangement of the car park area is logical and capable of interpretation by users. Signage would be provided to assist users. 2) A pedestrian access path would be provided from Church St together with clearly marked pedestrian areas within the site 3) Refer Section 5.19 4) Lighting would be installed to ensure a safe environment for site users. Lighting would comply with <i>AS 4282-1997 Control of the obtrusive effects of outdoor lighting</i> .	Yes		
D4.7 Off Street Car Parking	O1. To ensure there is adequate off-street parking to meet the needs and size of the development.	Refer Section 5.3 and Appendix B	Yes		
D5.1 Open Storage, Utility & Service Areas	To ensure that goods and waste storage areas: O1. Are appropriately located, designed and screened (with fencing and/or landscaping) to minimise the visual impact and clutter of these areas from key public areas and streets. O2. Limit environment impacts and impacts on the amenity of neighbouring sites.	A waste storage area is proposed adjacent to the existing bowling club building in the car parking area. This would be accessible by a waste collection vehicle.	Yes		
D5.2 Solid Waste Management	O1. Goods & waste storage areas are appropriately located, designed and screened (with fencing and/or landscaping) to minimise the visual impact of these areas from key public areas and streets. O2. There is sufficient waste storage for the required types and volumes of solid waste. O3. There is sufficient access and/or circulation space to waste storage areas for collection by waste vehicles.	As above. These areas would not be visible from the public domain.	Yes		


STATEMENT OF ENVIRONMENTAL EFFECTS IN SUPPORT OF A DEVELOPMENT APPLICATION			
Section	Controls	Assessment	Compliance?
D5.3 Landscaping	<p>O1. Use of appropriate landscaping to provide a pleasant environment that complements the design of the buildings and provides buffers to neighbouring lots and the public domain.</p> <p>O2. Landscaping should be provided in setback areas where it is necessary to: a) Retain existing significant trees; a) Screen the visual bulk of larger buildings; b) Soften the visual impact of large hardstand / car parking areas; c) Provide shaded open space for staff; d) Provide shade and amenity for parked cars, buildings, and open spaces; and e) Provide deep soil zones for water infiltration and stormwater management</p>	Landscaping is proposed as per Drawing A005	Yes
D5.4 Fencing	<p>O1. Fencing must be designed and maintained:</p> <p>a) To meet the security needs of a development and its staff and customers;</p> <p>a) To maximise interaction (avoid barriers during operational hours) and promote casual surveillance between the development and key public spaces /the street;</p> <p>b) To minimise visual impact of fences on street character and heritage items or conservation areas.</p>	Existing boundary fencing would be maintained and improved as required to ensure the security of the site is maintained. Fencing along the western extent of the motel units would be installed as timber, lapped and capped style fencing.	Yes
D5.6 External Lighting	<p>O1. To facilitate safety and security for each development.</p> <p>O2. To minimise impact on adjoining properties from light-spill or inappropriate lighting.</p>	Lighting would be installed to ensure a safe environment for site users. Lighting would comply with <i>AS 4282-1997 Control of the obtrusive effects of outdoor lighting</i> .	Yes
D6 Site Planning, Earthworks & Utilities D6.1 Site Planning	<p>1) To ensure that the design of any significant new development is based on a site analysis of any relevant opportunities and constraints of the site and (taking into account any other relevant controls in BLEP2012 and this DCP):</p> <p>a) Considers and responds to the topography, climate and natural environment;</p>	Site survey has been completed and a careful analysis of site features has been completed. Refer Premise Drawing A002	Yes

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	<p>b) Avoids, or if it cannot avoid, minimises or mitigates against natural hazards and land use conflicts;</p> <p>c) Protects and enhances any heritage items or heritage conservation areas;</p> <p>d) Integrates with the surrounding built form and landscape/streetscape character; and</p> <p>e) Maintains reasonable residential amenity (for the site and adjacent dwellings)</p>		
D6.2 Earthworks	<p>1) Site Planning: To minimise cut and/or fill and potential erosion and sediment entering stormwater systems or watercourses by appropriate site planning, building orientation and design, taking into account the slope of the site, proximity to watercourses, and access and drainage requirements;</p> <p>2) Impacts: To ensure that earthworks (for which development consent is required) will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items, or features of the surrounding land.</p> <p>3) Contamination: To ensure that fill that is brought onto or leaves any site is uncontaminated and will not increase the risk or spread of contamination. Council may require a Soil Analysis Report and/or Contamination Review / Site History to ensure that only clean fill or virgin excavated natural material (VENM) is utilised on site or taken to another site. Note: If the site is within a flood prone area then there may be additional earthworks controls in Part G – Environmental Management & Hazards.</p>	<p>1) Earthworks associated with the proposal are minor. The site is generally flat and suitable for the placement of the proposed modular buildings. No more than minimum fill is expected to be required. Any excess cut would be disposed of off-site at an appropriately approved waste management facility. 2) Due to the minor nature of required earthworks, detrimental impacts are not anticipated 3) Refer Section 4.4.2.1</p>	Yes
D6.3 Building near Utilities	<p>O1. All buildings and structures must be located and designed so they do not obstruct access to, or impact on the safe operation of, existing or proposed utilities such as sewer,</p>	<p>This is achieved by reference to the site survey</p>	Yes

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Section	Controls	Assessment	Compliance?	
D6.4 Connection to Utilities	stormwater, water, electricity, gas, and telecommunications (whether they are above ground or under-ground). 1) Address the requirements of Clause 6.8 - Essential Services in BLEP2012. 2) All utilities must be installed and/or connected in accordance with Council's Guidelines for Engineering Works or the requirements of the relevant utility provider. 3) Where reticulated services are available, any new buildings must connect to those reticulated services unless the applicant can demonstrate why that connection would not be appropriate and/or propose an alternative system that is acceptable to Council.	1) Refer Section 4.4.1.7 2) This is able to be achieved. 3) This would be achieved.	Yes	
D6.5 Siting & Visibility of Utilities	O1. The applicant must try to minimise the visual impact of any new utilities, connections, or associated structures if visible from public areas.	This is able to be achieved	Yes	
D6.8 Water & Energy Efficiency	O1. To minimise water and energy use and maintain thermal efficiency through site planning, building design and integration with utilities and services	Investigation of the use of solar panels and grey water re-use is proposed.	Yes	
Part F – Subdivision & Roads				
F5.1 Lot Size & Arrangement	O1. To encourage the development of well-designed community, commercial and industrial areas servicing the full range of business needs throughout the Shire. O2. To ensure sufficient lot sizes and road frontages to support the intended land uses, access requirements, off-street parking, and circulation/servicing needs without impacting significantly on adjacent sensitive land uses.	The site is currently formed of eight lots. These would be consolidated and re-subdivided to provide two lots. Proposed Lot 2 would have an area of 1,837 square metres and a frontage to Osman Street in the west. Proposed Lot 1 would contain the remainder of the site (9,748 square metres) and would host the proposed motel and car parking. These lots are sufficiently sized to host the proposed elements.	Yes	

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Section	Controls	Assessment	Compliance?
Part G - Environmental Management & Hazards			
G2 Buffers to Sensitive Land Uses	1) A sensitive land use is proposed within the buffer distances to an existing or likely higher impact land use or an industrial zone; or 2) A higher impact land use is proposed within the buffer distances to an existing or likely future sensitive land use;	Tourist and visitor accommodation is noted as a sensitive land use. No higher impact uses in the immediate locality requiring a buffer.	Yes
G3 Stormwater & Drainage	a) Address the objective of Clause 6.2 Stormwater Management of BLEP2012; b) Will not significantly alter and/or worsen pre-development stormwater patterns and flow regimes; c) Will convey stormwater to receiving waters with minimal damage, danger and nuisance; d) Maintain the water quality of receiving waters; e) Stabilise landform and control erosion; f) Maximise the potential for water infiltration and minimise overland flows; g) Protect proposed or likely building areas from erosion and stormwater damage; and h) Consider water retention/detention and re-use (where relevant).	a) Refer Section 4.4.1.6 b) This is able to be achieved c) This is able to be achieved d) The proposed use does not contain any potential matters that would lead to a degradation of water quality e) This is able to be achieved f) This is able to be achieved g) This would be achieved h) Water re-use for grey water is being considered.	Yes
G6 Land Contamination	1) Enable Council to more adequately identify, record and manage known and potentially contaminated land in accordance with legislative and state policy requirements; 2) Consider the historical uses of sites to understand potential risks from potentially contaminating land uses; 3) Ensure development sites have a suitable soil/water quality for their intended use and that any proposed development of an identified contaminated site will not result in any	Refer Section 4.4.2.1	Yes


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Section	Controls	Assessment	Compliance?
	<p>unacceptable levels of risk to human health or the environment;</p> <p>4) Remediate contaminated sites to a suitable level for their intended purpose and protection of the natural environment;</p> <p>5) Comply with Council's Contaminated Land Policy and any relevant NSW Government guidelines;</p> <p>6) Avoid or minimise the risk of future contamination of sites from proposed development. Where any proposed development and its operation involves significant quantities of chemical or petroleum use or storage or harmful materials or waste products (in any form) on the site, the applicant must demonstrate how the proposed development:</p> <p>a) Will manage and safely contain any chemicals, materials or wastes on the site and/or during their disposal or transport to/from the site in accordance with the relevant regulations;</p> <p>b) Is designed to minimise or mitigate the risk of contamination to land, surface and ground water, or ecological systems both during normal operations and in the event the normal systems fail;</p> <p>c) Addresses relevant clauses in BLEP2012 including (where relevant), but not limited to:</p> <p>i. Clause 6.4 – Groundwater vulnerability;</p> <p>ii. Clause 6.5 – Drinking water catchments;</p> <p>iii. Clause 6.6 – Riparian land and watercourses.</p>		
G9.3 Naturally occurring asbestos	<p>1) If your land is identified on a NSW Government map as having low, medium, or high potential for naturally-occurring asbestos (NOA) then Council may require that a suitably qualified geo-technical consultant conducts a site visit and sampling to confirm whether there is (likely to be) any NOA on or near the area where development works are proposed. This must review whether the proposed development will</p>	<p>It is possible that a portion of the site may encroach into an area mapped containing medium likelihood of NOA (north-eastern section of the site) – refer Section 5.9.</p> <p>Substantial earthworks are not proposed.</p>	Yes

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	<p>result in any substantial earthworks or disturbance of soil or rock in the affected areas which must be shown on a Site Plan, Earthworks Plan, or a Soil and Water Management Plan.</p> <p>2) Chapter 8 of the Work Health and Safety Regulations 2017 (as amended) addresses Asbestos. If NOA is identified, and it is likely to be affected by the proposed works, then Clause 432 of that Regulation requires that a site-specific Asbestos Management Plan is prepared in accordance with the regulations and the Model Asbestos Policy for NSW Councils (2015) (as amended).</p>	<p>Management measures, such as preparation of an Asbestos Management Plan, would be implemented.</p>	
G9.4 Erosion & Sedimentation	<p>Council will assess the relative risk of certain developments causing erosion and sedimentation in accordance with the requirements of the 'Blue Book' (Managing Urban Stormwater: Soils and Construction) by Landcom, Fourth Edition (2004) (as amended) including, but not limited to: assessment of site constraints and opportunities; management of soils/earthworks; vegetation retention and enhancement; management of water; sediment and waste control; and site access, stabilisation and maintenance.</p>	<p>A soil and water management plan would be prepared prior to works commencing on site. Minimal earthworks are required due to the generally flat nature of the site.</p>	Yes
Part H – Heritage Conservation			
H1.2 Objectives of Heritage Conservation	<p>1) To conserve the heritage significance of the built and natural environments.</p> <p>2) To ensure the management of heritage is carried out in line with the Principles and Articles of the Burra Charter for the assessment of significance of heritage places and the traditions associated with them.</p> <p>3) To implement the objectives and controls contained within BLEP 2012 and any other relevant heritage legislation.</p> <p>4) To conserve the heritage significance of the natural and built environment and ensure new development is sympathetic to the identified heritage values.</p>	<p>1) By developing a site to the rear of existing buildings with limited direction interaction with the public domain, the site is unlikely to detrimentally impact on the significance of the conservation area</p> <p>2) This is achieved – refer Appendix A</p> <p>3) Refer Section 4.4.1.5</p> <p>4) This is achieved – refer Appendix A</p> <p>5) This is achieved – refer Appendix A</p>	Yes

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Section	Controls	Assessment	Compliance?		
	5) To provide planning and design guidelines for developments associated with heritage items or a heritage conservation area.				
H2.4 Archaeological Sites (Non-Indigenous)	1) All known and potential archaeological relics in NSW are protected under the NSW Heritage Act 1977 (as amended). When intending to disturb or excavate land where archaeological relics have been identified or are considered likely to occur, it is the responsibility of the property owner to seek relevant approvals. 2) Before granting consent to any development on land on which an archaeological site is identified, Council must notify the NSW Heritage Council of its intention to grant consent and take into consideration any response from the NSW Heritage Council.	Given the relative age of the bowling club development, the likelihood of encountering relics is considered low	N/A		
H2.5 Aboriginal Places of Heritage Significance	1) Consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place; and 2) Notify the local Aboriginal communities (in such a way as Council thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.	N/A	N/A		
H2.6 State Heritage Items	1) Any works to a State Heritage item (including demolition) requires approval or exemption under the Heritage Act 1977. 2) When a Development Application is lodged with Council for demolition or development of any type for a State Heritage Register listed item, the integrated development application process commences and Council will, as part of that process, refer the application to the Heritage Council for concurrence.	N/A	N/A		

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Section	Controls	Assessment	Compliance?
H4 Development in the Vicinity of Heritage Items H4.1 Siting, Scale and Proportion	<ol style="list-style-type: none"> 1) The setbacks of new development from any street should generally be equal to or greater than that of the heritage item and the streetscape. 2) Development should not be of such bulk or height that it visually dominates the heritage item or streetscape. 3) Important views to or from a heritage item should not be unreasonably obscured by new development. 4) Where a heritage item is part of a streetscape of buildings of consistent style, form and materials, development in the vicinity of the heritage items should incorporate elements of the dominant style, form and materials in the streetscape. 5) Development in the vicinity of a heritage item is to minimise the impact on the setting of the item by: <ol style="list-style-type: none"> a) Providing an adequate curtilage to the heritage item to allow its interpretation. b) Retaining original or significant landscaping associated with the heritage item, if the landscaping is listed on the Heritage Inventory Sheet. c) Protecting and allowing the interpretation of archaeological features associated with the heritage item 	<ol style="list-style-type: none"> 1) Buildings are well setback from nearby heritage items and will not be visible from the public domain or from heritage buildings due to intervening fencing and landscaping 2) Buildings are low scale and subordinate to surrounding heritage buildings 3) No impact views are obscured. 4) Proposed units are well shielded from view from the public domain and from heritage items 5) Proposed motel is set to the rear of buildings with no direct visual interaction 	Yes
H4.2 Materials and Colours	Materials and colours for development in the vicinity of a heritage item shall be selected to avoid stark contrast with the adjacent development where this would result in the visual importance of the heritage item being reduced.	Colour and material palette proposed is consistent with prevailing character	Yes
H5 Development within Heritage Conservation Areas H5.1 Scale and Form	<ol style="list-style-type: none"> 1) The scale of new development within a conservation area should relate to the scale of the adjacent or nearest heritage building and streetscape. 2) Development of a larger scale is allowable only if it can be demonstrated that the new development will not adversely impact on the character and views of the conservation area. 	<ol style="list-style-type: none"> 1) Scale is proportionate and subordinate to surrounding and prevailing scale 2) N/A 3) Important views are not obscured 4) Roof form in the locality is varied. Proposed roof form is low profile and not generally visible 	Yes

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Section	Controls	Assessment	Compliance?		
	<p>3) New development that obscures important views within a heritage conservation area should not be permitted.</p> <p>4) The roof forms of new development in a conservation area are to complement the original roof forms of existing nearby buildings that contribute to the conservation area and streetscape.</p> <p>5) Additions and alterations to existing buildings that contribute to the character of a conservation area should not detract from the original form of the existing building as viewed within the streetscape.</p> <p>6) The treatment of the street façade of new development in a conservation area should relate to existing nearby buildings that contribute to the conservation area</p>	<p>from the public domain. Effective integration is considered achievable</p> <p>5) N/A</p> <p>6) No direct street frontage. Fencing and landscaping would be proposed to provide effective integration.</p>			
H5.2 Siting	<p>1) The front setbacks of new development (including alterations and additions) in conservation areas should be an average of adjacent or nearby development or consistent within the streetscape.</p> <p>2) No new structures should be built forward of the established main street building line.</p>	<p>1) Setbacks to Osman St exceed prevailing character</p> <p>2) Achieved</p>	Yes		
H5.3 Materials and Colours	<p>1) Original materials of existing heritage buildings in conservation areas should not be replaced with different materials or with materials of different colours unless justified, and approved by Council.</p> <p>2) Non – original materials of existing heritage buildings in conservation area that are being replaced should be replaced with materials that complement the original material as closely as possible.</p> <p>3) Materials for new development in HCAs should not contrast with the original materials of the dominant contributory buildings in the conservation area.</p>	<p>1) Colours proposed would be subordinate to ensure effective integration</p> <p>2) N/A</p> <p>3) This is achieved</p> <p>4) This is achieved</p> <p>5) N/A</p>	Yes		

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Section	Controls	Assessment	Compliance?	
H5.4 Doors and Windows	<p>4) Colour schemes for existing and new development in conservation areas should have a relationship with traditional colour schemes for the dominant style of development found in the conservation area in consultation with Council.</p> <p>5) The use of fluorescent paint and primary colours on buildings in conservation areas is not permitted.</p> <p>1) Original door and window openings visible from the streetscape on existing heritage buildings should not be altered, unless justified.</p> <p>2) Original door and window joinery visible from the streetscape on existing heritage buildings should not be altered, unless justified.</p> <p>3) New door and window openings on existing heritage buildings that are visible from the streetscape should be of proportions and details that relate to existing door and window openings.</p>	<p>1) N/A</p> <p>2) N/A</p> <p>3) N/A</p>	Yes	
H5.5 Outbuildings	<p>1) Outbuildings and carports should be located behind the front building alignment.</p> <p>2) Outbuildings should be single storey and designed and located so that they have negligible if any impact on the streetscape</p>	<p>1) All buildings not visible from the public domain</p> <p>2) This would be achieved</p>	Yes	
H5.6 Fencing	<p>1) New fencing and gates for existing and proposed buildings should be designed to complement the style of the building and dominate character of the conservation area.</p> <p>2) Fencing constructed of solid material such as masonry forward of the building line should not be greater than 900mm in height above the adjacent public footpath level, unless justified.</p> <p>3) Original masonry fencing should not be painted, unless justified.</p>	<p>1) This would be achieved. Existing boundary fencing to be maintained. New timber internal development.</p> <p>2) N/A</p> <p>3) N/A</p>	Yes	

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Section	Controls	Assessment	Compliance?
H5.7 Advertising and Signage	<p>1) Any early signage should not be removed, but retained and actively preserved, wherever possible, including signage related to original shopfronts or remnants of painted signs on the side walls of building.</p> <p>2) New signs should be discrete and complementary to the historical significance of the building and streetscape and not visually dominate the area of building walls.</p> <p>3) New signs should be placed in locations, which would have traditionally been used for advertising purposes, where possible and appropriate.</p> <p>4) The size of the sign and its contents/design (colour scheme, letters, number and symbols) must complement the scale of the building to which they relate and its streetscape.</p> <p>5) The following signs are not permitted, advertising affixed to trees, light poles or other structure not for the purposes of advertising structure, signs mounted above the awning or veranda of a building.</p> <p>6) Signage on commercial buildings is to be confined to:</p> <p>a) An under-awning sign of an appropriate size and design;</p> <p>b) A window sign in the ground floor shop front of an appropriate size and design;</p> <p>c) A façade sign contained within a purpose designed panel of the building façade;</p> <p>d) The façade of the building shall not be painted in corporate colours;</p> <p>e) A fence sign, free standing sign or A – Frame sign of an appropriate size and design.</p> <p>7) The architectural details of a building are not to be obscured by commercial signage.</p>	<p>1) The pylon sign on Osman Street would be removed as would the signage on the building.</p> <p>2) New signage is proposed for the Church Street elevation at the top of the access handle. This would be low profile and discrete, sufficient to identify the site.</p> <p>3) Signage would be discrete and positioned to integrate with the locality</p> <p>4) Refer Premise Drawing A005</p> <p>5) None of these forms of signage proposed</p> <p>6) No signage on commercial buildings would be visible from the public domain, and is therefore not classed as advertising</p> <p>7) This is achieved.</p>	Yes

5. IMPACTS

5.1 INTRODUCTION

Pursuant to Schedule 1 of the EP&A Regulation, this section of the report outlines the environmental impacts of the proposed development and any measures required to protect the environment or lessen the harm to the environment.

The impacts have been identified through an assessment of the proposed development against the provisions of section 4.15(1)(b) and the former NSW Department of Urban Affairs and Planning's (nd) Guide to Section 79C.

5.2 CONTEXT AND SETTING

The proposed development involves the development of a proposed motel at the former Blayney Bowling Club to be located at 62 Osman Street, Blayney.

The proposed motel development in this location is considered to be a compatible land use given the commercial zoning of the site and the commercial development nearby.

The scale of the proposed modular buildings would be consistent with the buildings in the surrounding locality. The proposed buildings would be well setback from the street and, subject to appropriate external colours, fencing, and landscaping, would not result in significant impacts to the visual character of the locality. The proposed buildings would be well setback from the public domain and well screened – refer **Premise Drawing A005**.

5.3 ACCESS, TRANSPORT AND TRAFFIC

Vehicular access to/egress from the proposed site is via the existing 9 metre wide driveway to Church Street. No change to this arrangement is required by virtue of this application.

In stage 1 of the scheme the proposed motel would accommodate 98 motel rooms and provide 80 parking spaces, including two accessible parking spaces. Up to 10 staff are anticipated in the daily operation of the motel, including cleaning, maintenance and management coordination.

