



**ATTACHMENTS TO REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING
HELD ON TUESDAY 19 MARCH 2024**

CORPORATE SERVICES REPORTS

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Future Direction 1 – Maintain and Improve Public Infrastructure and Services

Strategic Objectives/Strategies	Actions	Status
1.1 Plan and develop integrated transport networks, providing choices that enable people and freight to move and travel, in a safe, accessible and efficient manner		
Sealed roads and unsealed roads, bridges and culverts will be maintained in accordance with agreed service levels and Blayney Shire Roads Strategy	Maintain Transport infrastructure in accordance with; Road Hierarchy, Renewal and Maintenance Policy and the Pathways in accordance with Councils' Pathway Hierarchy, Standard and Maintenance Policy.	Defect inspections and repairs of pathways and roads prioritised in accordance with Council policies.
	Develop and implement a Bridge and Culvert Renewal and Maintenance Policy.	Bridge and Culvert Renewal and Maintenance Policy drafted.
	Deliver heavy patching, culvert renewal, initial sealing, resealing and gravel resheeting programs in accordance with budgetary allocations	Scoping, design and Construction in progress.
	Undertake reconstruction and rehabilitation on Forest Reefs and Hobbys Yards Roads in accordance with budgetary allocations.	Project stages on both roads completed. Further work on Forest Reefs Road in progress. Further work on Hobbys Yards Road Programmed.
	Prioritise road rehabilitation and upgrade works in line with the Blayney Shire Roads Strategy.	Roads Strategy updated in June 2023 and is used to guide allocations within the DP/OP and grant applications.

Strategic Objectives/Strategies	Actions	Status
Lobby and advocate for the re-opening of the Blayney-Demondrille Railway Line	Attendance at and involvement in advocacy activities.	No specific advocacy opportunities during the period.
Deliver the Active Movement Strategy priorities to provide safe and accessible connecting pathway networks	Undertake construction of; Belubula River Walk Stages 3 and 4,	<p>Belubula River Walk stage 3 & 4 footpath completed.</p> <p>Roadworks at Charles St Completed. Road works at Stillingfleet to be in progress.</p> <p>Landscaping to be completed late July, early August.</p>
	<p>Undertake construction of pathways in;</p> <ul style="list-style-type: none"> • Trunkey Street, Newbridge, • Elliott Street Millthorpe and • Pathways within the King George Oval Pedestrian Project. 	<p>Newbridge footpath is 80% completed, with works for stage 2 still being designed.</p> <p>Millthorpe pathways are completed.</p> <p>KGO footpath is complete.</p>
Plan for future transport and road infrastructure to service future needs		<p>Joint project with Cabonne Council for Spring Hill Road being investigated.</p> <p>Design of Richards Lane Millthorpe being progressed.</p> <p>Grant application for Coombing St Carcoar bridge lodged.</p>

Strategic Objectives/Strategies	Actions	Status
1.2 The Blayney health service; medical centres, aged care providers, primary and ancillary support and emergency service agencies provided in the Shire meet the future needs of the community		
Advocate to both NSW and Federal Government Ministers of Health, to ensure that Aged Care Services are maintained in Carcoar (Uralba) and Blayney (Lee Hostel), and the Blayney Health Services Clinical Services Plan is delivered	Attendance at and involvement in advocacy activities.	Council representation (Mayor) on Blayney Health Council. Advocacy on Aged Care as required.
Provide support for emergency management in Blayney Shire in accordance with State Emergency and Rescue Management (SERM) Act	Provide oversight of construction of new RFS Station Blayney and refurbishment of Blayney Fire and Rescue Station, facilitate meetings with zone commanders and local brigade captains.	Construction of new Blayney RFS station 90% completed.
	Chair the Local Emergency Management Committee.	LEMC meetings run as per meeting schedule.
Advocate to NSW Police and Emergency Services agencies for appropriate service levels.	Participate in the development and implementation of the Blayney Shire Local Emergency Management Plan.	Local Emergency Management Plan review has been undertaken and is currently in draft awaiting feedback from emergency services agencies.

Strategic Objectives/Strategies	Actions	Status
	Attendance at and involvement in NSW Police Chifley District Command and other emergency services agencies meetings.	Coordination with emergency services occurs predominately in LEMC meetings.
1.3 The community is provided with access to quality lifelong education and training		
Advocate on behalf of the community to Government to support accessible quality local education	Attendance at and involvement in advocacy activities.	No issues raised during the period that required advocacy.
	Engage with Schools Infrastructure NSW.	No issues raised during the period that required advocacy.
Work with registered training organisations, key business and employment service agencies to support traineeships, trade apprenticeships and skills development	Appoint Council Delegate to the Skillset Board.	Cr. Pryse Jones has been appointed to the Skillset Board.
	Work with training organisations as opportunities arise to achieve national recognised training outcomes.	Council is investigating opportunities with training providers, schools and government organisations regarding the national skills shortage.

Strategic Objectives/Strategies	Actions	Status
1.4 Residents and business have access to reliable utilities, information and communication technologies across the Shire		
Lobby the Federal Government for improved internet and mobile phone access to all our villages to facilitate growth	Attendance at and involvement in advocacy activities.	No specific issues raised during the period that required advocacy.
Investigate and support emerging communication technologies that support our community	Support applications for funding for improved communications infrastructure, as required.	Council continues to integrate opportunities for use of smart hub technology within its capital works program.
	Utilise smart technology and expand Council smart hub systems.	
Ensure appropriate utility services (electricity, gas, water) are available in the Blayney Shire		Council delegates appointed to Central Tablelands Water. Considered in Development Application assessments.

Future Direction 2 – Build the Capacity and Capability of Local Governance and Finance

Strategic Objectives/Strategies	Actions	Status
2.1 Council is recognised as a valuable partner with government and private business stakeholders		
Meaningful two-way communication and engagement between NSW and Federal Governments, regional organisations, business, industry, stakeholders and communities of interest	Attendance at and involvement in advocacy activities.	Council attended; LGNSW conference, Country Mayors, Mining & Energy Related Councils, Central NSW JO. Mayor elected to the LGNSW Board.
		During the period, Council met with: Hon Paul Toole MP (Bathurst MP), Hon Sam Faraway MLC (NSW MLC), Hon Stephen Lawrence MLC (NSW MLC)
Provide for the efficient and effective administration of Council	Audit, Risk and Improvement Committee (ARIC) meetings held.	ARIC meeting held in August and November with minutes tabled to next scheduled Council meeting.
	Implementation of Strategic Internal Audit Plan.	Revised Strategic Internal Audit Plan endorsed. Review of WHS Management System in progress.
	Development of Service Plans and Service Review Framework.	Framework drafted. Staff training scheduled for March 2024.

Strategic Objectives/Strategies	Actions	Status
	Pursue partnerships and grant funding opportunities to deliver projects identified in Asset Management Plans and Integrated Planning and Reporting documents.	Limited opportunities available. Council submitted grant applications for: Blake St / George St Millthorpe, Coombing St Carcoar bridge.
2.2 Responsible management practices, delivery of services and renewal of assets across the Blayney Shire		
Identify and implement improvement opportunities to optimise Council's financial sustainability	Implement Building and Other Structures Asset Management Plan.	Draft Strategic Asset Management Plan (SAMP), Transportation Asset Management Plan and Buildings and Other Structures Asset Management Plan prepared as part of SRV process.
	Reporting to Audit Risk and Improvement Committee.	ARIC meeting held in August and November with minutes tabled to next scheduled Council meeting.
Review Council's financial performance in the Long Term Financial Plan and report against Office of Local Government Financial Performance Ratios	Finalise Financial Sustainability Review (FSR).	Council resolved to undertake community engagement on a proposed SRV for 2024/25. SRV community engagement completed during the period.

Strategic Objectives/Strategies	Actions	Status
	Annual Financial Statements finalised and audited.	Financial Statements lodged with the OLG on 31/10/2023.
Significant capital projects are assessed and reviewed prior to lodgement and/or allocation of funding	All proposed projects are considered and assessed in accordance with Capital Projects Operating Guideline and / or Capital Expenditure Review. Guideline	Completed for 2 grant applications submitted. Delivery of a number of grant funded capital projects currently in progress.
Council is an employer of choice	Implement Workforce Management Plan strategies.	Council continues to use initiatives in relation to recruitment and retention strategies.
Effective management of land under Council control	Finalisation of Crown Lands Plans of Management Program.	Crown Lands Plans of Management Program progressing with Parks, Ovals and Open Space documents assessed and edits updated. Ongoing.
	Regular meetings with Crown Land.	No meeting during period. GM preliminary correspondence with Crown Lands regarding Crown Lands proposal to devolve Junctions Reefs Reserve to Council.