In stage 2, motel rooms would decrease to 81 rooms and parking would increase to 100 spaces.

DCP parking requirements state that parking should be supplied for motels on the basis of the following:

- One space per one unit;
- One space per 2 staff; and
- If restaurant - Add 1 space per 6.5 m² of GLFA of restaurant.
- If function room – Add 1 space per 3 seats.

On the basis of the above, at stage 1, the development generates the need for a minimum of 98 car parking spaces for motel rooms and 5 spaces for staff, 103 in total. The development proposes a total of 80 parking spaces, a deficiency of 23 spaces.

The justification for this reduction in spaces is due to a number of factors, namely:

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- In the initial 2-3 years of operation, the motel is anticipated to provide a source of accommodation for workers on a range of large infrastructure projects currently occurring, or shortly coming on line, within the Blayney LGA, including:
 - The \$185 million Newcrest Cadia Gold Mine expansion, which generates the need for approximately 700-900 temporary construction workers over a period of 1-2 years;
 - The currently proposed, but not yet approved, McPhillamys Mine project 9 kilometres north of Blayney – generating a need for approximately 650 temporary construction workers over the initial 3-4 year construction period;
 - The approved Flyers Creek Wind Farm expansion project – generating a need for approximately 130 temporary construction workers over the construction period of the project
- Workers on these projects will typically arrive in the region by bus or plane, and will similarly be transferred to the construction sites by bus, meaning that the demand for car parking on site will be lower than for a traditional motel development. Bus parking has been provided on site.
- The adoption of modular buildings means that upon completion of these various construction projects, the scale of the motel can be reduced to provide a more even match between motel rooms and on-site parking spaces – as discussed in **Appendix B**;

In stage 2, rooms would reduce to 81 and parking would increase. Parking requirements in stage 2 reduce to 85 and parking provision would increase to 100, an excess of 15.

As discussed in **Appendix B**, the parking generation levels associated with the proposed motel are generally similar to the former bowling club use, and as such are unlikely to result in any significant impacts to the local traffic environment.

Parking is proposed to be provided on the basis of the below:

Table 5 – Parking requirements by stage

Stages	Motel Rooms	Parking required	Staff parking – 10 staff (all stages)	Total required	Parking proposed	Deficiency/ Excess
Stage 1	98	98	5	103	82	-21 (-20%)
Stage 2	81	81	5	86	100	+14 (16%)

As evidenced above, parking requirements are slightly deficient in stage 1, but exceed requirements in stage 2.

It is proposed and anticipated that the development would, in the first 4-5 years, host short term commercial client workers visiting the region for short periods of time to work on a range of large scale projects, including the Newcrest Cadia expansion, Flyers Creek Wind Farm and, potentially, the Regis McPhillamy gold mine project.

These workers would fly to Orange, and be bussed (by mini-bus) to the site, or would arrive by bus from Sydney or other areas. It is our view that the minor predicted deficiency in parking on site is therefore more than offset by the nature of the occupants, who will not typically rely on light vehicles and therefore do not require the same level of parking provision.

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Notably, if parking is supplied for the 85th percentile level of usage (as recommended by the RTA Guide), at stage 1, 88 parking spaces are required. This reduces any deficiency to just eight spaces. Parking in relation to stage 2 exceeds Council's requirements.

The minor deficiency noted in respect of stage 1, and bearing in mind compliance is achieved at stage 2, reflects that the development can be accommodated within the site without resulting in undue impacts to the local traffic environment.

On the basis of the above, the development is considered to be acceptable in the context of the local traffic environment.

The DA has been referred to Transport for NSW, who raised a number of questions with respect to the project, namely:

1. The proposed development will cater for construction workers associated with major projects in the local area who will be delivered to and from the site by minibus. The submitted site plan does not identify any provision to accommodate minibus parking on site or drop off within the vicinity of the site. A revised plan providing minibus car parking or alternatively identification of bus drop off and pick up locations is to be provided by the proponent.

2. The Traffic Impact Assessment (TIA) submitted with the DA has not considered the impacts of the development generated traffic on the intersections of the site/Church Street and Church/Adelaide Streets. In this regard, further assessment of the functioning of these two intersections is required along with consideration of the warrants for intersection treatments in accordance with Section 3.3.6 of Austroads Guide to Traffic Management Part 6 Intersections, Interchanges and Crossing Management. The assessment of the intersection of the site is to also include consideration traffic generated from the land that benefits from the Right of Carriageway over the site and Central Tablelands Water.

Noting that available traffic counts for Church Street and Adelaide Street in the vicinity of the site have been extrapolated to provide an estimated AADT (both directions) of 5,942 and 6,991 respectively in 2021.

3. A revised swept path analysis is to be prepared demonstrating the design vehicle (8.8m medium rigid vehicle) can manoeuvre through the site unrestricted without impeding on car parking spaces or boundary fences.

4. The development is proposing a 2m wide x 1m high sign atop of the existing pole at the front of the site. No plans have been provided for the configuration of the site (i.e. where the sign is to be sited on the pole), its orientation, and location in relation to the property boundaries/road reserve. In this regard, both a plan view of the sign in relation to the pole and a site plan (to a legible scale) showing where the sign will be located in relation to the site boundaries. Further details of the proposed signage illumination method and hours of illumination are also to be provided.

In response to points 1, 3 and 4, revised plans have been prepared which reflect a dedicated parking space for a bus, updated swept paths and updated signage details.

In relation to point 2, a supplementary traffic impact assessment addendum has been supplied as **Appendix B2**.

5.4 PUBLIC DOMAIN

The proposed development would not adversely impact on the public domain in terms of public recreational opportunities, public spaces surrounding the subject site or pedestrian linkages.

The proposed development is well visually shielded from the public domain, and, via the addition of fencing, landscaping, and through the use of appropriate colours, the project would be well integrated with the site and surroundings. A detrimental impact to the surrounding locality is not anticipated.

The short term duration of construction works would ensure that impacts to the public domain would be minimal.

5.5 SERVICING

The site of the proposed motel historically housed the Blayney Bowling Club. It is understood that all services are available on the site, however augmentation would be required to facilitate the development.

Electricity services are available at the development site and would be augmented in accordance with the relevant supply authority and without unreasonable burden to the community.

Water services to proposed Lot 1 would be supplied from Osman Street while services to Lot 2 would be supplied from Church Street.

Sewer services currently pass through proposed Lot 2 and would be augmented to provide sufficient capacity for the proposed motel development.

Sewer services to proposed Lot 1 would be supplied via discharge to the existing services in Osman Street.

In terms of determining existing capacity in the network and any likely deficiencies in capacity, an assessment of current credits for water and sewer have been determined by reference to the building size and expected demand associated with the former bowling club.

By reference to site survey and architectural measure and draw, the former bowling club building has the following areas:

- 150 square metres of pub/bar area upstairs;
- 300 square metres of restaurant/eating;
- 230.5 square metres of pub/bar area downstairs.

By reference to the Water Directorate *Section 64 Determinations of Equivalent Tenements Guidelines* (2017) (the Guidelines), this equates to credits of:

- Water
 - Pub/bar - $(150 + 230.5) \times 0.03 = 11.42$ ETs;
 - Restaurant/eating - $300 \times 0.01 = 3$ ETs;
- Sewer
 - Pub/bar - $(150 + 230.5) \times 0.05 = 19.03$ ETs.
 - Restaurant/eating - $300 \times 0.01 = 3$ ETs;
- Total
 - 14.42 water equivalent tenements (ETs) and 22.03 sewer ETs.

The proposed motel development would provide a maximum of 98 motel rooms (at stage 1 – highest number of rooms and only for a temporary period).

The redevelopment of the former bowling club building to provide a restaurant and other elements would be addressed via a separate DA, as would the provision of the proposed development to Osman St.

Based on the proposed 98 room layout, this equates to (on the basis of 0.3 ETs/room for water and 0.45 ETs/room for sewer) 29.4 water ETs and 44.1 ETs for sewer.

As per the above, the site has an existing credit of 14.42 water and 22.03 sewer ETs.

The shortfall as a result of the proposed motel is therefore 14.98 water and 22.07 sewer ETs.

The above calculations does not take account of potable water usage associated with irrigating the bowling greens, which is likely to have increased water usage over and above the numbers quoted.

5.6 HERITAGE

5.6.1 ABORIGINAL HERITAGE

An online search on 9 September 2020 of the NSW Office of Environment and Heritage (OEH) Aboriginal Heritage Information Management System (AHIMS) with a buffer of 200 metres confirms that there are no sites of Aboriginal heritage located in, on or near the site.

The site is a highly disturbed area as a result of urbanisation and is not located close to any landscape features where sites of Aboriginal significance would be expected to be found.

On the basis of the above, the requirements of the due diligence have been satisfied and the development may proceed with caution.

Should any 'objects' or other heritage features be identified during the course of construction, work in that area should cease immediately and be cordoned off and the Office of Environment and Heritage and/or a suitably qualified heritage specialist be contacted to discuss how to proceed.

5.6.2 HISTORIC HERITAGE

As noted, a number of mapped local heritage sites are located within the immediate vicinity. These items include the following:

- Item I24 - St James' Catholic Church (former Town Hall)
- Item I28 - Surgery and residence
- Item I23 - National Australia Bank (former CBC Bank and stables)
- Item I26 - St. Paul's Presbyterian Church
- Item I55 - Two storey house and cottage
- Item I88 - Street trees
- Item I109 - Residence (former Railway Institute of the Arts)

As per **Section 4.4.1.5**, the proposed development is not considered to significantly impact to the heritage significance of the site and locality subject to the adoption of the recommendations of the statement of heritage impact (**Appendix A**).

5.7 OTHER LAND RESOURCES

The development is not located within a water supply catchment, strategically significant agricultural land or on land the subject of a mineral exploration or mining licence.

5.8 WATER

The Belubula River is located approximately 260 metres to the east of the subject site, and is not considered to be impacted by the proposed development.

Stormwater would be managed on site as discussed in Section 5.14.

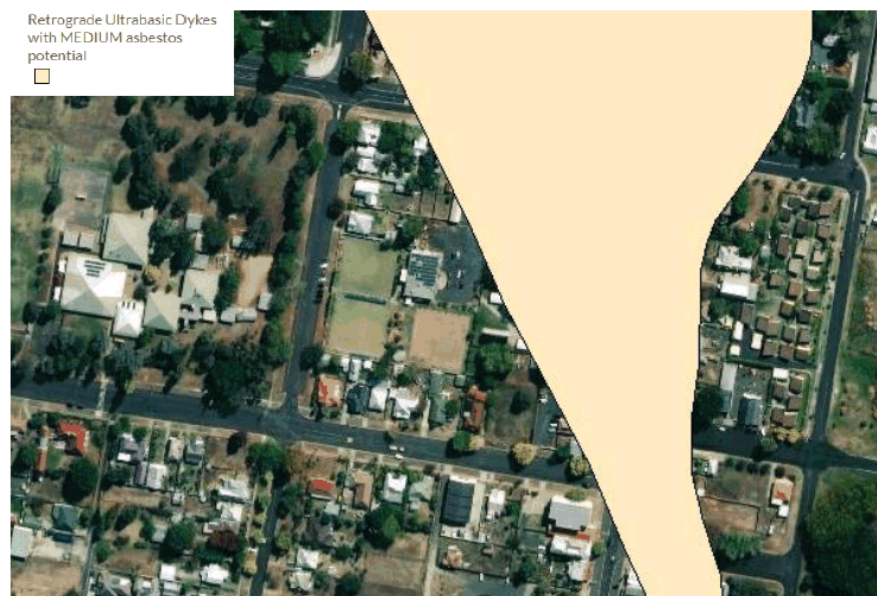
5.9 SOILS

5.9.1 EXISTING ENVIRONMENT

The site is located in urban location and is highly disturbed due to historic development and use of the site as a bowling club.

From a review of available mapping it is noted that the site is located in an area potentially exhibiting the characteristics of natural occurring asbestos – refer **Figure 7**.

Figure 7 – Naturally Occurring Asbestos



5.9.2 POTENTIAL IMPACTS

Only minor earthworks associated with the footing/slab installation are anticipated. Excavation of greater than 1 metre would not be expected to be required.

The proposed motel units are proposed to be located in areas outside of the potential mapped NOA. The likelihood of encountering is NOA is considered low.

5.9.3 MITIGATION MEASURES

If NOA is identified at the site, work in that area would immediately cease and an Asbestos Management Plan would be prepared in accordance with the Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]

Erosion and sediment controls will be installed in accordance with the NSW Governments Managing urban stormwater: soils and construction, Volume 1, commonly referred to as "The Blue Book".

The proposed development is unlikely to result in adverse impacts on soils.

5.10 AIR AND MICROCLIMATE

The proposed development is unlikely to result in adverse impacts on air and microclimate quality within the locality on the basis that there is no ongoing emissions associated with the use. Short term emissions during construction would be negligible and manageable.

5.11 FLORA AND FAUNA

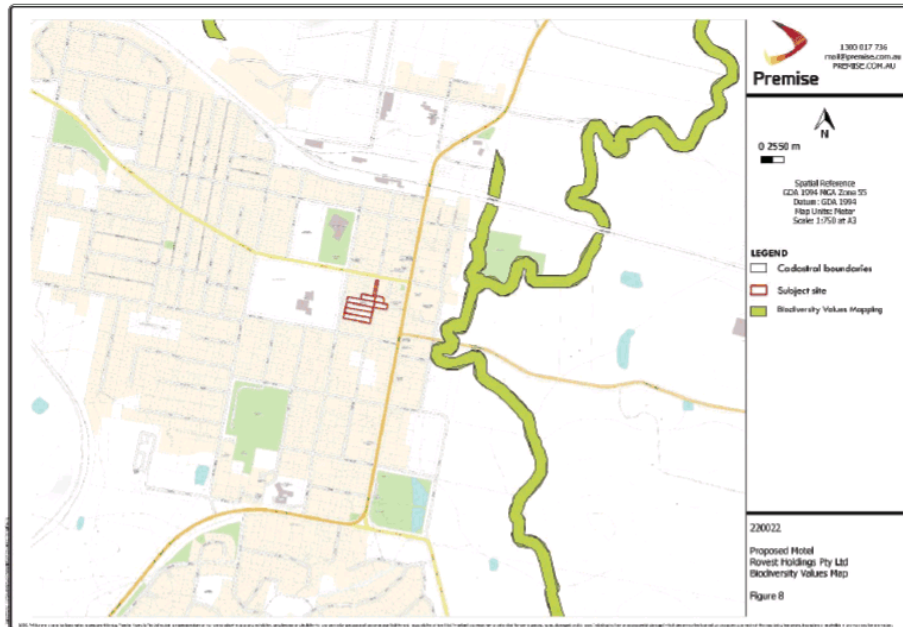
The proposed development site is generally cleared of substantial vegetation, with 20 established trees remaining on site. 14 of these are proposed to remain and six (6) would be removed to facilitate the project.

Those trees identified for removal are non-native, exotic species, and therefore, no impacts to significant flora and fauna are predicted as a result of the development.

More than 0.25 ha of clearing of native vegetation is not proposed. Given the cleared nature of the site, significant impacts to native flora and fauna communities are not predicted. On the basis that these two tests are not met, a Biodiversity Development Assessment Report is not required

The site is not mapped via the biodiversity values map – refer **Figure 8**.

Figure 8 – Biodiversity Values Map (subject site marked with blue dot)



The site would be landscaped as an element of the project – refer **Drawing A005**.

On balance the proposal does not result in a significant impact and is therefore considered to be acceptable in the context of the BC Act.

5.12 WASTE

5.12.1 SOLID WASTE

Solid waste generated during the construction period would be disposed of at an appropriate waste facility in accordance with the specific measures outlined in **Section 5.23**.

Internal waste collection is provided at source with integrated waste collection at the activity points within the facility. This includes appropriate sanitary waste collection of activity waste at the sinks within the facility.

External Waste and recycling collection will be by commercial waste collection services.

A dedicated and secure waste bin storage area would be located onsite for bins associated with the collection of waste and garbage, which would be arranged with a commercial waste and recycling operator.

5.13 EFFLUENT DISPOSAL

The proposed motel would be provided with a sewer connection to the Council's reticulated sewer network. Refer **Section 5.5**.

5.14 STORMWATER

The proposed motel facility would integrate with stormwater management measures for the broader area. A rainwater tank is proposed to be located on site for rooftop stormwater retention.

Surface stormwater would be managed on site via detention in the car park area and control discharged via the adjacent land to the south (Lot 1 DP718479 - also in the ownership of the applicant) for onward connection to the Council's stormwater management network. There is sufficient room in the development site to manage the extent of stormwater expected to be generated.

Stormwater management would be consistent with Blayney Shire Council's applicable engineering guidelines.

Refer **Section 4.4.1.6** for additional information.

5.15 ENERGY

The development would be designed and installed to achieve energy efficiency standards as required.

5.16 NOISE & VIBRATION

Noise and vibration impacts associated with the proposed development would be limited to noise associated with construction. Use of the site as a motel is not anticipated to result in any unreasonable impacts.

Plant and equipment would be installed to provide adequate separation to boundaries to ensure compliance with applicable standards of the *Noise Policy for Industry 2017*.

Vehicle movements to and from the site have the potential to have some minor impacts to the locality, however this is largely mitigated by the use of the existing access driveway associated with the former bowling club use and the broadly consistent level of movements associated with the proposed motel and the former bowling club use. As outlined in the traffic study (**Appendix B**), Church Street is a busy road carrying consistent volumes of traffic. The proposed motel would not result in a doubling of traffic volumes, and is therefore unlikely to lead to any demonstrable increase in road noise levels in the general locality.

Mitigation measures listed below would ensure that the surrounding locality is not unreasonably impacted during the construction period:

- All vehicles and equipment would be operated and maintained in accordance with the manufacturer's specifications.
- Construction would be restricted to standard operating hours between 7am to 6pm on weekdays and from 8am to 1pm on Saturday. No work would be undertaken on Sundays or on public holidays.

Noise generated during usage of the facility would be typically associated – look at submission response

5.17 NATURAL HAZARDS

The site is not impacted by any known natural hazards. The site is not mapped as bushfire or flood prone and does not contain any acid sulfate soils

5.18 TECHNOLOGICAL HAZARDS

No technological hazards are known to affect the site.

The redevelopment of the former bowling club building would be designed and constructed to ensure compliance with the BCA.

5.19 SAFETY, SECURITY AND CRIME PREVENTION

The guidelines prepared by the NSW Department of Urban Affairs and Planning (DUAP, 2001) identify four (4) Crime Prevention Through Environmental Design (CPTED) principles to be considered in a Development Application to ensure developments do not create or exacerbate crime risk. These four principles are surveillance, access control, territorial reinforcement, and space management.

Subject to the recommendations of that assessment, the development may proceed with caution.

Physical barriers, such as surrounding buildings, prevent access to the site. The site would be maintained in order to minimise potential for criminal activities. The application has been referred to the NSW Police for comment. In response to the comments received, the following measures would be incorporated into the development:

- a. A manager would look after the site, and they or their representative would be present on site between the hours of 7am and 10pm. Outside of these hours, a security arrangement would be reached with a suitable firm to conduct regular patrols and be available to respond to complaints or incidents
- b. The sale of alcohol is not proposed via this DA.
- c. In terms of the specific recommendations, the following is noted:
 - i. Lighting
 1. Lighting is proposed at the site in common areas in compliance AS4282-1997.
 2. Sensor lighting can be supplied as required and the standard noted.
 - ii. Surveillance
 1. CCTV would be installed.
 2. Security would be provided including patrols and back to base alarm system.
 - iii. Signage
 1. **Drawing A05** provides signage details and **Drawing A07** provides traffic flow diagram demonstrating that all design vehicles can manoeuvre around the site
 2. An internal speed limit of 10km/hr would apply and signage would be installed to this effect
 3. Trespass signage would be installed
 4. It is confirmed that the facility would feature CC-TV and 24 hour security
 5. Unit numbering would be provided including internal signage directing guests to rooms
 - iv. Environmental constraints
 1. An ongoing landscaping plan would be provided which would confirm, among other things, ongoing maintenance of internal landscaping to ensure heights would not exceed 900mm. As the external landscaping is proposed to provide a shielding affect, and is to be located directly adjacent to 1800mm high boundary fencing, these would not be limited to 900mm in height.
 2. Cleared areas either side of paths would be maintained to ensure opportunities for concealment are removed
 3. There is no objection to a requirement for provision of a maintenance plan as a condition of consent.
 - v. Access control
 1. An electronic communication system is not proposed, given the preponderance of portable telecommunications.

2. Appropriate security locks will be fitted to all doors to ensure an appropriate level of protection and security
3. Windows will be appropriately secured to ensure the security of occupants.
4. Windows will be appropriately secured to ensure the security of occupants.
5. Individual rooms open to the outside; all doors will be fitted by appropriate locks.
6. The car parking area will include speed bumps
7. Cash will not be kept on the premises, and signage will be installed to this effect.

5.20 SOCIAL IMPACT

5.20.1 INTRODUCTION

As defined by the NSW Government Office on Social Policy, social impacts are significant events experienced by people as changes in one or more of the following are experienced:

- peoples' way of life (how they live, work or play and interact with one another on a day-to-day basis);
- their culture (shared beliefs, customs and values); or
- their community (its cohesion, stability, character, services and facilities).

Social impacts can be either or both:

- Positive or negative;
- Tangible or intangible;
- Direct, indirect or cumulative;
- Quantifiable or qualitative.

Depending on the perspective of the person or group that is impacted, impacts can be experienced very differently. For example, the owner of a local business may see improved trade and increased patronage as a result of a development change, whereas a direct neighbour to the development may experience increased noise or dust impacts. These different perspectives both represent a social impact, one welcome and positive, and the other unwelcome and negative. The capacity and ability to mitigate negative impacts is a factor together with the high level consideration of the benefit conferred by the project, both at a micro and macro level.

5.20.2 UNDERSTANDING AND IDENTIFYING POTENTIAL SOCIAL IMPACTS

There are a range of methods by which potential social impacts can be identified and understood. These are discussed in the relation to the project in **Table 6**.

Table 6 – Identifying social impacts

Methods	Site Specific Response
The scale and nature of the proposed project, its associated activities (including ancillary infrastructure), potential direct impacts, potential indirect impacts that may extend from the project site (for example, transport and logistics corridors,	The site is formerly the Blayney Bowling Club. It was a licenced premises, providing bar and restaurant facilities, together with external sporting facilities. It is understood that the scale of the operation was modest, however it would nevertheless have contributed to the character of the locality through noise generation from patrons and plant

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Methods	Site Specific Response
downstream water users) and potential cumulative impacts	and equipment, traffic movements and noise, and impacts to the local servicing network among others. The proposed use as a motel is considered a low impact use. Like any motel, issues may arise with the behaviour of guests, not markedly different to the former use of the site as a licenced bowling club. This is manageable through site management measures, including clearly communicating to guests (through policies and signage) the expectations of management and the implications for breaching site policies.
Who may be affected by the project, how they are expected to be affected, and their relevant interests, values and aspirations	The values and expectations of surrounding residential land uses can reasonably be expected to be consist of a desire for the quiet enjoyment of their land. They are likely to have generally consistent values. Commercial land uses in the surrounding area are expected to be primarily concerned with the successful and efficient operation of their businesses. Direct operational impacts that limit their capacity to function are one side of the equation, with flow on benefits from complementary land uses being the flip side. Residents of surrounding residential properties may be impacted, together with occupants of commercial properties. Impacts are largely expected to be associated with potential noise and traffic movements. In all reality, impacts are likely to be limited and short lived. Management expectations would be communicated to guests and enforced by site staff.
Any potentially affected built or natural features located on or near the project site or in the surrounding region that have been identified as having social value or importance, including key social infrastructure, facilities and amenities	No key social infrastructure, facilities and amenities expected to be detrimentally impacted by the proposed use.
Any relevant social trends or social change processes being experienced by communities near the project site and within the surrounding region, for example, trends in availability of rented accommodation, changes to relative employment in different industries, changing land uses over time, population and demographic changes	With the increase in construction projects in the locality, high levels of pressure currently exists on the supply of short term accommodation. This development will assist to alleviate that pressure and provide for growth in the local economy and employment.
The history of the proposed project and how communities near the project site and within the surrounding region have	A range of accommodation land uses exist within the Blayney township. These are under pressure with the increase in large scale construction projects in the sub-region. There are noted to be three other motels in the

Methods	Site Specific Response
experienced the project and others like it to date.	town of Blayney, and the proposed motel will operate in a similar manner to these. It is expected that many of these are currently accommodating a proportion of construction workers, and therefore the proposed development will be no difference in this regard. In the long term, the motel will continue to operate as a conventional motel.

5.20.3 CENSUS DATA

In understanding the current social environment within the Blayney Local Government Area (LGA), it is important to consider the local area demographics.

Demographic data for the two most recent census periods, including the rates of change, are depicted in **Table 7**.

Table 7 – 2011 & 2016 Census data

	2011	2016	Rate of change
Recorded Population	2,810	2,963	1%
Recorded visitors on census night	99	131	6%
Male/Female	48.7%/51.3%	49.3%/50.7%	0.6%/-0.6%
Families	725	755	1%
Employment by sector:			
Primary employment sector	Health care and social assistance (12% of workforce)	Health care and social assistance (13% of workforce)	1%
Second highest employment sector	Retail trade (11% of workforce)	Retail trade (12% of the workforce)	1%
Occupied dwellings	1,066	1,106	1%
Total dwellings	1,181	1,219	1%
Median weekly household income	\$990	\$1,017	1%

Source: ABS, 2011 & 2016 (Blayney LGA statistical area)

By reference to the above, at the time of the 2016 Australian census, the Blayney urban centre and locality experienced a 1% increase in population from the 2011 levels, up from 2,810 in 2011 to 2,963 in 2016. Health

care remains the dominant industry of employment with retail sector the secondary industry for both periods.

During the same period, the mining sector experienced a reduction from 10% of the employment sector to 7%.

The number of dwellings within the town has risen by 1%, with the number of occupied dwellings rising by the same amount. Median weekly household incomes has also increased by 1%/year, from \$990 in 2011 to \$1,017 in 2016,

The proposal development would result in the provision of a further 82 motel rooms (in the ultimate configuration). This represents 2.7% of the 2016 population (at full capacity). Given that occupants would be transient in nature and not permanent residents, no change to the social values of the town are expected to occur. Short term beneficial impacts in terms of flow on impacts to the community are predicted.

5.20.4 LOCAL EMPLOYMENT

The proposal provides for short term employment support during the construction phase, and ongoing employment in the context of management and cleaning roles. It is expected that the ongoing use of the site would generate 4-6 full time roles.

5.20.5 SOCIAL INFRASTRUCTURE CAPACITY

It is pertinent to understand the capacity of services, facilities and community services to meet the projected increase in population associated with the project.

Provision of additional motel rooms enhances the quality, amount and range of accommodation available to visitors to Blayney and thus supports tourism which is a key industry for the region.

The types of social infrastructure likely to be utilised by visitors/motel occupants include:

- Health infrastructure (dr's, hospitals, dentist, nurse etc)
- Supermarket
- Courthouse/Magistrates Court
- Police
- Hospital
- Cinema
- Pharmacy
- Restaurant/café's
- Hotels/motels
- Swimming pools and other recreational facilities
- Laundromat
- Post Office
- Open Space – general
- Open Space – active
- Open Space – Passive
- Gym
- Museum/Art Gallery
- Landfill

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- Main Road
- Water
- Waste Water

By reference to the above infrastructure, impacts related to the project could be either positive or negative on the services provided within the town. Examples of positive impacts might be increased patronage to local businesses (such as the supermarket, cafés, gym, post office etc), and examples of negative impacts may be a potentially increased burden on services such as police, ambulance and health care services.

Given that the work force consists of people living for short term periods, it is considered that key impacts to local services, such as health and the like, would primarily be due to emergency situations, rather than a need for scheduled services.

Positive impacts could be support for business, particularly those that may have struggled during the recent pandemic close down, enabling them to grow and expand, thus contributing to the local economy. The provision of expanded capacity provides the opportunity for economic growth.

5.20.6 ECONOMIC GROWTH

Due to the proximity of the motel to the CBD, local businesses would be expected to receive increase patronage. Whilst there are some negative impacts to this, such as pressure on services, overall, if managed properly, the development would have a positive impact to the town and local proprietors. The injection of customers provides the opportunity for business growth, thereby providing higher quality services to the town in the longer term.

As evidenced by the cost benefit analysis provided at Appendix D, the proposed motel would provide a benefit cost ratio of 1.69, meaning that for every \$1 spent, the project will contribute \$1.69 to the local economy. Over a nominated 20 year life of the project, the development has the potential to provide a Net Present Value of \$10,123,204.00.

5.20.7 TRANSPORT

This discussed in detail in the traffic study attached to the SEE. It concludes that the development can be accommodated within the local traffic environment without detrimental impacts.

5.20.8 FACILITY MANAGEMENT

It is proposed to establish internal policies, including a Facility Management Plan (refer draft at **Appendix E**), to inform all occupants in relation to reasonable expectations for behaviour so as to minimise undesirable social impacts. A formalised complaint system for external complaints is also proposed via this application, discussed later in this response.

Facilities would be provided on site for disabled access.

A first aid station is proposed for first response.

5.20.9 LOCATION

A potential impact to the locality associated with the motel are changes to the prevailing local amenity in relation to the area around the subject site.

Given the former use of the site as a bowling club, the use of the site as a motel is considered sufficiently consistent such that it is unlikely to give rise to a significant change in amenity. Impacts are manageable as outlined throughout this report.

5.20.10 COMMUNITY MITIGATION MEASURES/INVOLVEMENT/FEEDBACK

The applicant is committed to managing and operating the motel in a manner that is acceptable to the community, including being responsive to community comments and complaints.

Within two months of receipt of approval for the motel, the applicant commits to developing and implementing an online submission page to receive any enquiries, suggestions, or complaints from members of the public in relation to activities associated with the site.

The applicant commits to:

- Acknowledging submissions within 3 days of receipt
- Investigating the details raised via the submission to determine an appropriate response within 5 days of receipt (or such longer period as agreed with the submitter);
- Developing a response to the submission providing a proposed means of resolving the matter for discussion with the submitter within 10 days, including a target timeframe for implementation (or such longer period as agreed with the submitter);
- Implementation of the resolution;
- Feedback to the submitter as to the success of the resolution method including any additional matters that may need to be carried out; and
- A bi-annual report to Council setting out the details of any submissions received, the response developed, the outcome of consultation with the submitter and the outcome of the proposed resolution.

The applicant has no objection to a condition of consent to this effect.

5.20.11 CUMULATIVE IMPACTS

There are three other motels in Blayney at present, and a much larger number of rooms in Orange (30 minutes to the north west).

Providing expanded opportunities and competition in the market is a reasonable outcome of the project. In determining development applications, competition has been rejected by the courts on many occasions as a material consideration. It is not a permissible consideration under Section 4.15 of the EP&Act.

There are no other land uses in close proximity to the development that are considered to have the potential to operate in a manner that could lead to a cumulative social impact.

5.20.12 CONCLUSION

Based on the matters discussed in the preceding section, it is considered that the development is unlikely to lead to unreasonable social impacts to the community. In this regard, the following points are noted:

- A motel is a lawful use in the zone.
- The site formerly hosted the Blayney Bowling Club, a licensed facility that is expected to have operated until late in the evening.
- The assessment at **Section 5** of this report demonstrates that the proposal would not lead to any unreasonable or unmanageable environmental impacts that would cause substantial change or disruption to the community. All impacts are minor and/or manageable.
- The site provides accommodation for visitors and tourists to the region, including construction workers employed on a range of projects. In this manner, it would not be any different to other accommodation providers in the town and region.

- The facility would be operated in line with a site facility management plan, which would ensure that the health, safety, privacy and welfare of all occupants and surrounding residents is respected.
- As discussed above, impacts to local community resources would be minor and generally positive, through increased patronage at local stores and businesses, and positive flow on effects as a result of this. Improved trade leads to improved local employment opportunities and an improved local economy. Any impacts in this regard are therefore anticipated to be positive.

On balance, the social impacts associated with the proposal are considered positive, and those minor residual negative impacts, are manageable.

5.21 ECONOMIC IMPACT

The proposed development is not anticipated to generate adverse economic impacts. As outlined in the preceding section, the proposal is considered likely to lead to positive economic impacts.

To further assess likely economic impacts of the proposal, Rovest engaged Western Region Institute (WRI) to prepare a cost benefit analysis. This report is provided at **Appendix D**.

The conclusions of this analysis are that the project will provide for a 15% increase in jobs in the visitor economy and will provide a benefit cost ratio of 1.69, meaning that for every \$1 spent, the project will contribute \$1.69 to the local economy. Over a nominated 20 year life of the project, the development has the potential to provide a Net Present Value of \$10,123,204.00.

On balance this represents a positive economic impact to the community.

5.22 SITE DESIGN AND INTERNAL DESIGN

The proposed development has been carefully considered to provide an arrangement with a low likelihood of resulting in detrimental impacts to nearby residents.

Amenity buildings have been deliberately sited close to commercial zoned and functioning land, to limit impacts to residential land uses.

The staging of the development provides a legacy development that is compliant with Council requirements.

The proposed use is unlikely to have any detrimental impacts on the environment and is sensitive to the surrounding locality and land uses.

5.23 CONSTRUCTION IMPACTS

Construction relating to the development will be minimal and the duration of construction will be short term. It is not anticipated that the construction activities will have any detrimental impacts on nearby and adjacent land owners.

Construction impacts would be managed through the application and maintenance of appropriate mitigation measures, including:

- All vehicles and equipment would be operated and maintained in accordance with the manufacturer's specifications.
- Construction would be restricted to standard operating hours between 7am to 6pm on weekdays and from 8am to 1pm on Saturday. No work would be undertaken on Sundays or on public holidays.

- Where necessary, erosion and sediment controls will be installed in accordance with the NSW Governments Managing urban stormwater: soils and construction, Volume 1, commonly referred to as "The Blue Book".
- Maximising recycling and minimising waste going to landfills by separating waste materials during the demolition phase, not after.
- All material generated from the work will be recycled or reused where possible.

5.24 CUMULATIVE IMPACTS

The proposed development is unlikely to generate any impacts with the potential to act in unison in terms of:

- Individual impacts so close in time that the effects of one are not dissipated before the next (time crowded effects);
- Individual impacts so close in space that the effects overlap (space crowded effects);
- Repetitive, often minor impacts eroding environmental conditions (nibbling effects); and
- Different types of disturbances interacting to produce an effect which is greater or different than the sum of the separate effects (synergistic effects).

6. CONCLUSION

6.1 SUITABILITY OF THE SITE

The subject site is considered suitable for the proposed development for the following reasons:

- The proposed development is not inconsistent with the aims of the B2 – Local Centre zone.
- The proposed building as motel accommodation is compatible with the nature of development in the locality.
- The proposed construction of the facility would be conducted according to the mitigation measures set down at **Section 5.23** and therefore the construction impacts of the development would be minimal.

6.2 PUBLIC INTEREST

The matter is likely to be of public interest due to the central location of the project site.

The development will provide positive flow on benefits to the local community as detailed in **Section 5.21** and has the added benefit of bringing the land back into active use.

A range of submissions have been received by Council in assessing and exhibiting the application. A response to these submissions is provided in **Appendix G**.

6.3 CONCLUSION

The proposed development involves the development of motel accommodation.

The development proposed is permissible with consent within the B2 zone pursuant to the *Blayney Local Environmental Plan 2012*. The proposed development achieves the controls set by the Blayney Development Control Plan 2018.

The development would not have any adverse environmental, social or economic impacts on the locality. The development would support the local economy. In this regard, the subject site is considered to be suitable for the proposed development.

7. REFERENCES

Table 8 – References

References
Department of Urban Affairs and Planning (DUAP). nd, Guide to Section 79C, NSW Department of Urban Affairs and Planning, Sydney.
Department of Urban Affairs and Planning (DUAP). 2001, Crime Prevention and the Assessment of Development Applications: Guidelines under section 79C of the Environmental Planning and Assessment Act 1979, DUAP, Sydney.
NSW EPA, n.d. List of NSW contaminated sites notified to EPA. [ONLINE] Available at: http://www.epa.nsw.gov.au/clm/publiclist.htm [Accessed September 2020]
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NSW Office of Environment and Heritage (OEH), n.d. Aboriginal Heritage Information Management System (AHIMS) [ONLINE]. Available at: http://www.environment.nsw.gov.au/awssapp/login.aspx [Accessed September 2020].



HERITAGE IMPACT STATEMENT

Motel

62 Osman Street, Blayney

30 May 2021

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1.0 INTRODUCTION

1.1 Purpose

The purpose of this report is to assess the impact of the proposed motel on the heritage values of the Blayney Heritage Conservation Area and on the setting of the heritage items in the immediate vicinity of the subject site.

This report has been commissioned by David Walker, Town Planning Discipline Leader, Premise, on behalf of Rovost Holdings Pty. Ltd.

The subject site:

- **is not** listed as a heritage item on the State Heritage Register established by the *NSW Heritage Act 1977*;
- **is not** listed as a heritage item in Schedule 5 of the *Blayney Local Environmental Plan 2012*;
- is located within the immediate vicinity of a number of heritage items; and,
- is located within the Blayney Heritage Conservation Area.

1.2 The Location of the Subject Site

The property address is 62 Osman Street, Blayney.



Figure 1: Locality map

Source: SIX Maps

1.3 Methodology

This report has been prepared with reference to the Heritage NSW guidelines for the preparation of statements of heritage impact, *Statements of Heritage Impact*, NSW Heritage Office and Department of Urban Affairs & Planning, 1996, revised 2002.

This report has been prepared with consideration of the principles established by *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013*, Australia ICOMOS.

A site visit was made in September 2020. Unless otherwise stated, the photographs in this report were taken by the author on this visit.

The scope of the work excludes an assessment of significance.

This report does not include an assessment of the potential impacts on archaeological resources, nor on Aboriginal heritage values.

Consideration of the subdivision of the existing site and the impact of the proposed future serviced apartments has been excluded.

1.4 Author

This report has been prepared by Kate Higgins, B.Sc (Architecture), B. Architecture, Master Heritage Conservation.

1.5 Important Information

This report has been prepared for the sole purpose of the matters described in Section 1.1 of this report. The report should not be used for any other purposes, or by others, except as permitted under the Copyright Act.

An overview of the legislative context, and responses, is provided as background context only and not for the purposes of legal or planning advice.

In preparing this document it has been assumed that information provided by the client was up to date, complete, and accurate.

Existing significance assessments, where available, being relied upon. An assessment of the significance of the property has not been undertaken, nor an assessment of potential impacts of the proposed work on any archaeological or Aboriginal values of the place. An assessment of the significance of heritage items in the vicinity of the site, nor of the Blayney Conservation Area has also not been undertaken.

Property or application records for the subject site have not been searched.

This report is based on a consideration of heritage matters only and has not considered other planning matters, or matters of compliance with any building codes or Australian standards, or the requirements of any authority.

2.0 THE SUBJECT SITE

The subject site is located in Blayney town centre, its main frontage being to Osman Street. An access handle driveway provides vehicular access from Church Street. The site is currently occupied by a two storey club building (the former Blayney Bowling Club building), bowling greens and a carpark. The rear boundaries of the sites of a number of

heritage items adjoin the boundaries of the subject site (other than the street boundary of the subject site).

The Blayney Bowling Club building is a modern building with little architectural merit, limited streetscape presence, and of negligible heritage value.

There are a number of attractive large trees at the rear of the site which contribute to the setting of the nearby heritage items.



Figure 2: Aerial photograph of the subject site (the boundary of site is dotted). The existing bowling greens and club house are evident.
Source: NSW ePlanning Spatial Viewer



Figure 3: Osman Street frontage. The club building is evident in the background. The bowling greens are located directly behind the fence.

	<p>Figure 4: The bowling greens along the Osman Street frontage.</p>
	<p>Figure 5: Front façade of the clubhouse.</p>
	<p>Figure 6: Rear of the clubhouse and northern facade.</p>

	<p>Figure 7: Looking NW to the rear of heritage items along Church Street.</p>
	<p>Figure 8: Looking West along the driveway from Church Street. The rear of no. 34 Church Street can be seen on the right.</p>
	<p>Figure 9: Looking NE from behind the clubhouse to the backyards of heritage items in the vicinity. The existing large (deciduous) trees are evident.</p>

	<p>Figure 10: Looking East from behind the clubhouse to the backyards of heritage items in the vicinity. The existing large (deciduous) trees are evident as is the rear of St James' Catholic Church (former Town Hall).</p>
	<p>Figure 11: Looking South from behind the clubhouse. The roof of the heritage item in the vicinity is indicated with an arrow.</p>
	<p>Figure 12: Trees along Osman Street. The front fence of the subject site is on the right hand side of the photo.</p>

3.0 PLANNING FRAMEWORK

3.1 Blayney Local Environmental Plan 2012

The subject site (the former Blayney Bowling Club):

- **is not** listed as a heritage item in Schedule 5 of the *Blayney Local Environmental Plan 2012*;
- **is** located within the immediate vicinity of a number of heritage items;
- **is** located within the Blayney Heritage Conservation Area.

The heritage items located within the immediate vicinity of the subject site are listed below.

Item no.	Description and address
22	Club House Hotel, 63 Adelaide Street
23	National Australia Bank (former CBC Bank and stables), 69 Adelaide Street
24	St James' Catholic Church (former Town Hall), 71 Adelaide Street
26	34 Church Street ¹
28	Surgery and residence, 79 Adelaide Street
51	House, 22 Church Street
53	House, 24 Church Street
55	Two storey house and cottage, 26-28 Church Street
88	Osman Street street trees
105	Old growth Elm trees and Hoop Pine trees (Blayney High School), 1 Water Street
109	Residence (former Railway Institute of the Arts), 39 Water Street

Blayney Local Environmental Plan 2012, sets out the objectives for heritage conservation in clause 5.10(1), which states:

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Blayney,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The requirements for an assessment of the effect of development on the heritage values of a place are set out in Clause 5.10(4), which states:

¹ This property is shaded and numbered as a heritage item on the BLEP2012 Heritage Map, however is not listed in the Heritage Schedule of BLEP2012. Also, the NSW State Heritage Inventory database does not have a heritage inventory sheet for this property.

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

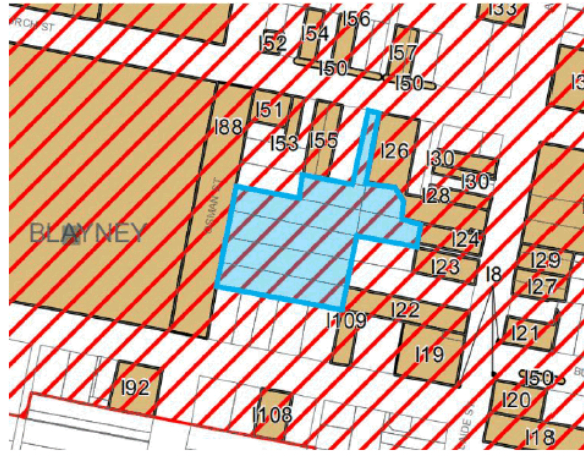


Figure 13: Extract of the Heritage Map of Blayney Local Environmental Plan 2012 showing the heritage items in the vicinity of the subject site and the heritage conservation area (heritage items are shaded brown and Heritage Conservation Areas are hatched red). The subject site is outlined and shaded blue.
Source: NSW Legislation website,

4.0 HERITAGE SIGNIFICANCE

4.1 Heritage items in the vicinity of the subject site

The heritage significance of the following heritage items located within the vicinity of the subject site can be found in the NSW State Heritage Inventory database:²

- National Australia Bank (former CBC Bank and stables), 69 Adelaide Street
- Surgery and residence, 79 Adelaide Street
- Two storey house and cottage, 26-28 Church Street
- Old growth Elm trees and Hoop Pine trees (Blayney High School), 1 Water Street

The heritage significance of the other heritage items is not readily available.