Strategic Objectives/Strategies	Actions	Status
2.3 Town Associations, Village Committees and local organisations are capable, resilient, and involved in decision making about issues that impact their own community		
Facilitate constructive and timely communication between Council and the Town & Village Committees /Progress Associations	Engagement with town and village communities on priorities for allocation of VEP funding.	Significant Community Engagement undertaken in each village for the proposed SRV. Council met with; Sidetrack Arts, Millthorpe, Lyndhurst and Newbridge village committees. VEP allocations subject to approaches by Village Committees / Progress Associations or as determined by Council.
Continue to support local community infrastructure projects via the Community Financial Assistance Program and Village Enhancement Plan (VEP) allocations	Community Financial Assistance Program funding rounds called biannually and funding allocated	VEP allocations subject to approaches by Village Committees / progress Associations or as determined by Council.
Support the development and implementation of improvement projects for the local Halls, School of Arts and other community facilities		Community Financial Assistance Rounds promoted with Rounds 1 and additional Round 1A allocated.
Work proactively with community groups to support local events	Attendance at and involvement in Orange360 activities.	Orange360 Council delegate appointed. Delegate attendance to monthly meetings.

Strategic Objectives/Strategies	Actions	Status
	Increase social media presence and interaction with community.	Ongoing social media posts scheduled.
	Facilitation of Event Management Applications and support of event organisers.	Applications received responded to and applicants assisted with navigating and satisfying requirements.
2.4 The community and ratepayers have confidence in and are engaged with Blayney Shire Council		
Deliver Council's Community Engagement Strategy utilising various channels and methods to enhance community awareness and participation in Council services and decision making	Review Community Engagement Strategy.	To be commenced in 2024.
	Review Community Participation Plan.	To be commenced in 2024.
	Investigate Online Rates Tool.	Investigated and deferred due to system limitations and cost prohibitive price.
Information is delivered effectively and efficiently	Increase e-newsletter distribution list.	Advertising of e-newsletter resulted in 172 new subscribers. Significant amount of information delivered effectively for the community engagement undertaken for the proposed SRV.

Strategic Objectives/Strategies	Actions	Status
Encourage sound governance practice and build the capacity and capability of local leaders within community organisations	Promote Online Planning and Customer Request platforms.	DA lodgement advice and guidance provided on Council's website.

Future Direction 3 – Diversify and Grow the Blayney Shire Local and Visitor Economy

Strategic Objectives/Strategies	Actions	Status
3.1A viable and productive agricultural sector		
Support the growth of the Shire while preserving productive agricultural land and integrate sustainable industries into the future	Ensure Land Use conflict is minimised and/or mitigated where on or adjoining agricultural lands and operations.	This assessment occurs with individual development applications and through the Planning Proposal process if agricultural lands are involved.
Ensure local planning instruments and strategies support the agricultural sector	Manage the water supply bores in rural locations to provide a secure 'non-potable' supply of water to the Shire.	Village bores inspected and maintained within Council budget.
Maintain the availability and quality of water for use in rural areas	Participate in Central NSW Water Utilities Alliance.	Council staff attended the Central NSW Water Utilities Alliance meeting.
3.2A responsible and prosperous mining industry that is engaged with the community, working towards the improvement of the Shire		
Engage and advocate on behalf of the community on the corporate and environmental responsibilities of the mining sector	Attend Community Consultative Committee meetings.	Cadia Valley CCC, McPhillamys Gold Project CCC and Flyers Creek Wind Farm CCC were attended.

Strategic Objectives/Strategies	Actions	Status
	Attend Mining and Energy Related Councils meetings.	Meetings attended.
	Advocate to the NSW Government for continuation of the Resources for Regions funding program.	Ongoing. Issue raised with; MERC, NSW Minerals Council, Central NSW JO and NSW Government.
3.3 Growing and connected tourism networks that add value to the vision and appeal of our heritage villages and tourism product within the Shire		
Implement the Orange Region Destination Management Plan	Work with Orange 360 to support Orange Region Destination Marketing activities.	Ongoing. Summer Campaign launched Dec 2023
Work with, and support Orange360 and Central NSW Tourism	Review Blayney Visitor Information Centre operations.	Ongoing support provided and attendance at monthly VIC meetings.
Provide support to local businesses and event organisers	Allocate funding through the Tourism Development Program.	Funding program guidelines were reviewed, funding to be allocated in first half of 2024.
3.4 An attractive shire for employment opportunities with industrial, business, tourism and planned housing residential growth		
Implement the Blayney Mainstreet and Millthorpe	Deliver High Pedestrian Activity Areas in Blayney and Millthorpe.	Under review by TfNSW

Strategic Objectives/Strategies	Actions	Status
Village Centre Masterplans	Develop projects and identify funding opportunities for Blayney Mainstreet and Millthorpe Village Centre Masterplan projects.	Funding for detailed design obtained and will be progressed.
Facilitate the development of new residential housing in Blayney and Villages	Work with stakeholders and partners to identify affordable housing opportunities.	Council not approached regarding affordable housing opportunities during the period. Grant application to MasterPlan 'south Blayney' lodged during period.
Seek opportunities to build a vibrant local retail and business sector	Support business opportunities.	Council supported initial Blayney Shire Small Business month event.
Regularly review and update, planning instruments, strategies and policies	Commence Millthorpe Settlement Strategy Addendum.	Proposed to be moved to 2024/2025.
	Commence a Planning Proposal to update the Blayney Local Environmental Plan 2012 in response to the Blayney Flood Study (Storm 2022).	Project deferred until a review of the Town of Blayney Flood Study is completed.

Future Direction 4 – Enhance recreational facilities and networks that support health and wellbeing of the community, sport, heritage and cultural interests

Strategic Objectives/Strategies	Actions	Status
4.1 We are an inclusive, diverse and welcoming community		
Engage with young people to facilitate and progress activities within the Shire	Allocate funding through Youth Week Grants program.	Government funding secured for Youth Week.
Implement the Disability Inclusion Action Plan	Six monthly and annual reporting on outcomes from Disability Inclusion Action Plan.	DIAP adopted. Annual report to November 2022 meeting.
	Engagement of Disability Inclusion Working Group.	DIWG meetings held in August and November.
Facilitate engagement of key stakeholders of the local community services sector	Support Blayney Interagency meetings and networks.	Council meeting facility offered. No meetings held
4.2 Provide facilities that support increased participation in sport and fitness activities		
Sporting events are supported by Council, volunteers and state sporting bodies so that they are coordinated and well resourced	Implement Councils' Parks and Recreation Asset Management Plan.	Provided for in the DP / OP.
Implement Blayney Shire Sports and Recreation Masterplan to enhance –	Deliver sports lighting at King George Oval, Blayney.	KGO lighting project completed.

Strategic Objectives/Strategies	Actions	Status
and improve sporting facilities	Deliver carpark improvements at King George Oval, Blayney.	In progress. Completion of main KGO carpark early 2024.
	Review the Blayney Shire Sport and Recreation Masterplan.	Development of Blayney Showground Masterplan is in progress.
	Coordinate User Group meetings for sporting facilities and major projects.	User group meetings for KGO and Showground user groups undertaken as required.
CentrePoint Sport and Leisure Centre is managed in a manner to maximise patronage and participation in fitness activities	Ensure fitness programs and services maximise patronage and participation at CentrePoint.	Ongoing reporting furnished.
4.3 Heritage and First Nations significant sites in the natural and built environment are protected		
Identify items of natural and built heritage in Blayney Shire	Ongoing engagement with Orange Local Aboriginal Lands Council.	Ongoing engagement as required and specifically regarding cultural burnings at Cemeteries and totem poles at Belubula River Walk.

Strategic Objectives/Strategies	Actions	Status
Heritage Advisory services continue to be provided to owners of heritage items ensuring heritage is preserved whilst allowing development to occur	Facilitate and provide Heritage Architect Advisory service.	The Heritage Architect Advisory service continues with visits from Heritage Advisor monthly.
	Allocate funding through Local Heritage Assistance Program.	Five applications approved.
Ensure the Shire's 8 heritage listed cemeteries are maintained and protected	Finalisation of the Blayney Shire Cemeteries Vegetation Plan.	Draft plan progressing.
4.4 The shire is a centre for cultural interest, arts, performance and entertainment		
Encourage the use of the Blayney Shire Community Centre as a facility for events	Number of events that utilise Blayney Shire Community Centre	Statistics for reporting period: Conferences 0 Meetings: External 80 Internal 67 Other functions 18 Unused days 73
Provide effective and consumer friendly library services in the Blayney Shire	Maintain and operate Blayney Library via Service Level Agreement in place with Orange City Council	Library Service delivered per SLA. Statistics for period: Loans: In-person 3,623 E-loans 7,641 Other: PC Bookings 200 Wi-Fi 55

Strategic Objectives/Strategies	Actions	Status
Maintain partnerships with local arts and cultural groups	Music Scholarship program and maintain Council's support of Regional Music Programs	2 Music Scholarships awarded following November auditions.
	Continued support of Arts OutWest, Platform Arts Hub and local museums	Arts OutWest membership renewed.
		<p>New 3-year MOU signed with Sidetrack Arts Incorporated for Platform Arts Hub space with funding allocated for operational expenses.</p> <p>NetWaste, Waste to Art exhibition hosted in the Platform Arts Hub from 23 July to 28 August 2023</p>

Future Direction 5 – Protect our Natural Environment

Strategic Objectives/Strategies	Actions	Status
5.1 Retain and enhance open spaces; with a focus on regeneration of native vegetation		
Ongoing liaison, support and participation with Local Land Services, Landcare and as a constituent Council Upper Macquarie County Council	Attendance at and involvement in advocacy activities.	Council delegates appointed to Upper Macquarie Council and meetings attended. Informal engagement with LLS and Landcare as required.
Maintain and strengthen partnerships with organisations responsible for natural resource management and feral pest control		Review of CWELC facility as emergency stock holding facility – draft emergency plan currently being prepared by LLS.
Review the Roadside Vegetation Management Plan to ensure high environmental value vegetation is protected, road safety outcomes maintained and any clearing is undertaken following agreed principles and guidelines	Prepare concept plan for Presidents Walk.	No budget allocation within current DP/OP to progress.
	Implement Native Tree Planting Program.	No tree planting occurred beyond minor replacements.
	Cemeteries Vegetation Management Plan.	Cemeteries Operational Guideline currently under review.

Strategic Objectives/Strategies	Actions	Status
Support Council's native tree planting program and community engagement	Develop a Parkland Tree Planting design, replacement and expansion program.	Street Tree policy adopted at February Council meeting.
		Native planting planned as part of Belubula River Walk project.
	Detailed design for Beaufort Street Park.	No budget allocation within current DP/OP.
5.2The Belubula River, waterways and tributaries that flow into our regional water catchments and water supply sources are clean, healthy and biodiverse		
Prepare a shire wide onsite sewerage wastewater strategy	Finalise and implement Blayney Shire Onsite Sewerage Management Policy.	Drafted but not finalised.
Clean up waterways throughout the Shire including removal of willow trees, other noxious species, creating wildlife habitat		No clean up undertaken during the period.
Stormwater Management Plans are prepared for Blayney, Millthorpe and	Stormwater Management Plan for Blayney.	In progress with Blayney Township Local Flood Study review.

Strategic Objectives/Strategies	Actions	Status
Carcoar and projects scoped for funding	Progress Millthorpe Stormwater Management Plan study.	Specific study not considered necessary. Stormwater management has been considered in 50 lot subdivision DA and in Richards Lane culvert design.
Ensure provision of Sewerage Treatment and Recycled Water Treatment Plant is adequate for the growth of the Shire and promotes Residential Development	Sewerage Strategic Business Plan	Public Works NSW engaged for proposal on SBP delivery.
5.3 We are on the path to achieving net zero emissions and adapting to climate change risks and opportunities		
Facilitate new energy sources, sustainable development and farming practices within the Shire	Finalise Business Case and Capital Expenditure Review for Blayney Solar Farm	Project high risk to Council. Project review ongoing.
Implement the Blayney Shire Renewable Energy Action Plan	Lodge Development Application for Blayney Solar Farm	DA not lodged as final project review is ongoing.
Continue to investigate and challenge emerging renewable energy sources	Investigate behind the meter battery/solar solutions	Energy consultant recently provided a review of opportunities for additional PV panels and battery opportunities.

Strategic Objectives/Strategies	Actions	Status
	Develop Fleet strategy for electric/hybrid vehicle solutions	Being undertaken and led through CNSWJO identifying Opportunities and barriers for EV charging and development of a fleet strategy.
5.4 Recycling and innovative diversion of waste will reduce the volume deposited in Council's Landfill		
Ensure Waste Management Services are delivered in a financially sustainable manner	Review Village Recycling Station Service	Review by waste consultant received.
Develop and promote programs with NetWaste that increase recycling and reuse	Support Garage Sale Trail.	Held in November 2023.
	Review Bulky Waste Collection Service.	Review by waste consultant received.
Review services and introduction of a Green Bin in Waste Collection Services	Investigate voucher system for Blayney Waste Management Facility.	Review by waste consultant received.
Investigate establishment of 'return and earn' opportunities within the Shire	Review of Street Cleaning program.	Not yet commenced.

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Data Sharing Agreement

Between

Spatial Services,

a division of the NSW Department of Customer Service

And

Click or tap here to enter text.

Data Sharing Agreement - Revised Draft
11 July 2023
DSA240423

Department of Customer Service



This Data Sharing Agreement is made on Click or tap to enter a date. (Effective Date).

First Party to this Agreement	
Name of organisation	DCS - Spatial Services
Australian Business Number (ABN)	81 913 830 179
Physical address	346 Panorama Ave, Bathurst NSW 2795
Name of person authorised to enter into this agreement on behalf of the organisation	Click or tap here to enter text.
Position	Click or tap here to enter text.
Phone number	Click or tap here to enter text.
Email	Click or tap here to enter text.
Name of primary contact person relating to this Agreement	Click or tap here to enter text.
Position	Click or tap here to enter text.
Phone number	Click or tap here to enter text.
Email	Click or tap here to enter text.

Second Party to this Agreement	
Name of organisation	Click or tap here to enter text.
Australian Business Number (ABN)	Click or tap here to enter text.
Physical address	Click or tap here to enter text.
Name of person authorised to enter into this agreement on behalf of the organisation	Click or tap here to enter text.
Position	Click or tap here to enter text.
Phone number	Click or tap here to enter text.
Email	Click or tap here to enter text.

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Name of primary point of contact person relating to this Agreement	Click or tap here to enter text.
Position	Click or tap here to enter text.
Phone number	Click or tap here to enter text.
Email	Click or tap here to enter text.

1. Background

- A. DCS Spatial Services and the Custodian have agreed to enter into an agreement for the exchange of information for emergency management purposes and for inclusion in Live NSW. Information may also be used to provide geospatial support to NSW Spatial Service's operational needs including digital cadastral and topographic databases, and New South Wales Street address information.
- B. The Custodian maintains spatial and other information for its own purposes and is willing to share part or all of this information with DCS Spatial Services.