Nevertheless, an assessment of the impact of the proposed development on the setting of these items is made.

4.2 Blayney Heritage Conservation Area

Based on information available on Council's website and in the NSW State Heritage Inventory database, an explanation of the heritage significance of the Blayney Heritage Conservation Area has not been established by council.³ Nevertheless, an assessment of the impact of the proposed development on the character of the existing streetscapes of the conservation area is made.

² <https://www.heritage.nsw.gov.au/search-for-heritage/search-for-nsw-heritage/>

³ Several attempts were made to view the *Community Based Heritage Review* (2010) document on Council's website, however it was not practicable (or even possible) to read the document. The document was able to be found on the Heritage NSW library, however not the inventory sheets, which may have included a sheet for the Blayney Conservation Area. An earlier heritage study, *Blayney Heritage Study Final Report* (1991), was also found in the Heritage NSW library. This earlier study did not recommend a conservation area for Blayney.

5.0 PROPOSED WORK

5.1 Scope

It is proposed to erect a motel on the site of the former Blayney Bowling Club.

There are two planned development stages:

- Stage 1 will focus on meeting the needs of the influx of a construction workforce;
- Stage 2 will occur when the motel reverts to 'normal' operation and will include the removal of some modules and an increase in the number of double rooms.

The proposed works also include: a new sign affixed to the existing sign pole near the Church Street entry; a new glazed entry to the existing building; and, internal works to the existing building.

A future stage, which is not part of the current application, is for the construction of serviced apartments along the Osman Street frontage.

5.2 Documentation

The following documents were reviewed for the preparation of this heritage impact statement:

- *Proposed Site Plan Stage 01*, Sheet A005 of Set 01J, Issue J dated 21 May 2021 prepared by Premise.
- *Proposed Site Plan Stage 02*, Sheet A006 of Set 01J, Issue J dated 21 May 2021 prepared by Premise.
- *Typical 4 Single Accommodation Building*, Sheet A008 of Set 01J, Issue J dated 21 May 2021.
- *Typical 2 Single 1 Double Accommodation Building*, Sheet A009 of Set 01J, Issue J dated 21 May 2021.
- *Typical Accessible Accommodation Building*, Sheet A010 of Set 01J, Issue J dated 21 May 2021.
- *Existing Building Office and Laundry Building*, Sheet A011 of Set 01J, Issue J dated 21 May 2021.



Figure 14: Plan of Stage 1 (top) and Stage 2 (bottom) of the proposed scheme
Source: Premise

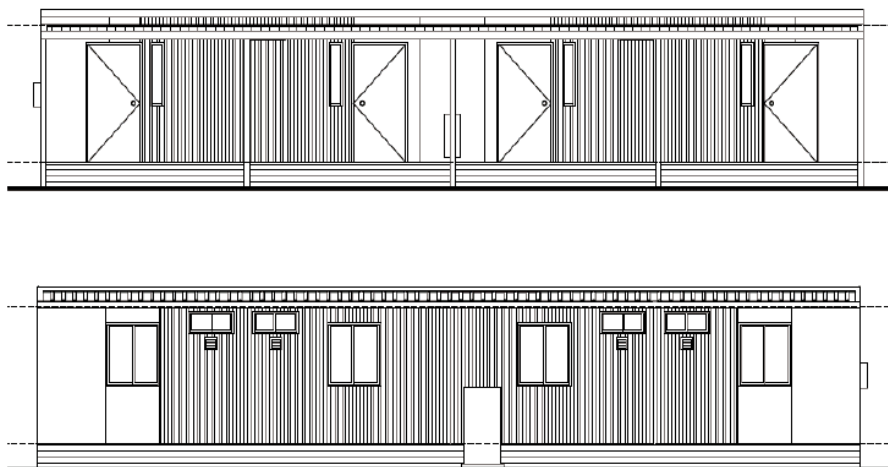


Figure 15: Typical elevations of the motel room blocks.
Source: Premise



Figure 16: Photograph of the same units proposed for the subject site which have been erected at a different location.
Source: Premise

6.0 ASSESSMENT OF THE IMPACT OF THE PROPOSED WORK

The proposed work is assessed below with regard to its impact on the heritage significance of the place, and with regard to the NSW Heritage Division guidelines for the preparation of statements of heritage impact.

6.1 Impact on Heritage Significance

The proposed development is acceptable with regard to its impact on the visual setting of the heritage items located within the vicinity of the subject site because:

- the new buildings are set well away from the nearby heritage items;
- the new buildings are low scale, and subject to an appropriate colour scheme, visually recessive;
- there will be no impact on views to the heritage items;
- some of the large trees at the rear of the site, which contribute to the setting of the nearby heritage items, will be retained, and there is the opportunity to retain other of the trees;
- the rear yards of the heritage items nearby adjoin the subject site, the rear yards being of less significance than the building described in the Heritage Schedule;
- the rear yards help to provide physical separation from the proposed new buildings to the existing buildings listed in the Heritage Schedule, and existing tree canopies in backyards will help to screen (visually separate) the proposed new buildings;
- the proposed new buildings can be screened by trees where there is a potential impact on the setting of heritage items in the vicinity;
- the proposed new sign is modest in size, is related to the proposed motel use, and replaces a previous sign;
- the proposed change to the northern façade of the existing building is a minor change that will have negligible visibility outside the site, and is in keeping with the architectural character of the existing building.

The proposed works are acceptable with regard to their impact on the character of the Blayney Conservation Area (HCA) because:

- the proposed new buildings, subject to some screen planting, will have limited visibility from the public domain with the result that there will be little impact on the aesthetic qualities of the surrounding streetscapes; and,
- the low scale of the proposed new buildings will limit their visual impact – subject to an appropriate colour scheme;
- the proposed new sign is modest in size, is related to the proposed motel use, and replaces a previous sign; and,
- the proposed change to the northern façade of the existing building is a minor change that will have negligible visibility outside the site, and is in keeping with the architectural character of the existing building.

6.2 Heritage Division *Statement of Heritage Impact* Guidelines

The NSW Heritage Division guidelines for the preparation of statements of heritage impact: *Statements of Heritage Impact*, has a number of template questions. Relevant questions are responded to in the table below.

General question	Response
<p>The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:</p>	<ul style="list-style-type: none"> • The proposed development is low scale and will have limited visibility from the street – subject to screen planting and a fence. • The proposed new buildings are set well away from the buildings fronting Adelaide Street and Church Street. • Some of the existing large trees at the rear of the site are proposed to be retained. (This area of the site is proposed to be a carpark.) • Screen planting has been provided to help screen the proposed new buildings from Osman Street, thereby protecting the character of the HCA and the setting of the nearby heritage items. • The proposed new sign is located on the existing sign pole and is modest in size. • The proposed change to the norther façade of the existing building will have negligible, if any visibility from outside the site. <p>Hedge planting has been provided along some boundaries in order to help screen the proposed new motel units and thus help to protect the setting of a number of heritage items adjacent to the subjects site (the two storey house and cottage at 26-28 Church Street, the Club House Hotel at 63 Adelaide Street and the former Railway Institute of the Arts at 39 Water Street).</p> <p>A lapped timber paling fence has been used instead of a Colorbond fence along the proposed western boundary of the proposed motel site.</p>
<p>The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:</p>	<p>The form of the proposed new buildings is neither consistent nor sympathetic with that of the buildings that comprise those of the HCA and the streetscapes that form the setting of the heritage items, however screening of the buildings with planting (and fences), as well as an appropriate colour scheme will make their visual impact acceptable.</p> <p>A group of buildings of the proposed development will be close to the rear boundary of the following heritage items:</p> <ul style="list-style-type: none"> • two storey house and cottage at 26-28 Church Street, • Club House Hotel, 63 Adelaide Street • Residence (former Railway Institute of the Arts), 39 Water Street <p>The proposed buildings should be screened by planting along the boundaries with the above properties. This may require the proposed motel buildings to be set back slightly further from the site boundary.</p>

	<p>A row of buildings of the proposed development will be set along the front of existing club house, such that they would be readily visible from Osman Street. A timber paling fence and row of screen planting will help to ameliorate the visual impact of these proposed buildings.</p> <p>The loss of large existing trees in the area of the proposed carpark will adversely affect the setting of nearby heritage items as the large canopies provide an attractive backdrop to these buildings, and will adversely affect the character of the HCA.</p>
The following sympathetic solutions have been considered and discounted for the following reasons:	It is recommended that the parking layout be adjusted to allow retention of all the trees in the area of the proposed carpark.

Specific question for new development adjacent to a heritage item	Response
How is the impact of the new development on the heritage significance of the item or area to be minimised?	<ul style="list-style-type: none"> • Recessive colour scheme. (A darker colour.) • Screen planting to the fence at the eastern side of the units visible from Osman Street. • Re-use of the existing sign pole.
Why is the new development required to be adjacent to a heritage item?	The subject site is appropriately located for the proposed development, and has a suitable topography.
How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?	<p>The lot boundary curtilage of the existing heritage items will be retained.</p> <p>The visual curtilage of the heritage items will be somewhat affected. Fencing, screen planting and an appropriate colour scheme is recommended to ameliorate the impact.</p>
How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?	The proposed development will not affect views to any of the heritage items located within the vicinity of the subject site.
Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?	Not researched. However the site has been disturbed by the bowling complex.

Specific question for new development adjacent to a heritage item	Response
Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?	The low height of the proposed new buildings is sympathetic.
Will the additions visually dominate the heritage item? How has this been minimised?	N/A
Will the public, and users of the item, still be able to view and appreciate its significance?	N/A

6.2 Blayney Shire Development Control Plan

Section H4 of *Blayney Shire Development Control Plan 2017* sets out controls for development in the vicinity of heritage items.

- The proposal complies with the controls in H4.1 as the proposed new buildings will have a low height, will not obstruct views to the heritage items, and subject to an appropriate colour scheme and screen planting (and fencing), will minimise the impact on the visual setting of the heritage items located within the vicinity of the subject site. The form of the proposed new buildings does not respond to the forms of buildings in the surrounding streetscapes as required by the DCP control, however this is considered acceptable as the proposed new buildings, subject to adoption of the recommendations below, will have a limited impact on the visual curtilage of the nearby heritage items.
- In order to comply with controls in H4.2, the colour scheme of the proposed new buildings should be a mid to dark colour in order to reduce the visual impact of the proposed buildings. The proposed external materials of the proposed new buildings, is not consistent with those of the surrounding heritage buildings, however the materials are considered acceptable, subject to adoption of the recommendations below, as the proposed buildings would then have limited impact on the visual curtilage of the nearby heritage items.

Section H5 of *Blayney Shire Development Control Plan 2017* sets out controls for development within Heritage Conservation Areas.

- For reasons discussed previously, the proposal will have an acceptable impact on the character of the Blayney Heritage Conservation Area, subject to the recommendations below.

7.0 CONCLUSION

Heritage conservation is not about preserving heritage significant places without allowing change. Rather it is about understanding what is significant about a place before deciding on appropriate change. The impact of the proposed new motel has been considered with regard to the setting of the heritage items in the immediate vicinity of the subject site, and with regard to the character of the Blayney Heritage Conservation Area. After a careful assessment it is concluded that, subject to the recommendations below, the proposed works will have a limited and acceptable impact on the heritage significance, and would satisfy the heritage provisions of *Blayney Local Environmental Plan 2012*.

8.0 RECOMMENDATIONS

1. The exterior colour scheme for the proposed new buildings should be visually recessive. Light colours are not recommended. A colour scheme with strong contrasts is not appropriate.
2. Screen planting should be have a mature height similar to the height of the proposed buildings. (The plants must not have a mature height less than 500mm below the maximum height for the proposed buildings.) The screen planting may require buildings to be slightly relocated. Trees should be considered as their canopies provide better visual screening than a hedge which is lower.
3. The parking layout should be adjusted in order to maximize the retention of existing trees. All trees should preferably be retained. (See Figure 17.)
4. The trees must be protected from harm during the works, and the proposed development must not adversely affect the health and vitality of these trees. The advice of a suitably qualified arborist must be sought if necessary.
5. Screen planting could be provided along the northern side of the carpark (see red arrow in illustration below).

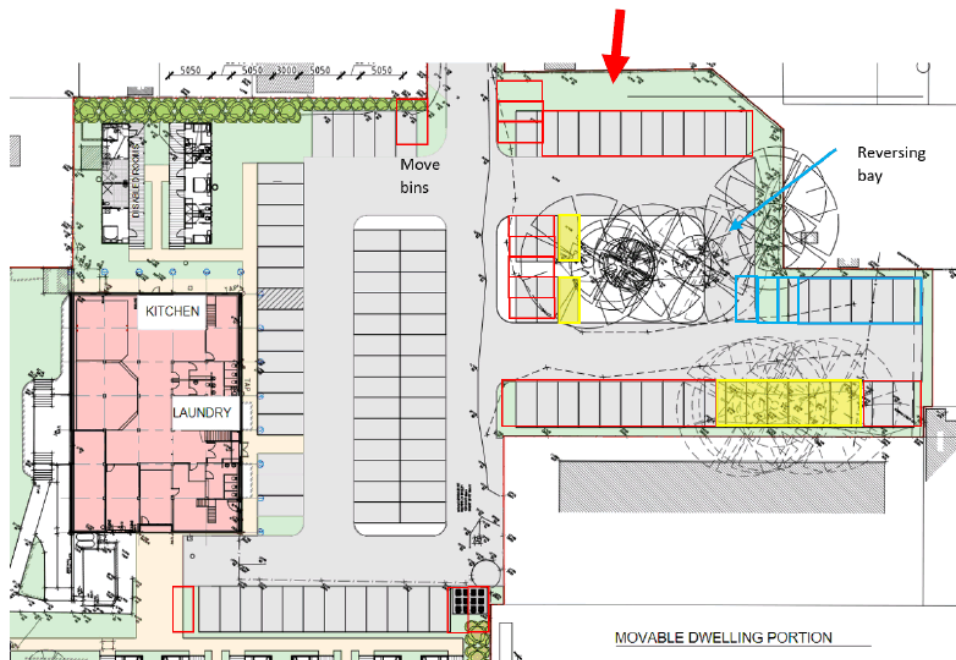


Figure 17: Suggested minor changes to the carpark in order that existing trees can be retained. The yellow area are car spaces proposed to be deleted. It would require 10 car parking spaces to use a reversing bay at the end of their aisle. The red and blue shapes are slightly relocated space proposed and proposed new car spaces (and the relocated bin area).

Source: Annotations by author to drawing prepared by Premise



Premise

Traffic Study

PROPOSED BLAYNEY MOTEL

Report No: 220022_REP

Rev: 001C

27 May 2021



TRAFFIC STUDY
PROPOSED BLAYNEY MOTEL



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1. EXECUTIVE SUMMARY

1.1 Development Summary

Location: 62 Osman Street, Blayney (Lot 1 DP 162646, Lot 8 DP505215, Lot 20 DP569741, Lots 11, 12, 13, 14, Section 13 DP758121, and Lot 10 DP1114679)

Use: Proposed motel development to be developed in two stages

Access: Church Street via battle-axe driveway measuring 8.5 metres wide

Car Parking: **Premise drawings 220022_01J_A001-A011**

2. INTRODUCTION

2.1 Background

The purpose of this Traffic Study is to examine the potential traffic impacts of the proposed motel to be developed at 62 Osman Street, Blayney, being formed of Lot 1 DP 162646, Lot 8 DP505215, Lot 20 DP569741, Lots 11, 12, 13, 14, Section 13 DP758121, and Lot 10 DP1114679

This traffic study has been prepared to accompany the statement of environmental effects (SEE) for the development.

2.2 Site location

The site is located in the centre of a town block with commercial development to the east fronting Adelaide Street, a mix of residential and commercial developments fronting Church Street and residential development fronting Osman and Water Streets.

The Blayney Central Business District is around 100 metres to the east of the site and hosts a range of commercial buildings.

2.3 Site description

The site is irregular in shape, has a frontage to Osman Street in the west and a vehicular access driveway connection to Church Street in north.

The site is characterised by the former bowling club use, with a main two storey club house building in the centre of the sites, together with outdoor bowling greens, car parking areas and various ancillary structures. The former bowling club building is unremarkable in appearance with limited streetscape value or architectural merit. The building is well set back from Osman Street.

A number of larger established trees are present in the east of the site within the former car parking area. These would be retained.

The subject site is depicted in **Figure 1**.

Figure 1 – Subject site



2.4 PROPOSED DEVELOPMENT DESCRIPTION

The development involves the two stage delivery of a proposed motel development on land at 62 Osman Street, Blayney (Lot 1 DP 162646, Lot 8 DP505215, Lot 20 DP569741, Lots 11, 12, 13, 14, Section 13 DP758121, and Lot 10 DP1114679). The site features the former Blayney Bowling Club.

The proposed stages of the development are set out as follows:

1. Stage 1 – Placement of 26 modular buildings on site to provide 92 single and six (6) double motel rooms (including two (2) disabled accessible rooms), together with development of 80 at-grade car parking spaces and development of a portion of the former bowling club building to provide on-site laundry and kitchen amenity areas and site office;
2. Stage 2 – Removal of three modular units, and the replacement of other buildings to increase the number of double rooms to eleven (11), and reducing the number of single motel rooms to 70 (81 rooms in total), and the replacement of these units with 20 additional car parks, bringing total parking to 100 spaces.

As an unrelated component of the project, it is proposed to develop buildings fronting Osman Street, conceptually in the form of single storey, detached dwellings. The exact form and scale of this development is not yet finalised and would be the subject of further development and design, including discussion with Council heritage and planning staff. This future development does not form part of this DA.

3. EXISTING TRAFFIC CONDITIONS

3.1 EXISTING ROAD NETWORK

3.1.1 OSMAN STREET

Osman Street is a sealed, two lane, two-way local road reaching 15 m wide with sealed shoulders on both sides of the road.

The applicable section of Osman Street extends from Adelaide Street in the south through to Railway Lane in the north of Blayney and is aligned in a north – south direction. Speed limits in the area are posted 50km/hour.

Figure 2 below shows the intersection of Osman Street and Church Street and provides a typical section of Osman Street near the subject site. No parking restrictions apply to this section of Osman Street.

Figure 2 – Osman Street



3.1.2 CHURCH STREET

Church Street is a sealed, two lane, two-way local road reaching 19 m wide with sealed shoulders on both sides of the road.

The applicable section of Church Street extends from Adelaide Street in the east and turns into the Orange Road on the outskirts of Blayney. It is generally aligned in an east- west direction. Speed limits in the area are posted 50km/hour.

Figure 3 below shows the Church Street at the property entrance and provides a typical section of Church Street near the subject site. No parking restrictions apply to this section of Church Street.

Figure 3 – Church Street cross section



3.2 Existing Roadway Capacity

The provision of roads within an urban area provides four main functions:

- i. to cater for moving vehicles;
- ii. to cater for parked vehicles;

- iii. to cater for pedestrians and bicycle traffic; and
- iv. to allow for development and to provide access to adjoining property.

In carrying out the above functions, a road must also be capable of handling the traffic demands placed on it. Roads have varying capacities dependent on the function they are performing. The United States Highway Capacity Manual defines capacity as follows:

“Capacity is the maximum number of vehicles which has a reasonable expectation of passing over a given section of a lane or roadway in one direction (or in both directions for a two-lane or three-lane highway) during a given time period under prevailing roadway and traffic conditions.”

The physical characteristics of a roadway such as lane width, alignment, frequency of intersections *etc.* make up the prevailing roadway conditions.

Level of Service of a road is a qualitative measure based upon a road's capacity and driver expectations of the operational characteristics of a traffic stream. Level of Service definitions combine such factors as speed, travel time, safety, convenience and traffic interruptions and fall into six levels of service categories ranging from A down to F.

The Austroads *“Guide to Traffic Management Part 3: Traffic Studies and Analysis”* describes Level of Service A as:

A condition of a free flow in which individual drivers are virtually unaffected by the presence of others in the traffic stream. Freedom to select desired speeds and to manoeuvre within the traffic stream is extremely high and the general level of comfort and convenience provided is excellent.

The categories are graduated from Level of Service A down through six levels to Level of Service F that is a zone of forced flow. If the amount of traffic approaching the point under consideration exceeds that which can pass it flow breakdowns occur and queuing and delays result.

The existing connections onto the surrounding road network provide access to and from the development site via a system of roads regulated by efficient traffic controls such as intersection controls.

The site formerly hosted the Blayney Bowling Club, featuring an extensive car parking area and likely to have generated significant traffic during busy periods.

The traffic environment in the area around the former bowling club has therefore been historically characterised by vehicles accessing the site from Church Street.

Access is also gained via the subject site to a development of storage buildings (via a right of carriageway – which would be maintained) and also provides informal rear access to Central Tablelands Water's operations fronting Church St. This rear access has been discussed with CTW and will be maintained by the applicant.

Church Street is the primary road connection between Blayney and Orange, and is a wide street providing for reverse access angled on-street parking. No parking limits are evident.

To the west of the subject site, also located on Osman Street, is the Blayney High School, and further to the north-west fronting Church Street is Blayney Public School.

Osman Street has no on-street parking restrictions.

Based on the physical configuration of Osman Street and Church Street in the vicinity of the development site, observations of traffic movements and the methodology outlined in the Austroads *“Guide to Traffic*

Management Part 3: Traffic Studies and Analysis", the capacity and Level of Service of the surrounding roads can be determined as Level of Service A with a two way capacity of 1,200 vehicles per hour.

3.3 Existing Annual Average Daily Traffic

Annual Average Daily Traffic (AADT) is defined as the total volume of traffic passing a roadside observation point over a period of a year divided by the number of days in the year.

Site specific AADT traffic data was not collected on individual roads surrounding the proposed motel development site for the preparation of this Traffic Study

The closest locatable traffic counter in the urban area of Blayney is located on Adelaide Street, approximately 50 metres south of the intersection with Church Street. AADT from this counter for the period 2009 was approximately 3,250 vehicles in each direction. As Adelaide Street is an arterial road providing linkages from Bathurst in the north towards Carcoar and Cowra in the south-west, it is expected traffic on this road would be significantly higher than the smaller urban local roads connecting to it.