From the Effective Date of this agreement, the Parties agree:

2. Definitions and interpretation

In this Agreement:

2.1. Definitions

- 2.1.1. **Authorised Agencies** means the authorised agencies listed in Schedule B.
- 2.1.2. **Authorised Individuals** means officers or employees of Authorised Agencies.
- 2.1.3. **Confidential Information** means:
 - I. any data, information or document (whether oral, electronic, or otherwise) provided by or on behalf of the Disclosing Party to the Receiving Party relating to or in connection with the Disclosing Party's business, all copies of such data, information or documents (however made or stored) and all documents and records prepared by the Disclosing Party or the Receiving Party based on or incorporating such information (including Custodian Data, trade secrets, designs, drawings, know-how, techniques, processes, procedures, technology or equipment used or proposed to be used or developed by the Disclosing Party or other commercially valuable information, whether in the past, present or future); and
 - II. all other proposals, requests, technical, commercial, financial or other information disclosed (whether orally, in writing or by any other means) by or on behalf of the Disclosing Party to the Receiving Party which is marked as being confidential or which could reasonably be regarded as confidential (including facilities information, marketing and financial information, customer lists, customer information, supplier information, marketing plans,

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business plans, costing information, pricing policies, price lists and reporting procedures) whether relating to the Disclosing Party's past, present or future operations,

but Confidential Information does not include:

- III. information which is required to be disclosed by law or by any competent judicial, governmental, supervisory, or regulatory body;
- IV. information which is in the public domain other than as a result of a breach of this Agreement by the Receiving Party or is in the public domain because it was disclosed with the Disclosing Party's consent; or
- V. information which the Receiving Party already possessed prior to the disclosure by the Disclosing Party and acquired on a non-confidential basis from sources other than the Disclosing Party.

- 2.1.4. **Custodian** means [Click or tap here to enter text.](#), being the owner of the data being supplied to DCS Spatial Services.
- 2.1.5. **Custodian Data** means any record, material, data, documents, or information created and maintained by the Custodian and provided to DCS Spatial Services.
- 2.1.6. **Creative Commons licenses** means any one of several public copyright licenses that enable the free distribution of a copyright work giving other people and entities the right to share, use, and build upon a work that the author has created.
- 2.1.7. **DCS** means the Crown in right of the State of New South Wales acting through the Department of Customer Service.
- 2.1.8. **Disclosing Party** means either DCS Spatial Services or the Custodian, whichever is the party disclosing Confidential Information to the other.
- 2.1.9. **Dissemination Limiting Markers (DLMs)** are markings for information where disclosure may be limited or prohibited by legislation, or where it may otherwise require special handling.
- 2.1.10. **Effective Date** means the date upon which the last party signs this Agreement.
- 2.1.11. **EICU** means Emergency Information Coordination Unit, a business unit of DCS Spatial Services which is a branch of the NSW Department of Customer Service.
- 2.1.12. **EICU Data** means the aggregate of data sourced and compiled by the EICU into the Emergency Services Spatial Information Library (ESSIL) along with any associated data that sits outside of ESSIL but is associated to it and the SIMS application.
- 2.1.13. **Emergency Management Purpose** means any endeavour by an agency or authority to reduce the risk, or deal with the consequence, of any natural disaster, disease outbreak, accident, threat or act of violence, or other incident, that may be or could become a danger to life, property, or the environment.
- 2.1.14. **Emergency Service Organisation** has the same meaning as set out in the State Emergency and Rescue Management Act 1989.

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- 2.1.15. **Emergency Management Sector** includes all local, state, federal and non-government organisations that have a role to play in the prevention of, preparation for, response to, and recovery from, an emergency event.
- 2.1.16. **Emergency Services Spatial Information Library (ESSIL)** is a spatial database containing approximately 350 seamless state-wide layers, compiled from data provided by local, state, and federal government agencies as well as non-government and commercial organisations, and developed by the EICU exclusively for use in emergency management, counter terrorism, and critical infrastructure protection. The ESSIL database is constantly being modified with updated data from 200+ source agencies.
- 2.1.17. **Functional Area** means the committee, operator, or combat agency of the Authorised Agencies.
- 2.1.18. **Intellectual Property** means, without limitation, all copyright, patents, designs, database rights, trademarks, trade secrets, Confidential Information, and know-how (whether registered, applied for, registrable or unregistered) and all other Intellectual Property rights that can exist in either of EICU's or the Custodian's Data.
- 2.1.19. **Live NSW** means an ecosystem of data, platforms, infrastructure, and governance arrangements that allows Government, utilities, industry, and the community to search, discover, access, and visualise NSW Government spatial information data, products, and services.
- 2.1.20. **Open Data** means data that is provided and has been classified by the Custodian as Open Data. It is easily discoverable and accessible and is freely available to everyone. Open Data may be published and released under Creative Commons licensing without restriction from copyright, patents, or other control mechanisms.
- 2.1.21. **Parties** means the entities sharing data as stated in this Data Sharing Agreement, being the DCS Spatial Services and the Custodian.
- 2.1.22. **Receiving Party** means either DCS Spatial Services or Custodian whichever is the party receiving Confidential Information from the other.
- 2.1.23. **Restricted Data** means Data that is provided by the Custodian but can only be shared with or disseminated to the Authorised Agencies.
- 2.1.24. **Shared Data** means data provided by the Custodian that can only be released to a Data User under the terms of a data sharing agreement, memorandum of understanding, or license between the Custodian and the Data User. The agreement will define the conditions applying to the release and use of the data and may be specific to a Data User or to a group of Data Users for a specific project.
- 2.1.25. **SIMS Hard Drive Kit** is an external hard drive which contains SIMS and ESSIL along with various other data, applications, and documentation to enable use of the data compiled by the EICU.
- 2.1.26. **Spatial Information and Mapping System (SIMS)** is a software application developed by the EICU and designed to provide geospatial capabilities for accessing the ESSIL database.

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- 2.1.27. **Support Agency** means an agency with a designated role in the event of an emergency and/or is listed as such in either state or local emergency management plans.

2.2. Interpretation

- 2.2.1. Headings are for convenience only and do not affect the interpretation of this Agreement,
- 2.2.2. The singular includes the plural and vice versa,
- 2.2.3. Words importing a gender include any other gender,
- 2.2.4. A reference to a person includes bodies corporate and unincorporated associations and partnerships and Government agencies,
- 2.2.5. Where a word or phrase is given a particular definition, other parts of speech and grammatical forms of that word or phrase have corresponding meanings,
- 2.2.6. A reference to a schedule or annexure includes a reference to any part of that schedule or annexure,
- 2.2.7. A recital, schedule, or annexure forms part of this Agreement,
- 2.2.8. Monetary references are references to Australian currency,
- 2.2.9. The words "include", "includes" and "including" are not words of limitation,
- 2.2.10. A reference to any legislation or legislative provision includes any statutory amendment, modification, or re-enactment of, or legislative provision substituted for, and any subordinate legislation issued under, that legislation or legislative provision.

3. General Conditions

- 3.1. Any variation to the Data Sharing Agreement must be agreed to in writing between DCS Spatial Services and the Custodian.
- 3.2. Each Party is responsible for meeting its own costs in respect to all matters arising from this Agreement.
- 3.3. The laws of New South Wales govern this Agreement. The Parties submit to the non-exclusive jurisdiction of the courts of NSW and any courts competent to hear appeals from those courts.
- 3.4. In the event any Party to the Agreement ceases to exist or is reconstituted, renamed, or replaced or its powers or functions are transferred to any other entity, body or group, a reference to such Party shall be a reference to the entity, body, or group, established or constituted in lieu of that Party or succeeding to similar powers or functions of that Party.

4. Duration of Agreement

- 4.1. This Agreement will commence on the Effective Date and will remain in effect until terminated in accordance with clause 3.2.

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- 4.2. This Agreement may be terminated:
- 4.2.1. by mutual agreement at any time,
 - 4.2.2. by either party giving the other party 60 days written notice,
 - 4.2.3. in the event of a material breach or non-observance of the terms of this Agreement by one party, by the other party giving 7 days written notice,
 - 4.2.4. in the event of any conflict or dispute arising out of this Agreement which the Parties are unable to resolve to the satisfaction of either party, by either party giving written notice,
 - 4.2.5. in accordance with clause 11.3.
- 4.3. Upon termination of this Agreement, or on request at any time by the Disclosing Party, the Receiving Party must cease using, and return or destroy all Confidential Information of the other Party (stored in any medium) except to the extent that the Receiving Party is required to retain or disclose the Confidential Information to comply with any law.
- 4.4. The obligations of confidentiality under this Agreement continue to apply after termination of this Agreement. Termination of this Agreement does not affect any accrued rights or remedies any Party may have.

5. Intellectual Property

- 5.1. No action taken by either Party or implied by this Agreement shall in any way give rise to the transfer of the Intellectual Property of one Party to the other or to any third party.