It is expected that vehicles arriving to the motel site from the north and south, would have travelled via Adelaide Street and on to Church Street. Vehicles arriving from or travelling to Orange would have travelled from Church Street/Orange Road in the west.

Traffic travelling to and from the subject site to the Cadia mining operation is expected to travel along Church Street.

Traffic travelling to Flyers Creek wind farm is expected to travel to and from the site via Adelaide Street (south) and Church Streets.

Traffic travelling to the proposed Regis McPhillamy Mine is expected to travel to and from the site via Adelaide Street (north) and Church Streets.

Travellers from Sydney and the Blue Mountains are expected to and from the site via Adelaide Street (north) and Church Streets.

Traffic volumes along Church Street are expected to be heavily dominated by traffic accessing the Blayney CBD, traffic travelling to and from Orange, Cadia etc and local traffic.

3.4 Former land use

The site formerly hosted the Blayney Bowling Club, consisting of a bowling club building with the following relevant floor areas (based on an internal measure and drawn by Premise architects, and a review of building plans obtained from Council):

- 150 square metres of pub/bar area upstairs
- 300 square metres of restaurant/eating
- 230.5 square metres of pub/bar area downstairs

TOTAL = 680.5 square metres

The site also featured three outdoor bowling greens.

The RTA Guide to Traffic Generating Developments notes with respect to licenced clubs that:

The 1978 surveys of clubs found an evening peak period traffic generation of 10 veh/hr/100 m² licenced floor area, and a total vehicle generation over the 4.00 pm to 1.00 am period of 90 veh/100 m² licenced floor area.

Given the location of the club in a smaller town, and the commensurate lower levels of patronage, it is reasonable to adopt a figure of 40% of the indicated rate to provide a reasonable determination of traditional levels of traffic generation at the site.

Therefore, based on the size of the club and the adoption of a 60% reduction factor as noted, the former use of the land as a bowling club is expected to have generated the following levels of vehicle generation:

- Evening peak period traffic – $680/100 = 6.8 \times 10 = 68 \times 0.4 = 27.2$ (28)
- Total vehicle generation between 4 pm and 1 am = $680/100 = 6.8 \times 90 = 612 \times 0.4 = 244.8$ (245)

As evidenced, traditionally traffic generation associated with the licenced clubs (such as bowling clubs) occurred during the later afternoon, evening and night time period.

4. TRAFFIC IMPACT OF THE PROPOSED DEVELOPMENT

4.1 Traffic Generation

Traffic generation regarding the proposed motel is based on staff and guests staying at the facility.

The RTA Guide to Traffic Generating Development predicts traffic generation rates associated with motels at three movements per room per day, with evening peak hour vehicle trips at 0.4 unit.

Therefore, at full operational capacity of 98 rooms (92 single and six (6) double at stage 1), the development is anticipated to generate 294 vehicles per day and 39.2 (40 rounded up) vehicle trips in the peak hour.

The Guide notes that these figures are based on 100% occupation and rates based on 85% occupancy on the peak day of the week may be appropriate. This would reduce generation levels in the peak hour to 34.

It is anticipated that during the first 4-5 years of operation of the motel will be heavily patronised by short term construction workers involved with a range of large scale projects in the locality including the Newcrest Cadia mine expansion, the development of the Flyers Creek Wind Farm and the potential development of the Regis McPhillamy Gold Mine.

During these periods, it is expected that approximately 60% of guests would be associated with commercial clients managing construction and similar projects. These workforces are managed by project recruitment teams and expect to engage workers from out of region areas that cannot be sourced locally. These workers would be expected to work on a 7 day on, 7 day off cycle, or some other even time roster. They will typically arrive by plane to the Orange airport, and then to the motel by bus, or by bus from out of town locations. Individual workers are not expected to typically travel by private light vehicles. This will significantly reduce likely traffic generation rates associated with the motel in the first 4-5 years.

Based on the assumption of 60% construction worker usage, this would reduce traffic generation levels in the peak hour to 13.6 (14) movements.

After this initial 4-5 year period, rates consistent with the RTA guide predictions are expected.

To be conservative, the higher generation figures and 100% occupancy has been adopted for this assessment to ensure the site is capable of accommodating the development.

Therefore, the PM peak associated with the proposed motel is assumed to be 40 movements.

4.2 Traffic Impact

4.2.1 PEAK HOUR TRAFFIC

As stated, PM peak associated with the proposed motel is assumed to be 40 movements.

Also as stated, traditional peak movements associated with the former bowling club use are estimated to be 28 (rounded up) during the evening peak and 245 (rounded up) across the evening period.

There is therefore an increase in movements in the peak hour period from a vehicle approximately (on average) every 2 minutes to a vehicle every 1 and half minutes.

This remains a very low level of usage, and is noted to occur in peak hour periods only. Outside of this time, lower levels of traffic usage are reasonably predicted, with very little activity across the middle of the day.

Staff are expected to arrive outside of peak periods.

The impact of the additional traffic generated by the proposed motel is not significant and the functional classification of the roads will not change.

4.2.2 SITE ACCESS AND EGRESS

Access to the former bowling club is via an existing sealed 60 metre long, 8 metre wide (4.5 metre bitumen sealed) access handle connecting to Church Street. A concrete ramp 8 metres wide provides access across the gutter.

Land uses directly adjacent to this access handle are zoned for commercial purpose, and are occupied by a commercial land use to the west (Central Tablelands Water) and residential to the east.

The driveway sealed width would be upgraded to 6 metres as a component of this application to ensure that two vehicles can safely pass one another.

Once operational, the largest vehicles entering the site would be expected to be a small bus (up to 22 seat) and a 8.8 metre rubbish collection vehicle. The proposed modifications to the access handle will ensure it is capable of accommodating these vehicles.

A give way sign has been erected at the exit to ensure exiting vehicles enter Church Street safely. This would be maintained.

5. PARKING REQUIREMENTS

5.1 Car parking

Blayney Shire Council's Development Control Plan provides that parking for motels is to be provided on the basis of:

1 space for each unit + 1 space per 2 staff.

If restaurant - Add 1 space per 6.5m² of GLFA of restaurant.

If function room - Add 1 space per 3 seats.

No restaurant or function room are proposed via this application, therefore parking requirements are on a per unit basis.

Parking on the basis of proposed stages is outlined in **Table 1**.

Table 1 – Parking requirements by stage

Stages	Motel Rooms	Parking required	Staff parking – 10 staff (all stages)	Total required	Parking proposed	Deficiency
Stage 1	98	98	5	103	82	-21 (-20%)
Stage 2	81	81	5	86	100	+14 (16%)

As evidenced above, parking requirements are slightly deficient in stage 1, but compliant in stage 2.

As outlined in **Section 2.4**, it is proposed and anticipated that the development would, in the first 4-5 years, host short term construction workers visiting the region for short periods of time to work on a range of large scale projects, including the Newcrest Cadia expansion, Flyers Creek Wind Farm and, potentially, the Regis McPhillamy gold mine project.

These workers would fly to Orange, and be bussed (by mini-bus) to the site, or would arrive by bus from Sydney or other areas. It is our view that the minor predicted deficiency in parking on site is therefore more than offset by the nature of the occupants, who will not typically rely on light vehicles and therefore do not require the same level of parking provision.

A dedicated parking space for a bus is provided.

Notably, if parking is supplied for the 85th percentile level of usage (as recommended by the RTA Guide), at stage 1, 88 parking spaces are required. This reduces any deficiency to just six spaces. Parking in relation to stage 2 exceeds Council's requirements.

The minor deficiency noted in respect of stage 1, and bearing in mind compliance is achieved at stage 2, reflects that the development can be accommodated within the site without resulting in undue impacts to the local traffic environment.

6. CONCLUSION

6.1 Summary

The development of the Blayney motel represents an excellent opportunity to make effective use of a site that has fallen out of use and, if not brought into use, risks degrading the amenity of the area and leading to increased levels of anti-social behaviour.

The site is well suited to accommodate the proposed motel use in terms of traffic generation, site access and car parking. The minor deficiency in parking at stage 1 (based on 100th percentile parking provision) is acceptable in the context of the nature of the method of proposed use during these stages. In the ultimate arrangement, the development is compliant.

6.2 Recommendations

In the final arrangement, a total of 100 car parking spaces have been proposed for the site. This exceeds the parking requirements of the DCP.

7. REFERENCES

Table 2 – References

References

NSW Roads and Traffic Authority. 2002, <i>Guide to Traffic Generating Development</i> .



Premise



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APPENDIX B2

TRAFFIC STUDY ADDENDUM



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Our Ref: 220022_LEOD_001

30 March 2021

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

Attention: Ms Jadyn Burns

Dear Ms Burns

**DA 4/2021 TRAFFIC STUDY FOR THE PROPOSED MOTEL ACCOMMODATION AT 62 OSMAN STREET
BLAYNEY COUNCIL REFERENCE PAN 59298**

Reference is made to Council's letter dated 23 February 2021 providing Premise with the response from Transport for NSW (TfNSW) for its assessment of the Traffic Study submitted in support of the Development Application for the proposed motel accommodation is Osman Street, Blayney.

The following information is submitted in response to the traffic issues raised by TfNSW, particularly the assessment of the operation of the intersection of the site driveway access and Church Street and Church Street and Adelaide Street.

The driveway access to the carparking area associated with the motel development is off Church Street and Church Street intersects with Adelaide Street approximately 120 to the east of the existing carparking access.

Church Street is indicated as MR245 and Adelaide Street as HW6 (Mid Western Highway) in accordance with TfNSW's Schedule of Classified Roads. The development of approximately 82 carparking spaces ancillary to the development of the motel complex with an access off a classified road requires the assessment of the development pursuant to Clause 104 of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP).

The Traffic Study (dated 16 December 2020) submitted in support of the development application determined the evening peak period traffic volumes for the former bowling club use of the site and for the redevelopment of the site as the motel complex based on generation rates outlined in the RTA *Guide to Traffic Generating Developments*.

The Traffic Study determined that with a significant 60% discount to the traffic generation from the former Blayney Bowling Club building, the former usage on the site generated 28 vehicles per hour in the evening peak period.

The Traffic Study determined that the 98 proposed motel rooms generated 40 vehicles per hour in the evening peak period at 100% occupancy of the motel rooms.



By comparing the heavily discounted traffic generated by the former bowling club and the traffic generated by the proposed motel complex at full occupancy, there is a nett increase in peak hour traffic movements from the site of:

$$40 \text{ vehicles per hour} - 28 \text{ vehicles per hour} = 12 \text{ vehicles per hour.}$$

The nett increase in the peak hour traffic movements is not significant for the operation of the surrounding road network, noting that the traffic environment in the area around the former bowling club has been historically characterised by vehicles accessing the site to and from Church Street.

Notwithstanding the operation of the former Blayney Bowling Club with traffic generation of up to 28 vehicles per hour, to assess the impact of the full development of the motel complex and taking as a worst case scenario, the peak hour traffic generating estimate of 40 vehicles per hour will be used to assess the operation of the subject intersections as indicated in Council's letter.

Council letter advises that the Year 2021 estimated AADT for Church Street and Adelaide Street are:

Church Street	5,942 vehicles per day
Adelaide Street	6,991 vehicles per day

To allow a comparison of the peak hour traffic generation from the motel complex and the traffic on the surrounding streets, the Year 2021 AADT data can be converted to a corresponding estimate of peak hour traffic.

An accepted RMS methodology is to take 10% of AADT to estimate peak hour traffic volumes, therefore, estimates of the peak hour traffic can be calculated as:

Church Street:	$5,942 \times 0.10$	=	595 vehicles per hour
Adelaide Street:	$6,991 \times 0.10$	=	700 vehicles per hour.

The additional peak hour traffic volume from the motel complex (40 vehicles per hour) increases the traffic volume on Church Street by 6.7% and on Adelaide Street by 5.7%. The percentage increases in the traffic volumes on the 2 roads are not significant.

However, by way of further comparison, based on the road configuration and the methodology outlined in *AUSTROADS Guide to Traffic Management Part 3: Traffic Studies and Analysis*, the two way capacity and Level of Service of the subject roads can be estimated as:

Church Street:	Level of Service A	1,200 vehicles per hour
Adelaide Street:	Level of Service A	1,800 vehicles per hour

Based on the post development traffic volumes on the subject roads, the Operational Capacity of the road can be calculated. The Operational Capacity of a road is the percentage of actual volume capacity that the road is functioning at. The Operational Capacity of the subject roads is set out below:

Church Street:	$595 + 40 = 635 \text{ vehicles per hour} / 1,200 \text{ vehicles per hour} =$	52.9%
Adelaide Street:	$700 + 40 = 740 \text{ vehicles per hour} / 1,800 \text{ vehicles per hour} =$	41.1%

Both roads are operating well below the full Operational Capacity of the road at a Level of Service A and again the impact of the additional traffic generated by the motel complex is not significant.



Finally, the assessment of the operation of the intersection of the site driveway access and Church Street and Church Street and Adelaide Street can be carried out.

Whilst the driveway access onto Church Street is a private driveway crossover from the former bowling club parking and the proposed carparking associated with the motel complex development, the access driveway onto Church Street is controlled by a Give Way sign.

It is recognised that the access driveway off Church Street also provides a Right of Carriageway over the site for Central Tablelands Water. It is not expected that the traffic generated by Central Tableland Water would coincide with evening peak hour traffic generated by the proposed motel complex.

AUSTROADS recognise that there is a threshold below which the analysis of the operational parameters of an intersection is not warranted due to low traffic volumes using an intersection.

Section 4.0 Capacity in *Intersections at Grade* tabulates the limits on cross or turning traffic at intersections for a range of through traffic volumes where a SIDRA analysis or other assessment procedures are not warranted.

The information for a two lane through roadway traffic volume (two way hourly volume) and the corresponding cross road (or side street) traffic volume is:

Two Lane Through Roadway	400 veh/hour	500 veh/hour	650 veh/hour
Cross Road	250 veh/hour	200 veh/hour	100 veh/hour

For Church Street, with a two way peak hour traffic volume of 595 vehicles per hour it falls between the 500 veh/hour and 650 veh/hour tabulated values. Therefore the corresponding cross or turning traffic from a side road could range from 200 veh/hour to 100 veh/hour.

Even if the peak hour traffic volume in Church Street was 650 vehicles per hour, 100 vehicles per hour could use the access driveway to the carpark without the need for a full analysis of the intersection operation to be carried out. As the peak hour traffic volume from the motel complex carpark is only 40 vehicles per hour, the access driveway and Church Street intersection operates satisfactorily.

The intersection of Church Street and Adelaide Street is controlled by Give Way signs on the Church Street legs of the intersection and each leg of Church Street also has a central concrete median island to control the movement of traffic to and from Church Street.

If its is assumed that the estimates of peak hour traffic in Church Street (595 vehicles per hour) and Adelaide Street (700 vehicles per hour) all use the intersection, then approximately 1,295 vehicles per hour would pass through this intersection.

The additional traffic generated by the proposed motel complex (40 vehicles per hour) would increase the total peak hour traffic volume using the intersection by approximately 3.0%.

The intersection facilities provided to control the traffic in Adelaide Street and Church Street are satisfactory for the operation of the existing traffic volumes using the intersection and for the additional 40 vehicles per hour generated by the proposed motel complex.

The additional traffic generated by the motel complex can be easily absorbed into the surrounding road network with no impact on the existing traffic streams.



We trust that the provision of this information satisfactorily addresses the traffic issue raised by TfNSW, particularly the assessment of the operation of the intersection of the site driveway access and Church Street and Church Street and Adelaide Street.

However, if there are any further questions in regards to this matter or any issue requires clarification, please do not hesitate to contact our Dubbo office.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'S. Hoynes', written over a faint circular stamp.

STEPHEN HOYNES

Principal | Civil Engineer

STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION



We have reviewed the public submissions received by Council that are against the project. We provide the following responses per submission. We have not provided any response to the submissions in favour of the application.

We have reviewed the regulatory agency submissions. We have separately provided a response to the matters raised by Transport for NSW and the NSW Police. From our review of the other regulatory responses, there are no matters requiring a specific response. The applicant has commenced consultation with Central Table Lands Water around providing rear access to their site at 30 Church St. There is no current right of access to this area and this is a private matter, unrelated to the determination of the development application.

Response to submissions opposing the development

Submission 1 – undated hand written submission

This submission appears primarily concerned with requesting an extension of the public notification period. We understand Council did extend the period, to which the applicant has no objection.

No other matters raised requiring a response.

Submission 2 – hand written submission with a stamped Council receipt date of 18 February 2021

Forms the view that the modular units proposed by the application to provide the motel should be assessed against the provisions of the Building Code of Australia.

It is the view of Premise that the proposed use of the modular buildings as moveable dwellings and the characterisation of the land use as a motel are two different aspects of the project. There is no reason in planning law that suggests that a land use characterised as a motel must be formed of buildings whose construction method is assessed against the BCA. It is notable, by way of example, that moveable dwellings installed in caravan parks are able to be used as tourist and visitor accommodation and this does not trigger the need for compliance with the BCA.

The *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* (LG Regs) provides a range of construction standards that must be complied with in installing moveable dwellings outside of a caravan park, as is the case with this application. The LG Regs provide a suitable standard for ensuring an adequate standard of construction is provided for the installed units.

Submission 3 – 8 page typed submission

This submission raises a number of points that have been addressed under the following headings (adopted from the submission).

The submission objects to the proposal and notes a preference for the development of the site for another purpose. The application before Council is for a motel and no other purpose. Potential other uses of the site are not a relevant consideration for Council in assessing and determining this application.

The submission notes another application proposed by the applicant in another local Council area. This is also not a material consideration in the assessment of this application.

Is the project permissible with consent as a 'motel' under Blayney LEP?

This element of the submission posits the view that the term tourist and visitor accommodation must be read with a hard AND, to mean that tourist and visitor accommodation is only able to be used by persons who are both tourists and visitors to the region. This flies in the face of logical wisdom, in which a person may visit an area for a variety of reasons, of which tourism may be just one. To suggest that a person who is not a visitor

STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION



may not stay in this form of accommodation fundamentally misunderstands the principles behind the Local Environmental Plan standard instrument. A person may be either a tourist or a visitor for another reason, and be in need of accommodation. At present a substantial portion of the motels, hotels and other accommodation types in Blayney and Orange are occupied by workers who are visitors to the area in a professional capacity, for a short period of time, before returning to their primary place of residence. In the submitters view, these people are not tourists and visitors and should therefore not be provided with accommodation. This approach is logically flawed.

As has been made clear by the applicant, this motel development in part responds to the surge in demand in the region of late occurring as a result of an influx of construction workers; a circumstance that may last a number of years. However it is not solely designed to meet this need, with a recognised shortage of accommodation across the region to host both tourists and visitors. The motel application seeks a permanent approval and will outlast the short term construction projects in the area. The nature of the accommodation is geared towards solo travellers, which make up a significant proportion of the travelling public, but will also transition to provide a greater proportion of double rooms, to ensure it will also cater for couples travelling. The benefit of modular construction is that it is readily adaptable to meet the changing demands of the industry.

Do the modular units meet all relevant regulations and building codes etc?

This element of the submission provides commentary on a BCA report prepared for another development application at another site. It is not relevant to this application and should be disregarded.

Is it lawful to install the modular units on the site?

This element of the submission appears to focus on whether there is a limit on the number of moveable dwellings able to be installed on the site, noting that only one movable dwelling may be installed per 'dwelling site'.

The submission provides a helpful definition of a dwelling site, which clarifies what the term means in relation to a manufactured home estate or a caravan park.

As the site is neither a manufactured home estate nor a caravan park, it follows that the clause does not apply to the proposal.

Other considerations

Heritage

The submitter forms the view that the proposed development is not sympathetic to the heritage significance of the locality and awaits the comments of Council's heritage advisor. At the time of writing, the applicant has not yet been provided with the comments of Council's heritage advisor.

The site is well hidden from the public domain, and additional treatments including use of appropriate materials and paint treatments, together with fencing and landscaping, assists to integrate the development with the locality. A significant impact to heritage significance is not predicted, as reflected by the lodged statement of heritage impact.

Traffic management

A traffic study has been prepared and submitted. Transport for NSW have reviewed this. To date we have seen a number of minor requests for information which have been addressed via our submission above.

The submitter notes concerns with fatigued workers arriving home late after shifts. As outlined in the SEE, it is expected that workers will be collected and dropped off by bus, to minimise issues with fatigue. Guests not associated with the construction industry may, like any other motel, arrive late in the evening/night or leave

STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION



early in the morning. This applies to a small proportion of guests and is unlikely to lead significant off site impacts, and is not radically dissimilar to the former bowling club use.

Levels of traffic are expected to be low during the peak hour period (as set out in the traffic study) and consistent with the former bowling club use. Greater impacts are not predicted.

Noise

Noise impacts are addressed in the SEE and in the response to Council's initial Council Information Request. Noise impacts are considered consistent with other motel developments, and with the former use of the site as a bowling club, and are consistent with the central location. Noise levels would be generally low and manageable. Boundary fencing, landscaping and the operation of the management plan will assist to ameliorate any residual impacts of noise.

For the avoidance of doubt, the use of mobile coffee vendors does not form part of the application. Guests will need to travel off site to purchase meals.

Lighting spillage

Submission raises concerns about offsite light spill and the impacts of vehicle headlights for existing vehicles.

All signage would be designed and installed to ensure compliance with *AS 4282-1997 Control of the obtrusive effects of outdoor lighting* to ensure that offsite light spill is minimised to a reasonable level; noting that the historic use of the site included on site lighting for the former bowling greens that is consistent with the level of lighting proposed.

There is no change to the access/egress point of the site and as such the impacts of exiting vehicles during the night time period is considered to be consistent with the historic and ongoing use of the site. It is also noted that the exit point is directly opposite to Adelaide Lane and as such the direct pathway of vehicle lights is not into any residential building. The closest building likely to be affected is a public hall, which is not inhabited.