6. Liability and Indemnity

- 6.1. No action taken in executing this Agreement shall be used as the means to transfer liability in any form from one Party to the other.
- 6.2. Each Party acknowledges and agrees that the other Party's data is made available on the understanding that the other Party, its officers, employees and agents and any other person who has been responsible for collecting or creating that data does not have any liability (including liability for negligence) to the first-mentioned Party whatsoever for any loss, damage, cost or expense, whether direct, indirect, consequential or special, incurred by or arising by reason of the first-mentioned Party or any other person using or relying on the other Party's data whether caused by reason of any error, omission or misrepresentation in the other Party's Data or otherwise.
- 6.3. Each Party shall indemnify and keep indemnified the other Party, its officers, employees, and agents ("those indemnified"), from and against all actions, proceedings, claims, demands, costs, losses, damages and expenses (including reasonable legal costs and expenses), which may be brought against, made upon, suffered, or incurred by any of those indemnified arising from or in connection with:
- 6.3.1. any breach of confidentiality obligations under this Agreement by the first-mentioned Party, its officers, employees, or agents; and/or

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- 6.3.2. a claim that the first-mentioned Party's data used by the other Party in accordance with this Agreement infringes the Intellectual Property Rights of a third party, provided however, the first-mentioned Party shall have no liability to the other Party for any claim for infringement based upon the modification, combination, operation or use of the first-mentioned Party's data with computer programs or other data if such infringement could have been avoided by the use of the first-mentioned Party's Data without such computer programs or data.

7. Warranties

- 7.1. No warranty is given by either party as to the accuracy, completeness, or fitness for a particular purpose of any data or related information provided.
- 7.2. While each party will use its reasonable endeavours to ensure that the information provided is as up to date and accurate as possible, neither party will be liable for any loss suffered by the other party through the use of such information.

8. Supply of Data

8.1. From Custodian to DCS Spatial Services

- 8.1.1. The Custodian agrees, subject to clause 7.1.7, to supply to DCS Spatial Services the datasets that have been negotiated for exchange by the Custodian and Spatial Services, as set out in Schedule C.
- 8.1.2. The Custodian agrees that Restricted Data supplied by the Custodian will be incorporated into ESSIL and will be distributed to the Emergency Management Sector for Emergency Management purposes. All other data will be made available as Open Data or Shared Data in Live NSW by DCS Spatial Services.
- 8.1.3. Beginning from the date of this agreement or as otherwise agreed, the Custodian agrees to use reasonable endeavours to update and supply the Custodian's Data as indicated below or as otherwise agreed by both Parties.

☐ Every 3 months. _____
Custodian Initials Date

☐ Every 6 months. _____
Custodian Initials Date

☐ Every 12 months. _____
Custodian Initials Date

☐ Other term as defined (API).

[Click or tap here to enter text.](#)

Custodian Initials Date

Department of Customer Service



- 8.1.4. DCS Spatial Services will limit access to Custodian's Shared Data to the Authorised Users listed in Schedule D. Access to Custodian's Shared Data will be given to those parties listed in Schedule D only if the parties have first entered into an agreement with DCS Spatial Services to protect the use and confidentiality of Custodian's Data on equivalent terms no less onerous than under this Agreement.
- 8.1.5. DCS Spatial Services will restrict access to Restricted Data to the Authorised Agencies and Functional Areas listed in Schedule B. Access to Restricted Data will only be given if those agencies and functional areas listed in Schedule B have first entered into an agreement with DCS Spatial Services to protect the use and confidentiality of Custodian Data on equivalent terms no less onerous than under this Agreement. DCS Spatial Services will ensure that those agencies and functional areas comply with such agreements and notify the Custodian of any suspected or actual breach.
- 8.1.6. The Parties agree to cooperate regarding the exchange of data in accordance with clauses 7 and 8, and to work together to find the most efficient and practical means to exchange data.
- 8.1.7. The Custodian is not required to supply any Custodian Data to DCS Spatial Services until it has reviewed and is satisfied with the technical readiness of the collaborative data sharing system built and used by the EICU or as part of Live NSW. Technical readiness may include but is not limited to acceptable penetration test results, acceptable system architecture, etc. Upon request, the EICU or Live NSW product owner will provide information and reasonable assistance for the Custodian to carry out such review.

8.2. From DCS Spatial Services to Authorised Individuals

- 8.2.1. The Custodian agrees that DCS Spatial Services is permitted to supply the SIMS Hard Drive Kit including EICU Data (which will include the Custodian Data supplied as part of this Agreement) to the Emergency Management Sector to be used in the preparedness, prevention, response, and recovery of emergency events within NSW.
- 8.2.2. The Custodian agrees that DCS Spatial Services is permitted to supply the authorised SIMS online users the EICU Data (which will include the Custodian Data supplied as part of this Agreement) to the Emergency Management Sector to be used in the preparedness, prevention, response, and recovery of emergency events within NSW.
- 8.2.3. The Custodian agrees that DCS Spatial Services is permitted to supply the Authorised Agencies via NextCloud the EICU Data (which will include the Custodian Data supplied as part of this Agreement) to the Emergency Management Sector to be used in the preparedness, prevention, response, and recovery of emergency events within NSW.
- 8.2.4. DCS Spatial Services agrees that it will provide **Restricted Data** by SIMS Hard

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Drive Kit, SIMS Online, or NextCloud only to the **Authorised Agencies and Functional Areas** involved in the preparedness, prevention, and response and recovery of emergency events in NSW.

9. Restricted Data Terms of use

- 9.1. Restricted Data will be used for Emergency Management and crowd control / event management purposes only, including but not limited to measures that contribute to the prevention, preparedness, response and recovery of emergencies, disasters, and crowd control events.
- 9.2. If the Custodian is an Emergency Service Organisation or Support Agency it can request from the EICU, supply of ESSIL data to be used only for Emergency Management and crowd control / event management purposes.
- 9.3. DCS Spatial Services agrees to use any Restricted Data or Information it receives from the Custodian exclusively for Emergency Management and crowd control / event management purposes only.
- 9.4. The data provided to the Custodian is not to be copied onto other devices unless prior written approval has been received from DCS Spatial Services. For such transfer of data by the Custodian, approval can be requested from EICU by completing Schedule A at the end of this Agreement.
- 9.5. The Parties agree to comply with all privacy, data handling and data protection laws that are applicable to any data, information or document provided under this Agreement.

10. Security, Confidentiality, and Access of Restricted Data

- 10.1. DCS Spatial Services will treat all Custodian Data as Shared Data or Open Data except any data that is Restricted Data or Confidential Information.
- 10.2. All Restricted Data and Confidential Information provided by the Custodian, other than where the Custodian agrees the data is Shared Data or Open Data will be secured according to the NSW Government Information Classification, Labelling and Handling Guidelines¹ for handling data and information with Dissemination Limiting Markers. DCS Spatial Services will ensure that:
 - 10.2.1. the data remains confidential and is only available to Authorised Individuals
 - 10.2.2. the data is only available to Authorised Individuals when, and to the extent, it is needed for Emergency Management Purposes.
 - 10.2.3. the Authorised Individuals are made aware of (prior to being given access) and retain the confidentiality of the data;

¹ NSW Government Information, Classification, Labelling and Handling Guidelines V.2.2 DFSI, July 2015
<https://arp.nsw.gov.au/sites/default/files/NSW%20Government%20Information%20Classification%20Labelling%20and%20Handling%20Guidelines%20V.2.2%28DFSI%29.pdf>
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- 10.2.4. the data is stored in a manner that preserves the integrity of the source information;
 - 10.2.5. processes are in place that establish rules for the disclosure of the data and dissemination of information must be for authorised purposes;
 - 10.2.6. it complies with Schedule E (Custodian's Additional Data Security Obligations); and
 - 10.2.7. it will immediately notify the Custodian of any suspected or actual breach of this Agreement and must co-operate with the Custodian regarding any investigation, prosecution or other action taken regarding such breach.
- 10.3. If the Custodian receives EICU Data, it must be secured, and access only given to persons for official purposes in accordance with clause 8.3.

11. Critical Infrastructure Licence Conditions (if applicable)

- 11.1. DCS Spatial Services must ensure access to and management of the Custodian Data (including by the Emergency Services Organisations that have access to the Custodian's Data) is treated in accordance with the responsibilities of the Custodian under any relevant licence conditions, and acknowledges that the Custodian's compliance with its carrier licence conditions is of paramount importance and overrides any obligations of the Custodian to share Custodian Data with DCS Spatial Services or any other entity.
- 11.2. The Custodian shall assess changes to any authorisation, licence, authority, permit, or registration issued, granted, or approved by a government agency or changes to any legislation after the Effective Date that impacts the Custodian's data and cyber security responsibilities. The Custodian shall reasonably endeavour to notify DCS Spatial Services of any potential impacts, and any necessary remediation shall be agreed between the Custodian and DCS Spatial Services within 30 days of notification and implemented within 60 days of notification.
- 11.3. If the Custodian and DCS Spatial Services are unable to agree necessary remediation within the time stipulated, the Custodian may terminate its obligations under this Agreement by giving 30 days of written notice of such termination.

Department of Customer Service



Signature

Signed on behalf of DCS Spatial Services, a division of the NSW Department of Customer Service by:	
Name	Click or tap here to enter text.
Position	Click or tap here to enter text.
Signature	
Date	
Witnessed by:	
Name	Click or tap here to enter text.
Position	Click or tap here to enter text.
Signature	
Date	

Signed for and on behalf of <input type="text"/> Click or tap here to enter text. <input type="text"/> by its authorised representative, in the presence of:	
Name	Click or tap here to enter text.
Position	Click or tap here to enter text.
Signature	
Date	
Witnessed by:	
Name	Click or tap here to enter text.
Position	Click or tap here to enter text.
Signature	
Date	

Department of Customer Service



Schedule A – Approval to Copy the Emergency Services Information Library (ESSIL) for Emergency Management Purposes

The Custodian is seeking approval from the Spatial Services EICU to copy, partly or wholly, the Emergency Services Spatial Information Library (ESSIL) and associated data to the Custodian's internal systems for Emergency Management Purposes, only.

Requested on behalf of <input type="text"/> <small>Click or tap here to enter text.</small> by:	
Name	<input type="text"/> <small>Click or tap here to enter text.</small>
Position	<input type="text"/> <small>Click or tap here to enter text.</small>
Signature	<input type="text"/>
Date	<input type="text"/>
Witnessed by:	
Name	<input type="text"/> <small>Click or tap here to enter text.</small>
Position	<input type="text"/> <small>Click or tap here to enter text.</small>
Signature	<input type="text"/>
Date	<input type="text"/>

Approved on behalf of Emergency Information Coordination Unit by:	
Name	<input type="text"/> <small>Click or tap here to enter text.</small>
Position	<input type="text"/> <small>Click or tap here to enter text.</small>
Signature	<input type="text"/>
Date	<input type="text"/>
Witnessed by:	
Name	<input type="text"/> <small>Click or tap here to enter text.</small>
Position	<input type="text"/> <small>Click or tap here to enter text.</small>
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Schedule B – Authorised Agencies and Functional Areas with Access to Restricted Data

Restricted Data may only be shared with the following recipients:

- The State Crisis Centre
- The State Emergency Operation Centre
- The Government Coordination Centre
- Emergency or Rescue Management Organisations (as defined under s. 60KA of the State Emergency and Rescue Management Act 1989)
- Combat Agencies:
 - NSW Rural Fire Services
 - NSW State Emergency Service
 - NSW Police Force
- State Emergency Functional Areas – Health, Transport, Agriculture, Environment, and Energy/Utilities
- ACT Emergency Services Agency
- AGO & Defence
- Attorney Generals (NSW, ASIO)
- Australian Federal Police
- Geoscience Australia
- Police Counter Terrorism Command
- NSW Traffic and Highway Patrol Command
- NSW Telco Authority Telecommunications Emergency Management Unit (TEMU)



Schedule C - Datasets for Exchange by the Custodian, the EICU and Live NSW:

Dataset Title	Dataset Content Type	Dataset Description	File Type	Spatial Reference System (dataset)	Spatial Reference System (web service)	WGS84 Equivalent To	NSW Dissemination Limiting Markers	Data Access Policy (Open, Shared, or Restricted)
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Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Choose an item.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Choose an item.	Choose an item.
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Add additional pages as required.

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Schedule D – Authorised Users with Access to Custodian’s Shared Data

The Custodian’s Shared Data will be available to these recipients under the terms of a data sharing agreement, memorandum of understanding, or license between the Data Custodian and the Data User.

Dataset(s) (Separate multiple datasets by a semicolon)	Authorised User	Authorised User Email Address
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
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Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
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Add additional pages as required.

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Schedule E – Custodian's Additional Data Security Obligations

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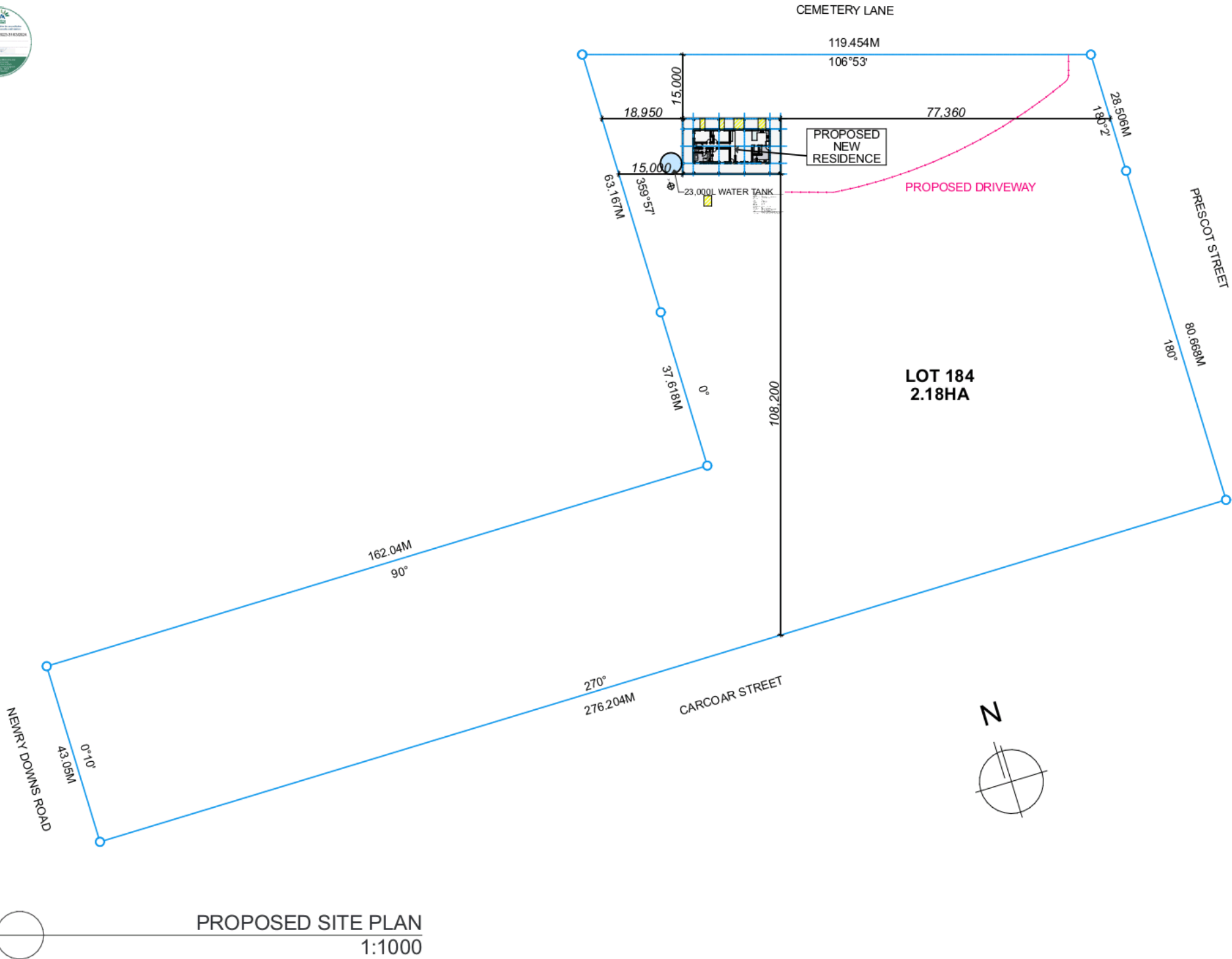


(Add any Data Security Obligations and Requirements by Custodian here.)