Peace and order

Comments under this heading include a question about the suitability of the draft management plan, together with a range of complaints about the timing of the lodgement of the application, having not been provided with all the information and not having been provided sufficient time to respond to the application.

The applicant has no complaint with the manner in which Council has handled the application, including the extension of the public notification period, to provide notified persons with additional time to make a submission.

The draft management plan is provided as a starting point for discussions with Council and will be subject to iterative development with council to ensure the final document is robust and fit for purpose. It will be updated to respond to the content of any conditions of consent, in the event consent is forthcoming. Once finalised, it will be a living document, that will be regularly reviewed, to ensure it remains fit for purpose and responsive to the evolving needs of the development.

The submission provides an objection to the Council's handling of the application. This is not a matter for the applicant to comment on. As stated elsewhere, the applicant has no objection to Council's handling of the application.

Conclusion

The conclusion notes that the development application does not address a number of strategic documents, including the community strategic plan. These high level documents provide a hierarchy for the overarching

STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION



objectives of the local planning framework. They form a basis for Council's statutory documents and are the foundations for any review of the Council's LEP. The LEP is the statutory document by which development is guided, and is supported by the adopted Development Control Plan. These documents have been addressed extensively in the SEE and the application as lodged, including the information that supports it, is considered to provide a robust assessment of the proposed application. It is for Council's planning staff to assess the application and a decision to be taken in line with Council's delegation scheme.

Submission 4 – hand written submission of 3 pages

The submission notes concerns with the use of modular buildings in the context of the heritage significance of the locality. This has been addressed elsewhere in this response, and in detail in the SEE and supporting statement of heritage impact.

The submission notes an understanding that the site was to be developed for seniors housing. This point has been addressed earlier in this submission.

The submission notes, incorrectly, that the proposed development would be self-sufficient in food preparation. The applicant has commenced discussions with local Blayney businesses to ensure there is capacity in the local market to provide necessary food and services to support the development. This is an opportunity for new or emerging businesses to grow in conjunction with the proposed motel.

The submission notes the development would be better suited to a non central location. This is directly contrary to the objective of the project, which was to find a site close to shops and services that guests could make use of. Putting the development on the edge of town introduces zoning issues as well as increasing dependence on vehicles. A central location is the preferred location for a development of this nature.

The submission raises concerns with 'logistical' issues, including traffic, noise, lighting and 'peace and order'. These have been addressed elsewhere in this response.

The submission raises concerns about COVID-19 and the air conditioning systems. Like all businesses and developments, the site would need to develop and implement a COVID-safe plan to ensure the safety of all stakeholders.

The submission makes note that the SEE does not address a number of strategic documents. This has been addressed elsewhere in this response.

Submission 5 – typed submission dated 2 February 2021

The submission raises concerns about headlights pointing into their property. This issue has been addressed elsewhere in this response.

The submission raises concerns about traffic generation and associated impacts. The traffic study submitted in support of the application addresses this matter in detail.

Concerns are noted about impacts during construction. These are considered manageable through implementation of appropriate construction controls. The applicant has no objection to a condition of consent to this effect.

The submission raises concerns about anti-social behaviour from guests. The application provides a draft management statement that includes expectations as to guest behaviour, like any modern motel. Guests not adhering to the requirements of the management plan would, like in any modern motel, be asked to leave. On site management and security will be provided 24 hours a day to ensure that these matters can be handled with a minimum of fuss.

The submission also raises concerns with noise and lighting, both of which have been addressed elsewhere in this response.

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STATEMENT OF ENVIRONMENTAL EFFECTS
IN SUPPORT OF A DEVELOPMENT APPLICATION



Submission 6 - typed submission undated

Submission objects to the location of the proposed motel. The submission raises concerns about traffic impacts, noise and impacts to local services. Suggests the proposal would be better suited to the industrial area of town.

Issues around traffic and noise have been addressed elsewhere in this response.

A detailed analysis of impacts to services is being completed and any necessary augmentation of services required to support the proposed development would be completed at the applicants cost.

A motel, or in fact any form of tourist and visitor accommodation, is not permitted in either the IN1 or IN2 industrial zones in Blayney. An industrial zone is not an appropriate location for any form of human habitation.



GENERAL NOTES:

- ALL DIMENSIONS GIVEN ARE TO FACE UNLESS OTHERWISE NOTED.
- SCALE DRAWINGS FOR DIMENSIONS TO CONSTRUCTION.
- ALL WORK SHOWN ON THE DRAWING IS TO BE DONE BY THE CONTRACTOR.
- RELEVANT AUTHORITIES & TITLES TO BE OBTAINED BY THE CONTRACTOR.
- ALL WORKMANSHIP & MATERIALS TO BE AS PER THE DRAWING.
- THIS DRAWING TO BE READ IN CONJUNCTION WITH THE SPECIFICATIONS.





[illegible]

STEEL FRAMED VERANDAH STRUCTURE—
CONSTRUCTED ON SITE TO EACH MODULAR BUILDING.
VERANDAH SURFACE TO BE TIMBER DECKING BOARDS TO OWNER'S
ELECTION. ROOFING MATERIAL TO MATCH MODULAR BUILDING ROOF.

01 TYPICAL ACCESSIBLE MOVABLE DWELLING CLUSTER - PLAN

02 TYPICAL ACCESSIBLE MOVABLE DWELLING CLUSTER - ELEVATIONS

Refer AISC Standard Drawings for finishes descriptions and detailed descriptions.

[illegible]

APPROVAL	BLAINEY REGIONAL COUNCIL
DATE	LOWEST HOLDINGS
PROJECT	PROPOSED BLAINEY MOTEL DEVELOPMENT

Premise

ORANGE

MADE IN THE U.S.A.
PAID FOR BY THE
FEDERAL GOVERNMENT

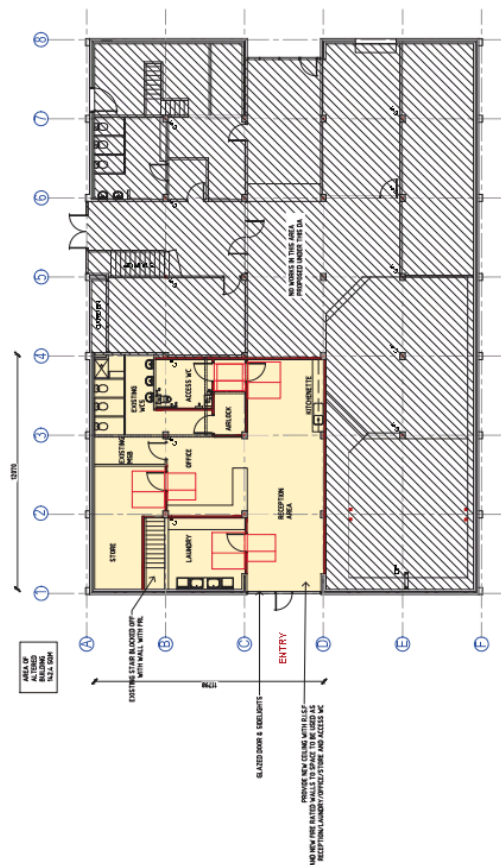
100% Natural Orange
Juice with Natural Flavors

Includes 100% Natural Orange Juice

TYPICAL ACCESSIBLE ACCOMMODATION BUILDING	
PRICE / NUMBER 20022	DEPARTMENT / UNIT / ACQUISITION
QUANTITY 1	AT 150 1100
MAKE / MODEL	150 1100
01J	

LEGEND

	NEW WALL
	DEMOLISHED WALL



01 PROPOSED OFFICE AND LAUNDRY IN THE EXISTING BUILDING
- 1100 QAL 1 200 QAL

[illegible][illegible]

SPONSOR	BLAINEY REGIONAL COUNCIL
ITEM	ROSEY HOLDINGS
PROJ. NO.	PROPOSED BLAINEY MOTEL DEVELOPMENT

[illegible]

EXISTING BLDG. OFFICE & LAUNDRY	
PROJECT OF NUMBER 230122	DATE/PRICE / 10/11/10 230122
ORGANIZATION 41	AT 1:50 1:50
SCALE 1:100	1:100
DATE 10/11/10	01J

Reasons for Conditions

- To maintain neighbourhood amenity and character.
- To ensure compliance with relevant statutory requirements.
- To provide adequate public health and safety measures.
- Because the development will require the provision of, or increase the demand for, public amenities and services.
- To ensure the utility services are available to the site and adequate for the development.
- To prevent the proposed development having a detrimental effect on adjoining land uses.
- To minimise the impact of development on the environment.

Deferred Commencement

1. Deferred Commencement Condition – Sewer Capacity

By reference to section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, this consent is a deferred commencement consent.

The consent does not operate until such time as the following information is provided to the satisfaction of the Blayney Shire Council:

A report providing analysis of the predicted impact of the development on the capacity of the existing sewerage network.

The report is to state the predicted number of Equivalent Tenements (ETs) generated by the development, and to be agreed upon by council.

The evidence is to include modelling of the impacts of the development on the existing sewerage gravity network and pump station using applicable Water Services Association of Australia codes and Standards, with a minimum being WSA02-2014 & WSA04-2005.

Where modelling indicates the development would impact on, or exceed the capacity of the existing sewerage network, the report must outline a suitable engineered solution to the satisfaction of the Blayney Shire Council.

Data provided for approval by Council is to include relevant standards used for calculations / provisions, including all assumptions which have been made to complete the calculations.

The period in which this information must be provided to the Blayney Shire Council is six months from the date of consent.

Approved Plans

2. Development In Accordance with Approved Plans & Documentation

Development is to take place in accordance with:

Plan / Doc No.	Plan / Doc Title	Prepared by	Issue	Date
220022_SEE	Statement of Environmental Effects, including: Appendix A Statement of Heritage Impact Appendix B Traffic Study / Traffic Study Addendum; Appendix G Response to Public Submissions	Premise	001D	31 May 2021
A004	Proposed Subdivision Plan	Premise	-	21.05.2021
A005	Proposed Site Plan Stage 01	Premise	-	21.05.2021
A006	Proposed Site Plan Stage 02	Premise	-	21.05.2021
A009	Typical 4 Single Accommodation Building	Premise	-	21.05.2021
A010	Typical Accessible Accommodation Building	Premise	-	21.05.2021
A11	Existing BLDG_OFFICE & LAUNDRY	Premise	-	21.05.21

as amended in accordance with any conditions of this consent.

NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

Prior to Issue of a Construction Certificate

3. Engineering Plans

The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to Conditions 9, 41, 42, 43, 8, 44, 46, 50, 51, 54, and 55. Further, the works are to comply with *WBC Guidelines for Engineering Works*.

4. Traffic and Pedestrian Management Plan

The applicant is to prepare and implement a Traffic Management Plan that provides necessary direction to traffic or pedestrian movement through or past the work site. The Traffic Management Plan is to be prepared by a suitably qualified person in accordance with the provisions of the relevant Australian Standards and is to be submitted to Council for approval PRIOR to its implementation.

5. Soil & Water Management Plan

The developer is to submit a soil and water management plan for the site in accordance with *WBC Guidelines for Engineering Work*.

No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as the plan has been approved by Council and the measures detailed in the plan are in place prior to works commencing.

The measures detailed in the plan are to remain in place until all landscaping is completed.

6. Liquid Trade Waste Agreement – Laundry

The developer is to obtain a liquid trade waste agreement for the discharge from the proposed laundry from council under Section 68 of the Local Government Act.

7. Security Deposits

Payment is to be made to Council of a bond of \$35 per lineal metre for security deposit on the kerb and gutter and footpath.

The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by Council to ensure that any damage to Council infrastructure has been repaired. The bond will not be refunded in the event that damage done to Council's infrastructure is not repaired to its satisfaction.

8. Service Vehicles Manoeuvring

The footway crossings, driveways, loading and unloading areas, manoeuvring areas and parking areas, are to be designed/redesigned so that an 8.8m service vehicle may perform a left turn into the site, turn around, and exit the site in a forward direction without crossing the road centreline. The design is to detail access to Lot 79 DP 1137273, and be designed so that an 8.8m service vehicle may perform a right turn into the lot, turn around, and exit the lot in a forward direction. Further, plan drawn to scale showing all parking and manoeuvring areas is to be submitted to Council for approval prior to issue of the Construction Certificate.

Note: All vehicle turning movements are to be based on the Austroads design vehicle

9. Stormwater Report and Drainage Design

A stormwater report must be submitted to the satisfaction of Blayney Shire Council Infrastructure Services Department. The report must detail the effects of the increased roof area, and inform a drainage design that reduces stormwater outflows to pre development levels.

10. Food Safety

Prior to the issue of a construction certificate, the applicant must submit detailed plans of all kitchen, food preparation, waste and storage areas, including any cool rooms, refrigerated chambers, food handler toilets and all areas associated with the food area (including adequate provision for separate storage of food, equipment, chemicals and

personal belongings), prepared by a suitably qualified person, which demonstrate compliance with the following:

(a) *Australian Standard AS 4674:2004 – Design, Construction and Fit-out of Food Premises*

(b) *Food Standards Code (Australia) and Food Safety Standard 3.2.3 – Food Premises and Equipment*

(c) *Food Act 2003 and Food Regulation 2015*

The plans must be submitted to the satisfaction of the Blayney Shire Council Department of Planning and Environmental Services.

11. Contributions

Development Contributions are to be paid in accordance with the Blayney Shire Council Local Infrastructure Contributions Plan 2013 (see Council's web site). The contributions to be paid are currently 1% of the cost of development.

The amount payable would be recalculated on the basis of the contribution rates that are applicable at the time of payment.

Evidence of payment of the contributions is to be provided to the Principle Certifying Authority prior to the issue of the Construction Certificate.

Prior to Works Commencing

12. Acoustic Report

Prior to works commencing an acoustic report must be prepared by a suitably qualified acoustic consultant to the satisfaction of the Blayney Shire Council Department of Planning and Environmental Services.

The acoustic report must demonstrate that all mechanical services to be utilised on-site would not have a noise impact greater than 5dBA LAeq (15m minutes) on any sensitive receiver (i.e. a dwelling and its associated private open space) during any period under full operation of all mechanical services.

13. Detailed Schedule of Colours and Materials

Prior to works commencing, a detailed schedule of colours and materials for each modular unit must be submitted to the satisfaction of the Blayney Shire Council Department of Planning and Environmental Services.

The schedule of colours and materials must be prepared by Kate Higgins, in accordance with the recommendations of the report *Heritage Impact Statement, Motel, 62 Osman Street, Blayney* dated 23 December 2020.

The schedule of colours and materials must include a statement which identifies why the nominated colours and materials are appropriate within the context of the Blayney Heritage Conservation Area and local Heritage Items which adjoin the approved development.

14. On-site Landscape Plan

Prior to works commencing, a detailed on-site landscape plan must be submitted to the satisfaction of the Blayney Shire Council Department of Planning and Environmental Services.

The detailed landscape plan must be prepared in association with Kate Higgins in accordance with the recommendations of the report *Heritage Impact Statement, Motel, 62 Osman Street, Blayney* dated 30 May 2021.

The detailed landscape plan must include a statement which identifies why the proposed landscaping are appropriate within the context of the Blayney Heritage Conservation Area and local Heritage Items which adjoin the approved development.

Where selected species are required for the purposes of screening for heritage conservation, the detailed landscape plan must specify that these species be semi-mature at the time of planting.

The detailed landscape plan must identify species which are suitable to the local climate.

The detailed landscape plan must also be prepared with regard to the following Crime Prevention Through Environmental Design principles:

- Shrubs should on average not be above 900mm in height. Consider pruning the shrubs in the front yard to reduce concealment.
- When selecting and maintaining vegetation, consideration should be given to the possibility of areas becoming overgrown and concealment opportunities on the maturity of the vegetation.
- A safety convention is to have 3- 5 metres of cleared space on either side of paths. Pedestrians generally feel safer on wider pathways.
- Develop a maintenance plan as clean, well maintained areas often exhibit strong territorial cues.

The on-site landscape plan must also include details to demonstrate how a structurally sound 1.8m high fence will be provided around the perimeter of the subject property where the existing fence is not already 1.8m in height or structurally sound.

Where a common boundary fence is required to be upgraded, the developer will need to obtain written consent from the adjoining landowner. All works are to be undertaken solely at the developers own cost.

15. Street Trees Landscape Plan

Prior to works commencing, a detailed street tree landscape plan for the Osman Street frontage must be submitted to the satisfaction of the Blayney Shire Council Department of Planning and Environmental Services.

The Street Tree Plan must be prepared in association with the Blayney Shire Council Manager Parks and Gardens.

16. Amended Elevation Plan – Privacy

Prior to works commencing, an amended elevation plan for each modular unit which is located adjacent to a residential property must be submitted to the satisfaction of the Blayney Shire Council Department of Planning and Environmental Services.

The amended elevation plans must show any window which may directly overlook the private open space of an adjoining residential property to be fixed, obscure glass.

The amended plan must show the end of any elevated verandah to be screened in order to prevent direct overlooking of the private open space of an adjoining residential property.

17. Amended Car Park Layout

Prior to works commencing, an amended car park layout plan must be submitted to the satisfaction of the Blayney Shire Council Department of Planning and Environmental Services and Department of Infrastructure Services.

The car park layout must be amended to maximise the retention of mature and healthy trees within the subject property without decreasing the number of approved car parking spaces.

18. Amended Site Layout Plan – Privacy

Prior to works commencing, an amended site layout plan for Stage 2 must be submitted to the satisfaction of the Blayney Shire Council Department of Planning and Environmental Services.

The amended site layout plan must show the module located in the south west and north west corners of the site to be reoriented consistent with the site layout shown under Stage 1.

19. Tree Protection Plan

Prior to works commencing, a Tree Protection Plan for trees to be retained on-site must be submitted to the satisfaction of the Blayney Shire Council Department of Planning and Environmental Services.

The Tree Protection Plan must be prepared in accordance with *AS4970-900 Protection of trees on development sites*.

20. Business Identification Sign Detail

Prior to works commencing, an amended Business Identification Plan must be submitted to the satisfaction of the Blayney Shire Council Department of Planning and Environmental Services.

The amended Business Identification Sign plan must meet the requirements of E.2.6.5 of the Blayney Development Control Plan 2018.

21. Plan of Management

Prior to works commencing, a Plan of Management must be submitted to and approved by the Blayney Shire Council Department of Planning and Environmental Services and the Department of Infrastructure Services.

The Plan of Management must be based on the following objectives:

- Ensure the premises are managed to an acceptable standard and to ensure the accommodation meets the needs of guests, owners, stake holders, neighbours and the community in general;
- Ensure operation of the site meets demands of the clientele while minimising impacts of local community;
- Ensure the operational guidelines meet requirements for use of public areas that reduce impacts on other guests and the local community;
- Ensure written record of management practices, standards and procedures are available for to all relevant parties;
- Provide a system by which standards, procedures and systems can be monitored and improved to ensure satisfaction of all stakeholders;
- Ensure all areas of safety meet the standards as set by Government; and
- Ensure the behaviours of both guests and those in the vicinity of the site are in keeping with standards as set down by those in the local community.

The Plan of Management must include a methodology to demonstrate how the following matters will be addressed to ensure that the facility is operated within acceptable limits:

- Maximum capacity of the premises;
- Maximum capacity of the premises allocated to tenants associated with construction or other mining related work and maximum capacity of the premises allocated to the general public not associated with construction or other mining related work;
- On line booking system which can be accessed via the general public via the internet;
- Register identifying the purpose of each tenants overnight stay (i.e. construction or other mining related work vs general public not associated with construction or other mining related work);
- Operations and activities;
- Management responsibilities;
- Staffing;
- Security;
- Accommodation standards and guest rules;
- Car parking;
- Noise minimisation;
- Stakeholder liaison;
- Complaints and complaints book; and
- Contact details for the on-site manager.

In addition, the Plan of Management must include details to confirm that the operator will establish telephone complaints hot line for the purpose of receiving complaints

from members of the public in relation to activities conducted on-site or by vehicles associated with the site.

The details of the complaints hotline are to be provided to adjoining owners and any property within 50m of the property boundary prior to the commencement of any works.

The Plan of Management must include details to confirm that the operator will prepare annual reports. Each annual report must provide a detailed overview of the operation of the facility for the previous 12 months, including details outlining how each requirement of the Plan of Management has been met.

If a requirement of the Plan of Management has not been met, it must also be detailed in annual report.

The report must include a record of any complaints received, including the time / date; the manner in which the complaint was addressed and whether or not the complaint was resolved.

The operator is required to submit the annual report to the Blayney Shire Council annually from the first use of the facility

22. Fire Engineer's Report

Prior to work commencing on the Motel, a Report from a NSW Fair Trading Accredited Fire Engineer addressing Clause EP1.3 (Fire hydrants) of the Building Code of Australia (Volume 1) must be submitted to and approved by the Blayney Shire Council Department of Planning and Environmental Services

All of the recommendations of the Report shall be implemented during construction and prior to the occupation of the motel.

23. Structural Details for Footings

Prior to work commencing, structural details for the footings/pads and tie-downs for the transportable buildings and for the verandahs shall be submitted to, and approved by Council.

24. Public Liability Insurance

Prior to the commencement of any works on Council or Roads and Maritime Services (RMS) controlled land including a public road, the applicant is to affect Public Liability Insurance to the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate or final inspection report for the works. Documentary evidence of the currency of the cover is to be provided to Council prior to the commencement of works within the road reserve.

25. Construction Certificate – Subdivision

Unless the development is deemed as exempt, the applicant is to obtain a Construction Certificate for engineering works pursuant to Division 6.4, clause 6.13 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority, which compliments the detail provided in

the development consent, that the proposed works are in accordance with *WBC Guidelines for Engineering Works*, prior to any subdivision works commencing.

Note 1: No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificate or certificates have been obtained.

Note 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this development application.

Note 3: It is the responsibility of the applicant to ensure that the development complies with the provisions of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

26. Construction Certificate – Engineering Works

The applicant is to obtain a Construction Certificate from Council, for the engineering work required by condition, 41, 42, 43, 8, 44, 46, 50, 51, 54, and 55. The Construction Certificate is to be obtained prior to works commencing for the works associated with conditions 9, 41, 42, 43, 8, 44, 46, 50, 51, 54, and 55. Design shall be in accordance with *WBC Guidelines for Engineering Works*.

Note: Where Council is the Certifying Authority in relation to engineering works fees will be payable in accordance with Council's Revenue Policy.

During Construction

27. Naturally Occurring Asbestos

If Naturally Occurring Asbestos is identified, and it is likely to be affected by the proposed works, Clause 432 of the *Work Health and Safety Regulations 2017* (as amended) requires that a site-specific Asbestos Management Plan must be prepared in accordance with the regulations and the *Model Asbestos Policy for NSW Councils (2015)* (as amended).

If Naturally Occurring Asbestos is identified, no further works may be undertaken until an Asbestos Management Plan is prepared to the satisfaction of the Blayney Shire Council Department of Planning and Environmental Services.

28. Boundary Survey

A Certificate of Survey prepared by a registered surveyor, setting out the boundaries of the site and the actual situation of the buildings on the site, must be submitted to Council to certify the buildings are set back from the boundaries of the allotment in accordance with the approved building plans; and such Certificate is to be submitted prior to pouring any footings or any in-situ reinforced concrete building element.

29. Hours for Construction or Demolition

Construction or demolition only be carried out between 7.00 am and 6.00 pm on Monday to Friday, and 8am to 5pm on Saturdays. No construction or demolition is to be carried out at any time on a Sunday or a public holiday.

Note: The principal contractor shall be responsible to instruct and control their sub-contractors regarding the hours of work.

30. Rubbish and Debris

All rubbish and debris associated with the development, including that which can be windblown, must be contained on site in a suitable container at all times. The container shall be erected on the development site prior to work commencing.

Materials, sheds or machinery to be used in association with the development must be stored and stacked wholly within the worksite unless otherwise approved by Council.

Note 1: No rubbish or debris associated with the development will be placed or permitted to be placed on any adjoining public reserve, footway or road.

Note 2: Offenders are liable for prosecution without further warning.

31. Toilet Facilities

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet, plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- i. be a standard flushing toilet connected to a public sewer, or
- ii. have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- iii. be a temporary chemical closet approved under the *Local Government Act 1993*.

32. Excavations and Backfilling

All excavation and backfilling associated with the erection/demolition of the building must:

- a) be executed safely and in accordance with appropriate professional standards, and
- b) be properly guarded and protected to prevent them from being dangerous to life or property.

33. Erosion and Sediment Control

Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's *WBC Guidelines for Engineering Works* (see Council's website), and the Dept Housing – *Soil and Water Management for Urban Development (The Blue Book)*.

Note: All erosion and sediment control measures must be in place prior to earthworks commencing. Copies of the above Policy are available from Council's Environmental Planning and Building Services Department.

34. Accessibility

Two accessible carparking spaces complying with Australian Standard AS/NZS2890.6 shall be provided on the property with an accessible path of travel complying with Australian Standard AS1428.1 provided from the carparking spaces to, and within the existing bowling club building. In this regard, the entry door to the reception area of the building must have a clear width of at least 850mm with all door latches, circulation spaces and the accessible sanitary facility in the building complying with AS1428.1. The accessible bedrooms of the motel must also comply with AS1428.1 and have an accessible path of travel to the existing bowling club building and the accessible carparking spaces.

35. Existing Building

The existing bowling club building shall be partitioned as indicated on the submitted floor plan and renovated to the satisfaction of Council, with a portable fire extinguisher and fire blanket complying with Australian Standard AS2444 provided in the kitchenette, unless a further Development Consent is obtained.

36. Portable Fire Extinguishers

Portable fire extinguishers complying with Australian Standard AS2444 shall be provided on each motel building in break-glass cabinets.

37. Sealing of Roofs

The transportable building roofs shall be sealed in accordance with the Structural Certification by Premise, Ref No.GEO9999-22022-C01 R2, dated 27 May 2021, with certification from the builder/roofer to this effect submitted to Council.

38. Tree Protection Plan

The Tree Protection Plan must be implemented at all times (See Condition 19).

39. Outdoor lighting

All outdoor lighting must be installed in accordance with *Australian Standard 4282:2019 Control of the obtrusive effects of outdoor lighting*.

Upon installation, certification of the manufacturer must be submitted to the Blayney Shire Council Department of Planning and Environmental Services to confirm that all outdoor lighting complies with AS4282:2019.

40. Engineering Inspections

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

A	Drainage	* After laying of pipes and prior to backfill; * Pits after rendering openings and installation of step irons.
B	Sewerage	* After laying of pipes and prior to backfill; * Main - air pressure testing; * Manhole - water test for infiltration, exfiltration.
C	Concrete Footway Crossings	* After placing of formwork and reinforcement, and prior to concrete placement;
D	Erosion and Sediment Control	* Prior to the installation of erosion measures.
E	All Development & or Subdivision Works	* Practical completion.
F	Road Openings	* Upon completion of works.

41. Footway Crossing – Square

A 6m wide (minimum) vehicular crossing(s) over the footway adjacent to the proposed ingress/egress point(s) is/are to be designed and constructed in accordance with *WBC Guidelines for Engineering Works*. Further the applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act as amended, **or inspection report**, at the completion of construction of the footway crossing, from Council or an accredited certifying authority, certifying that the works have been completed in accordance with *WBC Guidelines for Engineering Works* and that the levels are in accordance with those issued.

42. Combined Access Width

The proposed combined entrance and exit is to have a minimum width of 6 metres at the property line.

43. Off Street Car Parking

Off street car parking shall be provided for the development in accordance with Council's relevant Development Control Plan and/or *Australian Standard AS 2890.1*:

a) Provision shall be made within the site for 80 vehicular parking spaces, each to be of minimum dimensions 5.5 x 2.5 metres, separately and clearly delineated.

44. Car Parking Spaces for Access Impaired Persons

A minimum of 2 spaces, separately delineated and individually marked, shall be provided for persons that are access impaired. The car parking spaces together with continuous paths of travel to the main entry of the premises, or reasonable equivalent are to be constructed in accordance with AS 1428.

45. Entrance/Exit Points

Entrance / exit points are to be clearly signposted and visible from both the street and the site at all times.

A stop sign and traffic calming device must be installed in a location to be approved by the Blayney Shire Council Department of Infrastructure Services.

46. Pave and Linemark

All vehicular manoeuvring and parking areas are to be paved (in concrete/bitumen) and permanently line marked, in accordance with *WBC Guidelines for Engineering Works*.

47. Ingress/Egress

All vehicles entering or leaving the subject property shall be driven in a forward direction.

48. Carpark Lighting

All vehicular manoeuvring and parking areas are to have exterior lighting installed. The exterior lighting shall be designed and installed so that no obtrusive light will be cast onto any adjoining property.

Note: Compliance with Australian Standard AS4282 "Control of the Obtrusive Effects of Outdoor Lighting" will satisfy this condition.

49. Site Management

The site shall be managed so that:

- (a) No additional filling shall be placed on the land which may impede the flow of flood waters;
- (b) Any clearing or drainage activities shall not alter the drainage patterns across the site;
- (c) No landscaping or similar type structures shall be installed which will inhibit the flow of flood waters;
- (d) Any plant or goods stored upon the site shall be stored in a manner which will not allow pollution of the flood waters;
- (e) All actions shall be taken upon the site which will minimise the effect of the property upon the flood waters.

50. Interallotment Drainage

The developer is to design and construct inter allotment drainage to drain all lots not draining naturally to a public road. The drainage system is to include grated inlet pits with pipe connections to all such lots. All drainage works are to comply with the provisions of AS/NZS 3500 and *WBC Guidelines for Engineering Works*.

51. Road and Interallotment Drainage

All road and inter allotment drainage is to be conveyed to:

- (a) Council's underground drainage network (subject to design),
 - (e) a legal point of discharge,
- in accordance with *WBC Guidelines for Engineering Works*.

52. Separate Water Service

The applicant is to ensure that the water service to each lot is contained entirely within the boundary of the individual lot serviced. Any alterations that are necessary are to be at the applicants cost. The applicant is to arrange an inspection with Central Tablelands Water to ensure each property has a separate water supply within their respective boundaries.

53. Separate House Drainage

Plumbing work is to be carried out so that each lot has a separate and distinct house drainage service connected to Council's sewer main within the boundaries of that lot, in accordance with the Local Government (Approvals) Regulation 1999.

54. Sewer Connection

The construction of sewer mains is to occur, such that there is a separate and distinct sewer connection wholly within the boundary of each proposed residential lot, in accordance with the Local Government (Approvals) Regulation 1999 and in accordance with *WBC Guidelines for Engineering Works*.

Note: The developer is to construct a 150 mm sewer riser at each property junction; each riser is to be constructed so that riser cap finishes 150 mm above the finished surface level of each allotment created.

55. Reticulation – Development

The construction of water and sewerage reticulation to serve the development is to be undertaken in accordance with *WBC Guidelines for Engineering Works*.

The developer is to construct a 150 mm sewer riser at each property junction; each riser is to be constructed so that riser cap finishes 150 mm above the finished surface level of each allotment created.

Prior to Issue of Subdivision Certificate
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56. Works as Executed Plan

The applicant is to submit to Council an electronic copy of the works as executed plans for the works required by Conditions 50, 51, 53, and 54 in AutoCAD 2000 format. Further, the works are to comply with *WBC Guidelines for Engineering Works*.

Additionally, installation and material costs for the works required by Conditions 50, 51, 53, and 54, are to be provided to council alongside the Works as Executed Plan.

57. Electrical and Telecommunications Authorities - Subdivision

The developer is to furnish Council with documentary evidence that arrangements have been made, satisfactory to the appropriate electrical authority and the appropriate telecommunications authority, for the provision of street and pathway lighting and/or for the provision of underground electrical power and/or telephone lines, respectively, to serve each lot.

Note: This information must be submitted before Council will issue the Subdivision Certificate relating to this development.

58. Compliance Certificate – Engineering Works

The applicant is to obtain a Compliance Certificate pursuant to Div 6.5, Cl 6.16 of the Environmental Planning and Assessment Act 1979, as amended, **or inspection report** from either Council or an accredited certifying authority, certifying that the engineering work required by conditions 50, 51, 53, and 54 have been constructed in accordance with the approved plans and *WBC Guidelines for Engineering Works*.

Note: Where Council is the Certifying Authority in relation to engineering works fees will be payable in accordance with Council's Revenue Policy.

59. Final Plan of Survey

The final plan of survey is to show:

e) an easement for right of carriageway 6 metres wide within Proposed Lot 1 and in favour of:

Lot 79 DP 1137273

Lot 6 DP 653720

Lot 21 DP 569741

60. Sewerage Headworks

The applicant shall contribute \$4,536 per new lot created/per new dwelling, over and above the existing 22 ETs currently allocated to the site, towards sewer head works pursuant to Section 305 of the Water Management Act, 2000, and the Development Servicing Plan (Section 64), before the Subdivision Certificate is issued. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

61. Water Headworks

The applicant shall contribute towards water head works to Central Tablelands Water (CTW) pursuant to Section 305 of the Water Management Act, 2000, and the Development Servicing Plan (Section 64), before the Subdivision Certificate is issued. The amount applicable will be dependent upon the date on which payment is made and will be as per CTW's adopted fees and charges for the financial year in which payment is made.

62. Water Services

Water services are to be provided to each allotment prior to the issue of the Subdivision Certificate. All costs are to be met by the applicant.

63. Easement for Sewer

The final plan of survey is to show an easement (minimum 3m wide) for sewer over all lots affected and in favour of Council. For sewer mains of 300mm or greater diameter, the easement is to be 5 metres wide with the main centrally located.

Section 68 Requirements

64. Regulation

The transportable buildings must comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2005 made under the Local Government Act 1993.

65. Licensed Plumber (During Construction)

All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and the Plumbing Code of Australia.

66. Notice of Plumbing Work

Prior to the commencement of plumbing and drainage works the responsible plumbing contractor is to submit to Council a "Notice of Works" under the Plumbing and Drainage Act 2011.

67. Prior to Occupation

Prior to the Occupation of the Motel, the following is required: -

- a) the licensed plumber shall submit to Council a Sewer Service Diagram and a Certificate of Compliance in accordance with the requirements of NSW Fair Trading;
- b) current and updated compliance plates are to be affixed to the transportable buildings in accordance with Clause 159 of the Regulation;

- c) updated certification from a licensed electrician to confirm that the smoke alarms comply with AS3786 shall be submitted to Council;
- d) certification for the portable fire extinguishers and fire blanket shall be submitted to Council; and
- e) a satisfactory final inspection of the buildings is to be carried out by Council Officers.

Prior to Occupation

68. Compliance Certificate – Engineering Works

The applicant is to obtain a Compliance Certificate pursuant to Section Div 6.5, Cl 6.16 of the Environmental Planning and Assessment Act 1979, as amended, **or inspection report** from either Council or an accredited certifying authority, certifying that the engineering work required by conditions 31, 38, 46, 49, 52, 58, 78, 88 have been constructed in accordance with the approved plans and *WBC Guidelines for Engineering Works*.

Note: Where Council is the Certifying Authority in relation to engineering works fees will be payable in accordance with Council's Revenue Policy.

Stage 2

Prior to Issue of a Construction Certificate

69. Engineering Plans

The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to Conditions 78, 79, 80, 81, and 82. Further, the works are to comply with *WBC Guidelines for Engineering Works*.

Prior to Works Commencing

Nil.

During Construction

70. Hours for Construction or Demolition

Construction or demolition only be carried out between 7.00 am and 6.00 pm on Monday to Friday, and 8am to 5pm on Saturdays. No construction or demolition is to be carried out at any time on a Sunday or a public holiday.

Note: The principal contractor shall be responsible to instruct and control their sub-contractors regarding the hours of work.

71. Rubbish and Debris

All rubbish and debris associated with the development, including that which can be windblown, must be contained on site in a suitable container at all times. The container shall be erected on the development site prior to work commencing.

Materials, sheds or machinery to be used in association with the development must be stored and stacked wholly within the worksite unless otherwise approved by Council.

Note 1: No rubbish or debris associated with the development will be placed or permitted to be placed on any adjoining public reserve, footway or road.

Note 2: Offenders are liable for prosecution without further warning.

72. Toilet Facilities

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet, plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- i. be a standard flushing toilet connected to a public sewer, or
- ii. have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- iii. be a temporary chemical closet approved under the *Local Government Act 1993*.

73. Excavations and Backfilling

All excavation and backfilling associated with the erection/demolition of the building must:

- a) be executed safely and in accordance with appropriate professional standards, and
- b) be properly guarded and protected to prevent them from being dangerous to life or property.

74. Erosion and Sediment Control

Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's *WBC Guidelines for Engineering Works* (see Council's website), and the Dept Housing – *Soil and Water Management for Urban Development (The Blue Book)*.

Note: All erosion and sediment control measures must be in place prior to earthworks commencing. Copies of the above Policy are available from Council's Environmental Planning and Building Services Department.

75. Accessibility

Two accessible carparking spaces complying with Australian Standard AS/NZS2890.6 shall be provided on the property with an accessible path of travel complying with Australian Standard AS1428.1 provided from the carparking spaces to, and within the existing bowling club building. In this regard, the entry door to the reception area of the building must have a clear width of at least 850mm with all door latches, circulation spaces and the accessible sanitary facility in the building complying with AS1428.1. The accessible bedrooms of the motel must also comply with AS1428.1 and have an accessible path of travel to the existing bowling club building and the accessible carparking spaces.

76. Portable Fire Extinguishers

Portable fire extinguishers complying with Australian Standard AS2444 shall be provided on each motel building in break-glass cabinets.

77. Engineering Inspections

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

A	Drainage	* After laying of pipes and prior to backfill; * Pits after rendering openings and installation of step irons.
B	Erosion and Sediment Control	* Prior to the installation of erosion measures.
C	All Development & or Subdivision Works	* Practical completion.

78. Off Street Car Parking

Off street car parking shall be provided for the development in accordance with Council's relevant Development Control Plan and/or *Australian Standard AS 2890.1*:
a) Provision shall be made within the site for a minimum of 100 vehicular parking spaces, each to be of minimum dimensions 5.5 x 2.5 metres, separately and clearly delineated.

79. Car Parking Spaces for Access Impaired Persons

A minimum of 2 spaces, separately delineated and individually marked, shall be provided for persons that are access impaired. The car parking spaces together with continuous paths of travel to the main entry of the premises, or reasonable equivalent are to be constructed in accordance with AS 1428.

80. Pave and Linemark

All vehicular manoeuvring and parking areas are to be paved (in concrete/bitumen) and permanently line marked, in accordance with *WBC Guidelines for Engineering Works*.

81. Road and Interallotment Drainage

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

82. Reticulation – Development

The construction of water and sewerage reticulation to serve the development is to be undertaken in accordance with *WBC Guidelines for Engineering Works*.

Section 68 Requirements

83. Regulation

The transportable buildings must comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2005 made under the Local Government Act 1993.

84. Licensed Plumber (During Construction)

All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and the Plumbing Code of Australia.

85. Prior to Occupation

Prior to the Occupation of the Motel, the following is required: -

- f) the licensed plumber shall submit to Council a Sewer Service Diagram and a Certificate of Compliance in accordance with the requirements of NSW Fair Trading;
- g) current and updated compliance plates are to be affixed to the transportable buildings in accordance with Clause 159 of the Regulation;
- h) updated certification from a licensed electrician to confirm that the smoke alarms comply with AS3786 shall be submitted to Council;
- i) certification for the portable fire extinguishers and fire blanket shall be submitted to Council; and
- j) a satisfactory final inspection of the buildings is to be carried out by Council Officers.

Prior to Occupation

86. Works as Executed Plan

The applicant is to submit to Council an electronic copy of the works as executed plans for the works required by Conditions 81, and 82 in AutoCAD 2000 format. Further, the works are to comply with *WBC Guidelines for Engineering Works*.

87. Compliance Certificate – Engineering Works

The applicant is to obtain a Compliance Certificate pursuant to Div 6.5, Cl 6.16 of the Environmental Planning and Assessment Act 1979, as amended, **or inspection report** from either Council or an accredited certifying authority, certifying that the engineering work required by conditions 81 and 82 have been constructed in accordance with the approved plans and *WBC Guidelines for Engineering Works*.

Note: Where Council is the Certifying Authority in relation to engineering works fees will be payable in accordance with Council's Revenue Policy.

Ongoing Matters

88. Plan of Management

The requirements of the approved Plan of Management must be adhered to at all times.

89. Confirmation of Effluent Discharge Volumes

After a period of 2 months from the issue of an occupation certificate, the developer shall have installed, by suitably qualified consultants, calibrated flow measurement and level sensor equipment to councils sewer reticulation network. Instrumentation shall be installed at a predetermined location approved by council, for a period of twelve (12) months. Information collected shall include but, not be limited to, flow rate, flow volume, flow frequency, and flow depth in pipes and manholes. Reports shall be provided to council on a monthly basis. A certificate of calibration for the measurement equipment shall be provided to council at the time of installation.

This data shall be used by council for the determination of actual ET units generated by the development, with corresponding increase or reduction of headworks charges.

90. Noise

Mechanical services must not have a noise impact greater than 5dBA LAeq (15m minutes) during any period in accordance with the Protection of the Environment Operations (Noise Control) Regulation 2008.

91. Access to Manholes

Access to any sewer manholes on the subject land is not to be obstructed in any way.

Note: Any alterations to the existing manhole/s or adjustments in height to the existing manhole/s are to be at the applicant's cost.

92. Relocate Utility Services

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

93. Clearance from Power Lines

Clearance from power lines is to be provided during and after construction. Minimum distances from power lines are to be maintained.

94. Annual Fire Safety Certificate

For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.

Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

95. Premises in a clean and tidy state

The premises shall be maintained in a clean and tidy state at all times.

96. Garbage storage

Garbage storage areas are to be adequately screened from public view.

97. Line Marking

All line-marking for the on-site car parking spaces and footpath areas are to be maintained in a visible condition, at all times.

98. Car parking areas not to be used for another purpose

All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use, at all times.

99. Communal Food Preparation Area and laundry

The communal food preparation and laundry area is to be used for the exclusive use of paying guests for personal food preparation and laundering and is not to be used for commercial purposes without separate consent being obtained

100. Time Limit of Consent

This consent operates for a maximum period of 5 years from the date of determination of this consent.

101. Decommissioning Plan

A decommissioning plan shall be prepared for the development and submitted to the Blayney Shire Council Department of Planning and Environmental Services for approval within 4.5 years from the date of determination of this consent. The decommissioning plan shall, as a minimum, detail matters such as the methodology for removing all structures, infrastructure and the like from the subject land, timeframes and works schedule for this work to be completed as well as the methods / measures to be undertaken to return the land to the condition it was in prior to work commencing under this consent. The decommissioning plan shall also consider and provide appropriate measures to mitigate, any risks to the subject land or neighbouring land as part of the decommissioning. All decommissioning is to be undertaken in accordance with the approved decommissioning plan.

NSW Police – Crime Prevention Through Environmental Design – Stage 1 and 2

102. Crime Prevention Through Environmental Design

The following matters must be incorporated into the approved development prior to the first use occurring:

Lighting

- Lighting in the car park areas and at the entrance to the premise.
- Sensor lighting to all vestibule and walkways including amenities block.
- Sensor lights should be vandal resistant and projected away from buildings towards pathways – not towards windows and doors.

Note: All outdoor lighting must be installed in accordance with AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting)

Surveillance / Technical Supervision

- Installation of CCTV cameras in the office space;
- Installation of back to base alarm system.

Territorial Reinforcement-

- Access points should be clear, legible and useful. Signage is best located at (or prior to) junctions requiring people to make decisions. Creative markings in car parks aid wayfinding.

Signage

- Include traffic flow signage and traffic flow arrows.
- Speed limit signage in the driveway/carpark area. Max 10kph.
- Trespassers will be prosecuted signage clearly visible around entrance/exit points.
- Number each unit and due to the volume of units' directional signage to each area.