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NOTE
The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the Building Designer. Refer to written dimensions only. Do not scale drawings.

Drawings shall not be used for construction purposes until issued for construction.

This drawing reflects a design by Designs AT m and is to be used only for work when authorised in writing by Designs AT m.

All boundaries and contours are subject to survey drawing. All levels to Australian Height Data. It is the contractors responsibility to confirm all measurements on site and locations of any services prior to work on site.

All documents here within are subject to Australian Copyright Laws.

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Orange NSW 2800
0409 982 793
office@designsatm.com.au

bdaa
BUILDING DESIGNERS
ASSOCIATION OF AUSTRALIA

Drawn | Checked |

Client C & R DE PIJPER

Site: PRESCOTT STREET
LYNDHURST
Lot 184 DP 1298034

CONSTRUCTION CERTIFICATE
PROPOSED SITE PLAN

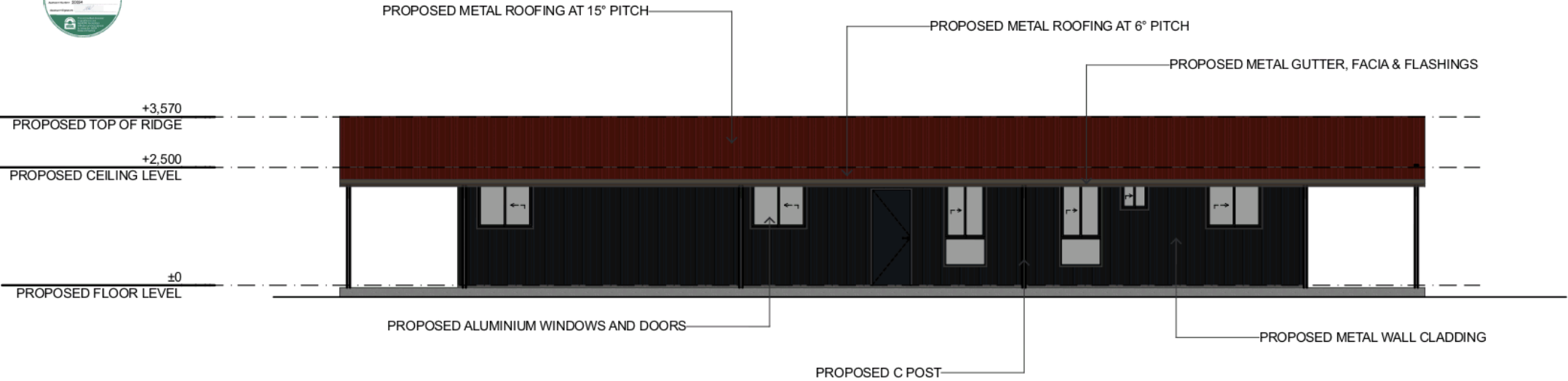
DRAWING TITLE :

PROPOSED NEW RESIDENCE

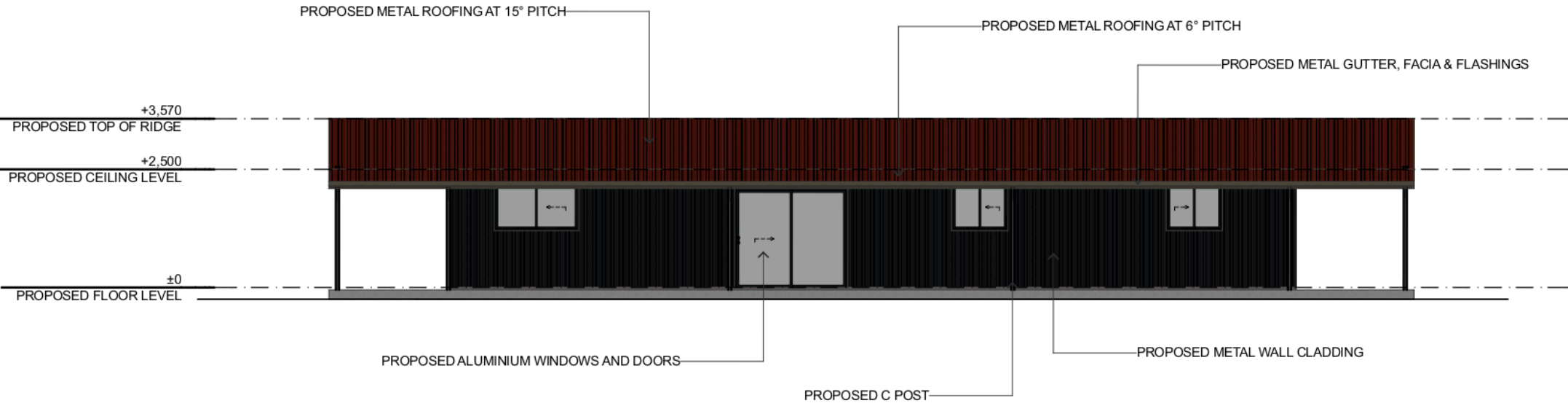
PROJECT NAME :

CC06
DRAWING NO.

PROJECT NO. 23-084
DATE: November 2023



PROPOSED SOUTH WEST ELEVATION
1:100



PROPOSED NORTH EAST ELEVATION
1:100

CONSTRUCTION CERTIFICATE
PROPOSED ELEVATIONS

NOTE
The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the Building Designer. Refer to written dimensions only. Do not scale drawings.

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designsatm

Orange NSW 2800
0409 982 793
office@designsatm.com.au



Drawn | Checked |

Client C & R DE PIJPER

Site: PRESCOTT STREET
LYNDHURST
Lot 184 DP 1298034

CONSTRUCTION CERTIFICATE
PROPOSED ELEVATIONS

DRAWING TITLE :

PROPOSED NEW RESIDENCE

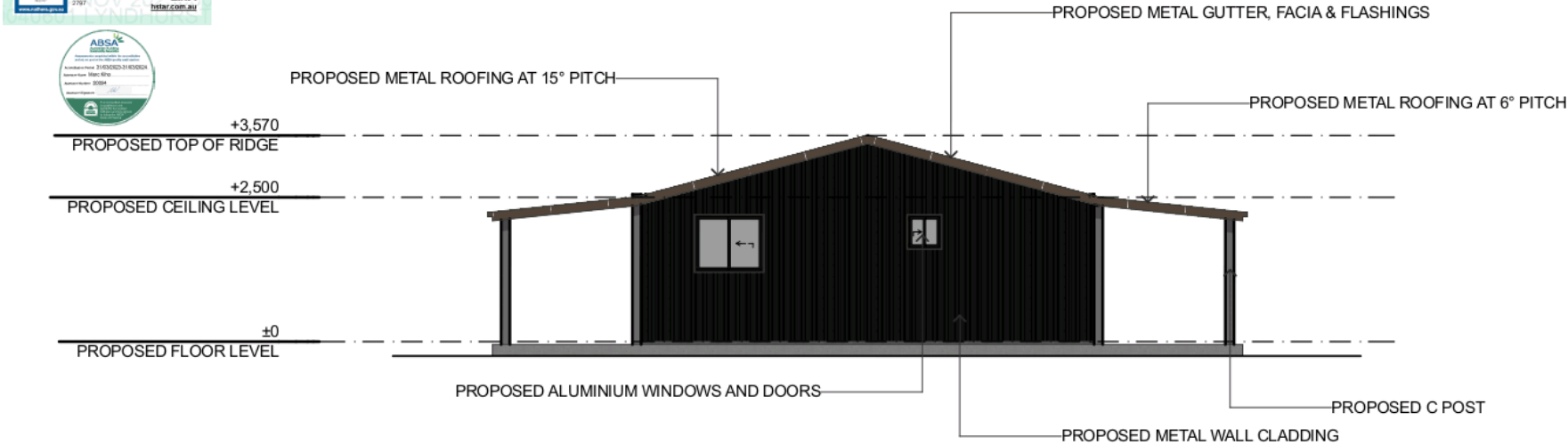
PROJECT NAME :