Access Control

- Fencing to the entire perimeter of the premises
- Electronic communications/entry system
- Security screen doors to all entry/exit points.
- Polycarbonates and impact resistant glass/glazing to all windows.
- Key operated to all windows.
- The main entry/exit doors to all buildings should be fitted with single cylinder locksets (Australian Standards) which comply with the building code of Australia.
- Appropriate locksets be installed on any skylights to prohibit unauthorised entry.
- Speed bumps in car parks/access ways help to reduce the likelihood of attracting bike riders and skateboarders.
- Night safe if cash on premises

Essential Energy – Stage 1 and 2

103. Essential Energy Requirements

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
- As part of the subdivision, easement/s are to be created for any existing or new electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan +of subdivision. Refer Essential Energy's Contestable Works team for requirements via email contestableworks@essentialenergy.com.au.
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.
- A Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision,

which may include the payment of fees and contributions. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision layout, which will require Essential Energy's approval.

- Prior to any demolition works commencing, any service line/s to the properties must be disconnected.
- Satisfactory arrangements must be made with Essential Energy for the provision of power with respect to the proposed development. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees, contributions and if required, new designated electrical infrastructure, such as a padmount substation. If it is deemed that designated electrical infrastructure is required, then all fees for such infrastructure (which may be substantial) will be borne by the Applicant. Refer Essential Energy's Contestable Works team for requirements via email contestableworks@essentialenergy.com.au.
- In addition, Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity to the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
- Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
- Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

Advisory Notes

104. Inspection Schedule

AN1. Council is required to ensure all work is carried out in accordance with the Consent, and relevant standards, which is done during inspections at nominated stages of the work. The "Inspection Schedule" lists the mandatory and other required inspections that must be carried out by Blayney Shire Council during construction of the work.

Council must be contacted to undertake inspections of the various stages of construction as follows:

- a. Internal and external sanitary drainage.
- b. Footing and tie-downs.
- c. Wet areas in existing building.
- d. Stormwater drainage.
- e. Final inspection at time of completion of all works.

105. Time Limit of Consent

In the event the period specified in condition 100 is sought to be extended, it will be necessary to make application under section 4.55 of the Act to modify the consent. Failing to allow sufficient time to have such an application considered may result in cessation of the consent under the terms of condition 100.

It will also be necessary to seek an extension to the section 68 approval.

BLAYNEY SHIRE COUNCIL



AGENCY INFORMATION GUIDE

Prepared in accordance with the provisions of Section 20 of the
Government Information (Public Access) Act 2009.

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STRUCTURE AND FUNCTIONS OF COUNCIL

INTRODUCTION

Blayney Shire Council has adopted this Agency Information Guide (Guide) in accordance with section 20 of the Government Information (Public Access) Act 2009 (GIPA Act).

By describing Council's functions, responsibilities and organisational structure, the Guide aims to promote a better understanding of Council's work in our community. It also describes the various types of information held by Council, how that information can be accessed and how members of the public can participate in Council's decision making processes.

OVERVIEW

Blayney Shire Council is constituted under the Local Government Act 1993 and was proclaimed in August 1978.

The Council is an undivided area, with seven (7) Councillors. The Mayor is elected for a 2 year term by the Councillors from among their numbers.

The roles of the Councillors, as members of the body corporate are:

- to direct and control the affairs of the Council in accordance with the Local Government Act and other applicable legislation;
- to participate in the optimum allocation of the Council's resources for the benefit of the area;
- to play a key role in the creation and review of the Council's policies, objectives and criteria relating to the exercise of the Council's regulatory functions;
- to review the performance of the Council and its delivery of services, management plans and revenue policies of the Council;

The role of a Councillor is, as an elected person:

- to represent the interests of the residents and ratepayers;
- to provide leadership and guidance to the community;
- to facilitate communication between the community and the Council.

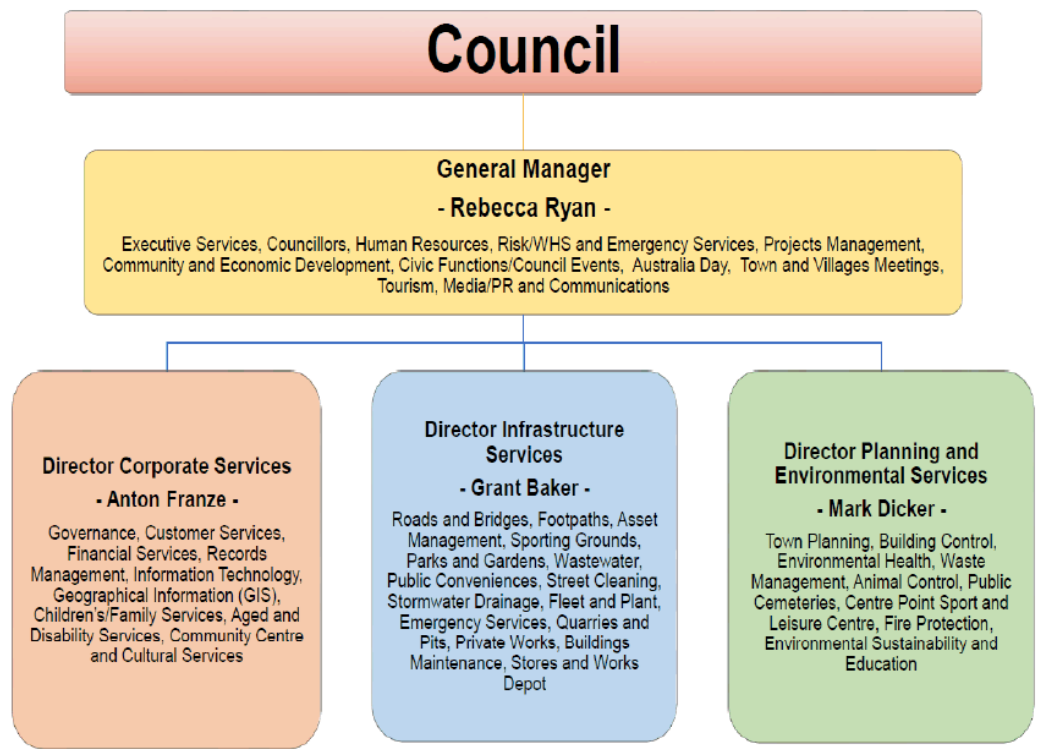
The Mayor presides at meetings of the Council, carries out the civic and ceremonial functions of the office, exercises, in cases of necessity, the decision making functions of the body politic, between its meetings and performs any other functions that the Council determines.

The Principal Officer of the Council is the General Manager. The General Manager is responsible for the efficient operation of the Council's organisation and for ensuring the implementation of Council decisions. The General Manager is also responsible for the day to day management of the Council, the exercise of any functions delegated by the Council, the appointment, direction and where necessary, the dismissal of staff, as well as the implementation of Council's Equal Employment Opportunity Management Plan.

To assist the General Manager in the exercise of these functions, there are 3 Directorates of Council. These Directorates are Corporate Services, Planning and Environmental Services and Infrastructure Services. Each of these Directorates is headed by a Director.

ORGANISATIONAL STRUCTURE

The functional structure of the organisation is set out in the below diagram:



COUNCIL FUNCTIONS

Council has functions conferred or imposed on it by the Local Government Act, 1993. These functions are:

SERVICE FUNCTIONS	REGULATORY FUNCTIONS	ANCILLARY FUNCTIONS	REVENUE FUNCTIONS	ADMINISTRATIVE FUNCTIONS	ENFORCEMENT FUNCTIONS
Including: * Provision of community health, recreation, education & information services * Environmental protection * Waste removal & disposal * Land & property, industry & tourism development & assistance * Civil Infrastructure Planning * Civil Infrastructure Maintenance & Construction	Including: * Approvals * Orders * Building Certificates	Including: * Resumption of land * Powers of entry and inspection	Including: * Rates * Charges * Fees * Borrowings * Investments	Including: * Employment of staff * Management plans * Financial reporting * Annual reports	Including: * Proceedings for breaches of the Local Government Act & Regulations and other Acts & Regulations * Prosecution of offences * Recovery of rates and charges

As well as the Local Government Act, Council has powers under a number of other Acts including:

<i>Biosecurity Act 2015</i>	<i>Impounding Act 1993</i>
<i>Community Land Development Act 1989</i>	<i>Library Act 1939</i>
<i>Companion Animals Act 1998</i>	<i>Privacy & Personal Information Protection Act 1998</i>
<i>Contaminated Land Management Act 1997</i>	<i>Protection of the Environment Operations Act 1997</i>
<i>Conveyancing Act 1919</i>	<i>Public Health Act 2010</i>
<i>Environmental Planning and Assessment Act 1979</i>	<i>Recreation Vehicles Act 1983</i>
<i>Fire and Rescue NSW Act 1989</i>	<i>Roads Act 1993</i>
<i>Fluoridation of Public Water Supplies Act 1957</i>	<i>State Emergency & Rescue Management Act 1989</i>
<i>Food Act 2003</i>	<i>State Emergency Service Act 1989</i>
<i>Government Information (Public Access) Act 2009</i>	<i>Strata Schemes Management Act 2015</i>
<i>Heritage Act 1977</i>	<i>Swimming Pools Act 1992</i>
	<i>Unclaimed Money Act 1995</i>

HOW COUNCIL FUNCTIONS AFFECT MEMBERS OF THE PUBLIC

As a service organisation, the majority of the activities of Blayney Shire Council have an impact on the public. The following is an outline of how the broad functions of Council affect the public.

Service functions affect the public as Council provides services and facilities to the public. These include provision of human services such as child care services and libraries, halls and community centres, recreation facilities, infrastructure and the removal of garbage.

Regulatory functions place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and not endanger the lives and safety of any person. Members of the public must be aware of, and comply with, such regulations.

Ancillary functions affect only some members of the public. These functions include, for example, the resumption of land or the power for Council to enter onto a person's land. In these circumstances, only the owner of the property would be affected.

Revenue functions affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.

Administrative functions do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.

Enforcement functions only affect those members of the public who are in breach of certain legislation. This includes matters such as the non-payment of rates and charges and unregistered dogs.

Community planning and development functions affect areas such as cultural development, social planning and involves:

- Advocating and planning for the needs of our community. This includes initiating partnerships; participating on regional, State or Commonwealth working parties; and preparation and implementation of the Community Plan.
- Providing support to community and sporting organisations through provision of grants, training and information.
- Facilitating opportunities for people to participate in the life of the community through the conduct of a range of community events such as Australia Day Awards and Youth Week, as well as promoting events of others.

HOW THE MEMBERS OF THE PUBLIC CAN PARTICIPATE IN COUNCIL'S POLICY DEVELOPMENT AND THE EXERCISE OF FUNCTIONS

There are a number of avenues available to members of the public to enable participation in policy development and the general activities of Council. These avenues can be broken down into two categories, namely:

- representation;
- personal participation.

1. REPRESENTATION

Local Democracy

Councils in New South Wales are elected every four years. The next election for Blayney Shire is scheduled for September 2021.

At each election for Blayney Shire Council, voters elect seven Councillors for a four-year term. The Mayor is elected for a 2 year term by the Councillors from among their numbers. All residents of the area who are on the electoral roll are eligible to vote. Property owners who live outside of the area and rate paying lessees can also vote, but must register their intention to vote on the non-residential roll. Voting is compulsory.

Making Representations to Councillors

Residents are able to raise issues with, and make representations to, the elected Councillors. The Councillors, if they agree with the issue or representation, may pursue the matter on the resident's behalf thus allowing members of the public to influence the development of policy.

Appointments with Mayor

After speaking to Councillors and/or appropriate staff, members of the public may make an appointment with the Mayor to discuss issues that require further attention.

2. PERSONAL PARTICIPATION

Open Council Meetings

Blayney Shire Council meets regularly at Ordinary Council meetings to discuss local issues and make decisions on behalf of the community. All meetings of Council are open to the public and residents are welcome to attend, unless closed for specific reasons under the *Local Government Act*. Meetings are also [streamed](#) from Council's website for viewing by members of the public and residents. Ordinary [Council meetings](#) are held on the third Monday of the month.

Public Address to Council

Members of the public are able to attend [Council meetings](#) (third Monday of each month – except January) in the Blayney Shire Community Centre - Council Chamber, 41 Church Street, Blayney.

The opportunity is offered to interested persons to address Council prior to meetings on any matters that are within its jurisdiction. A [Public Forum Speaker Request Form](#) must be completed and lodged before scheduled deadline of 4.30pm on the day of the Council meeting. Forms are available from Council's website: <http://www.blayney.nsw.gov.au/Your-Council/Council-Meetings-and-Committees/Public-Participation/Public-Participation>

Section 355 Committees

There are several [Committees](#) to which Council has delegated a function of Council to under s.355 of the Local Government Act. Council has the following Community Committees comprising and including members of the public:

- Blayney Shire Access Advisory Committee
- Blayney Shire Audit, Risk and Improvement Committee
- Blayney Shire Council Australia Day Committee
- Blayney Shire Financial Assistance Committee
- Blayney Shire Sports Council
- Blayney Shire Council Tourism, Towns & Villages Committee
- Cemetery Forum
- Blayney Shire Floodplain Management Committee

Community Committee meeting times are promoted on Council's website and meeting calendar within Council [Business Paper](#) Agendas. Invitations for membership of committees are called after Council elections and as committee vacancies arise. Notification of vacancies are publicised on Council's website and in the local newspaper. Members of the public interested in being involved with any community committee should contact Council in the first instance to enquire of any vacancies.

Public Exhibitions / Submissions to Council

[Public exhibition](#) of Council documents are a key way for the community to participate in local government. Members of the community can submit feedback on proposed policies, plans, projects or development that Council is considering. Members of the public can, either personally or in writing, address any matter that falls within Council jurisdiction.

Information provided to Council in correspondence, submissions or requests, including personal information such as names and addresses may be made publicly available in accordance with the Government Information (Public Access) Act (GIPA).

INFORMATION HELD BY BLAYNEY SHIRE COUNCIL

Council holds a wide range of information, in both hard copy and electronic form in respect of the wide range of functions undertaken by it. That information is contained in:

1. Records – either physical or electronic
2. Policy documents
3. General Information

1. RECORDS

Prior to 1996 Council had a “hard copy” records system, with material being held as physical records. Since then, Council’s records have been maintained in electronic format, physical records being dispensed with, except for development/building/construction applications.

Council’s records are not available on the website however this information may be made available either by informal release or via an access application, unless there is an overriding public interest against disclosure of the information, in accordance with the provisions of GIPA.

Members of the public who require an informal release or an access application can do so by contacting the Right to Information Officer at Council on telephone (02) 6368 2104.

2. POLICY DOCUMENTS

Council’s policies are maintained in a policy register – access to which is available from Council’s website using the following link: <http://www.blayney.nsw.gov.au/Your-Council/Council-Policies>

3. GENERAL INFORMATION

The following list of general information held by Council has been divided into four sections as outlined by the Government Information (Public Access) Regulation 2009:-

1. Information about Council;
2. Plans and Policies;
3. Information about [Development Applications](#);
4. Approvals, Orders and other Documents.

The Government Information (Public Access) Regulation 2009 requires that these documents held by Council, are to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents either on Council’s website (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges.

These documents are:

a. Information about Council

- The model code of conduct prescribed under section 440 (1) of the LGA
- Council's adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Community Strategic Plan
- Delivery and Operational Plan including resourcing strategy documentation such as Workforce Plan; Long-term Financial Plan; and Asset Management Plans
- EEO Management Plan
- Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy
- Annual Reports of Bodies Exercising Functions Delegated by Council
- Any Codes referred to in the Local Government Act
- Returns of the Interests of Councillors, Designated Persons and Delegates
- Agendas and Business Papers for any meeting of Council or any Committee of Council
- Minutes of any meeting of Council or any Committee of Council
- Departmental Representative Reports presented at a meeting of Council
- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti removal works
- Register of current Declarations of Disclosures of Political donations
- Register of Voting on Planning Matters

b. Plans and Policies

- Local Policies adopted by Council concerning approvals and orders
- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plans and Contribution Plans

c. Information about Development Applications

Development Applications and any associated documents received in relations to a proposed development:

- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification Documents
- Town Planner Reports
- Submissions received on Development Applications
- Heritage Consultant Reports
- Tree Inspection Consultant Reports
- Acoustic Consultant Reports
- Land Contamination Consultant Reports
- Records of decisions on Development Applications including decisions on appeals
- Records describing general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information

d. Approvals, Orders and Other Documents

- Applications for approvals under part 7 of the LGA
- Applications for approvals under any other Act and any associated documents received
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
- Orders given under the Authority of any other Act
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979
- Plans of land proposed to be compulsorily acquired by Council
- Compulsory Acquisition Notices
- Leases and Licenses for use of Public Land classified as Community Land

HOW MEMBERS OF THE PUBLIC MAY ACCESS AND AMEND COUNCIL DOCUMENTS CONCERNING THEIR PERSONAL AFFAIRS

As far as practicable, Council documents will be accessible by members of the public during office hours.

Persons interested in obtaining access to documents or who wish to seek an amendment to the Council's records concerning their personal affairs, should contact a Customer Service Officer. If you experience difficulty in obtaining documents or information you should contact Council's Public Officer.

ACCESS TO INFORMATION HELD BY THE COUNCIL

Blayney Shire Council is dedicated to good public decision making, transparency and accountability, and will provide access to information in accordance with the provisions of the GIPA Act.

Council has adopted a policy on access to information (Policy 2G: Access to Information), to facilitate public access to the information held by Council. This policy is publicly available from Council's policy register on Council's website using the following link:
<http://www.blayney.nsw.gov.au/Your-Council/Council-Policies>

In accordance with the GIPA Act, Council will make information available to the public in the following ways, unless there is an overriding public interest against disclosure of information:

OPEN ACCESS INFORMATION

Through the mandatory disclosure of open access information (see above, Information Held by Council) – where practicable, this information will be made available free of charge on Council's website. Where it is not practicable for Council to provide open access information on the website, the information will be made available free of charge in at least one other format.

To access information that is not currently available on Council's website, please contact Council's Right to Information Officer on (02) 6368 2104.

PROACTIVE RELEASE OF INFORMATION

Through the proactive release of as much information as possible – this information will be made available free of charge, or at the lowest reasonable cost.

INFORMAL ACCESS REQUESTS

In response to an informal request (without the need for a formal application, unless there are good reasons to require one) – this information will be made available free of charge, subject to any reasonable conditions that may be imposed by Council. Where information sought requires significant allocation of staff resource fees will be payable. Council may require a written record of an informal request to access information.

FORMAL ACCESS APPLICATIONS

In response to a formal access application (for information that Council does not provide proactively or informally) – application fees and processing charges apply as per the GIPA Act.

The GIPA Act sets out the procedure for making and dealing with formal access applications. An application for information that is not already available by other means must be made on the [Formal Access Application](http://www.blayney.nsw.gov.au/Your-Council/Access-to-Information) form, which is available at the Council office or on Council's website using the following link: <http://www.blayney.nsw.gov.au/Your-Council/Access-to-Information>

A formal application is not a valid application unless it is accompanied by an application fee of \$30. The application fee counts as payment of the first hour of any processing charge that may be payable by the applicant. Processing charges for dealing with formal access applications are charged at a rate of \$30 per hour for each hour of processing time.

Enquiries regarding formal access applications should be made to Council's Right to Information Officer on (02) 6368 2104.

ADDITIONAL INFORMATION

COPYRIGHT

Some information may be subject to copyright laws and the consent of the copyright owner will be required before releasing copies of such information. Alternatively, Council may grant 'view only' access to such material.

The Commonwealth Copyright Act 1968 takes precedence over State legislation. Therefore the right to copy documents under the GIPA Act does not override the Copyright Act. Nothing in the GIPA Act or Regulations permits Council to make government information available in any way that would constitute an infringement of copyright.

Access to copyrighted documents will be granted by way of inspection only, unless the copyright owner's written consent is provided. Where authority is unable to be obtained or the copyright owner is not able to be contacted, copies of copyright material will not be provided.

Copyright material includes, but not limited to, plans/drawings, consultant reports and survey reports.

Council's staff will advise if the information sought is subject to copyright.

INTERACTION WITH PRIVACY LEGISLATION

Access to certain information may be limited in accordance with the Privacy and Personal Information Protection Act 1998 (PPIP Act) and the Health Records and Information Privacy Act 2002 (HRIP Act). The PPIP Act and HRIP Act provide for the protection of personal and health information and for the protection of the privacy of individuals generally.

In accordance with the PPIP Act and the HRIP Act, Council has adopted a Privacy Management Plan (available on Council's website) which outlines Council's practice for dealing with privacy and

personal information in accordance with Information Protection Principles contained within the PPIP Act and the Health Protection Principles contained within the HRIP Act.

DISCLOSURE LOG

Council's [Disclosure Log](#) lists information released under a formal access application under the GIPA Act that is considered to be of interest to the wider public.

It should be noted that applicants can object to inclusion in Council's Disclosure Log.

PUBLIC OFFICER – RIGHT TO INFORMATION OFFICER

The Director Corporate Services has been appointed as the Public Officer. Amongst other duties, the Public Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council. The Director Corporate Services is also Council's Right to Information Officer and, as such, is responsible for determining applications for access to documents or for the amendment of records. If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Public Officer. Also, if you would like to amend a document of Council which you feel is incorrect it is necessary for you to make written application to the Public Officer (Right to Information Officer) in the first instance.

Enquiries should be addressed as follows:

General Manager
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799

Email: council@blayney.nsw.gov.au

INFORMATION AND PRIVACY COMMISSION

If you require any other advice or assistance about access to information you may contact the Information and Privacy Commission by telephone on 1800 472 679 (free call), in person at Level 17, 201 Elizabeth Street, Sydney 2000, in writing to GPO Box 7011 Sydney NSW 2001 or by email at ipcinfo@ipc.nsw.gov.au . Further information may also be obtained from website: www.ipc.nsw.gov.au

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