CC03

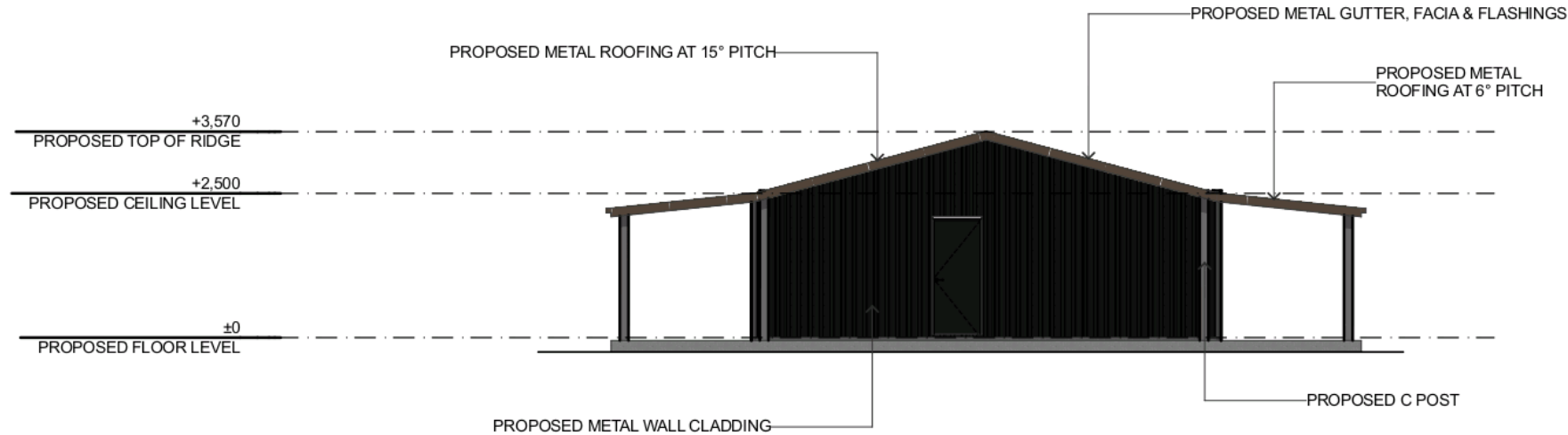
DRAWING NO.

PROJECT NO. 23-084

DATE: November 2023



PROPOSED NORTH WEST ELEVATION
1:100



PROPOSED SOUTH EAST ELEVATION
1:100

GENERAL NOTES

GENERAL

All building work and construction is to comply with the relevant sections of the National Construction Code - Class 1 & Class 10a.
All building work and construction is to comply with the set minimum required level for the safety, health, amenity, accessibility and sustainability of certain buildings with the NCC 2022.
The ABCB Housing Provisions contains Deemed-to-Satisfy Provisions that are considered to be acceptable forms of construction that meet the requirements for complying with Parts H1 to H8 of NCC Volume Two (i.e. they comply with the Performance Requirements listed in Parts H1 to H8 of NCC Volume Two).

PLANS

Plans are not to be amended by any other person other than Designs AT M personal.
Plans remain the property of Designs AT M.

DIMENSIONS

All dimensions show in millimetres unless noted otherwise **DO NOT SCALE** from drawing.
All dimension & levels are to be confirmed on site prior to construction.

STRUCTURAL ELEMENTS

All structural concrete & steelwork to be designed by a qualified structural engineer.

TIMBER FRAMING

All timber used in the building shall be strictly in accordance with the provisions of AS 1684, national timber framing code.

TERMITE PROTECTION

Termite risk management in accordance with AS 3660: 1-2000 and NCC - V2 - H1.D3.
ACACB Housing Provisions Part 3.4 must be provided.

MASONRY STRUCTURE

All masonry shall be in accordance with AS 3700 - 2011, AS 4773 Parts 1 & 2, and NCC - V2 - H1-D8.
ACACB Housing Provisions Part 5.

DAMP PROOFING OF FLOORS ON THE GROUND

Vapour barrier in accordance with AS 2870 - NCC - V2 - H2F2 - ACACB Housing Provisions Part 4.2.8 to prevent moisture reaching the upper surface of the floor.
Pliable building membrane installed in external walls to be a vapour permeable type, comply with AS/NZS 4200.0 and be installed as per AS4200.
ACACB Housing Provisions Part 5.7.3/4.

STAIRWAYS

Construction of any stairways & balustrades shall comply with the requirements of the NCC - V2 - H5P1- 2 - ACBB Housing Provisions Part 11.2.

INSULATION

Wall & Ceiling insulation refer to BASIX / NATHERS certificate.

GUTTERS AND DOWNPIPES

All gutters and downpipes shall be in accordance with AS/NZ 3500.3 & AS/NZ 3500.5 and NCC - V2 - H2D6 ACACB Housing Provisions Part 7.4.

GLAZING

All glazing to comply with NCC - V2 - H1D8 - H2D2 ACACB Housing Provisions Part 8.3/8.4/13.3 in accordance with AS 2047 and AS 1288.

EXTERNAL DOOR & OPENABLE WINDOWS

External doors & openable windows in conditioned spaces to be sealed to restrict air infiltration as per NCC 2022 - H6 - ACACB Housing Provisions Part 13.4.4.

WET AREAS

Water proofing of wet areas must comply with the NCC - V2 - H4 - ACACB Housing Provisions Part 10.2 and relevant parts of A.S. 3740.

CONSTRUCTION OF SANITARY COMPARTMENTS

Where a closest pan is within 1200mm of any part of the door frame lift off hinges must be provided to that door as per NCC - V2 - H4F3(d) - ACACB Housing Provisions Part 10.4.2.

VENTILATION

Ventilation must be provided to a habitable room, sanitary compartment, bathroom, shower room, laundry and any other room occupied by a person in accordance with NCC - V2 - Part H405 ACACB Housing Provisions Part 10.8.2.

An exhaust fan or other means of mechanical ventilation may be used to ventilate a sanitary compartment, laundry, kitchen or bathroom, or where mechanical ventilation is provided in accordance with 10.6.3(b), provided contaminated air exhausts comply with 10.8.2.
Sealing damper ACACB Housing Provisions Part 13.4.5.

SMOKE ALARMS

Smoke alarm to be installed in accordance with NCC - V2 - Part H3D6 and AS 3786 and 1670.
ACACB Housing Provisions Part 9.5.

PLANS TO BE READ IN CONJUNCTION WITH BASIX/NATHERS CERTIFICATE

CONSTRUCTION CERTIFICATE
PROPOSED ELEVATIONS
DRAWING TITLE :

NOTE

The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the Building Designer. Refer to written dimensions only. Do not scale drawings.

Drawings shall not be used for construction purposes until issued for construction.

This drawing reflects a design by Designs AT M and is to be used only for work when authorised in writing by Designs AT M.

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Client C & R DE PIJPER

Site: PRESCOTT STREET
LYNDHURST
Lot 184 DP 1298034

CONSTRUCTION CERTIFICATE
PROPOSED ELEVATIONS

DRAWING TITLE :

PROPOSED NEW RESIDENCE

PROJECT NAME :

CC04

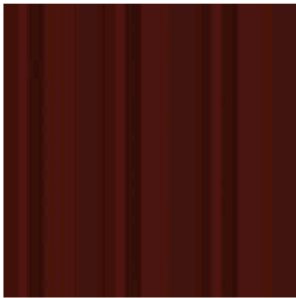
DRAWING NO.

PROJECT NO. 23-084

DATE: November 2023



PROPOSED COLOUR SCHEDULE
1:100



PROPOSED ROOFING
COLORBOND - MANOR RED



PROPOSED WALL CLADDING
COLORBOND - MOUNMENT



PROPOSED GUTTER/FACIA /FLASHINGS
COLORBOND - JASPER



PROPOSED WINDOWS/DOORS
COLORBOND - MOUNMENT

DESIGNS AT M. BUILDING DESIGNERS CERTIFICATE
CONSTRUCTION CERTIFICATE
RICHARD DE PIJPER ARCHITECTS
2024-01-01

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Client C & R DE PIJPER

PRESCOTT STREET
LYNDHURST

Site: Lot 184 DP 1298034

**CONSTRUCTION CERTIFICATE
PROPOSED COLOUR SCHEDULE**
DRAWING TITLE :

PROPOSED NEW RESIDENCE

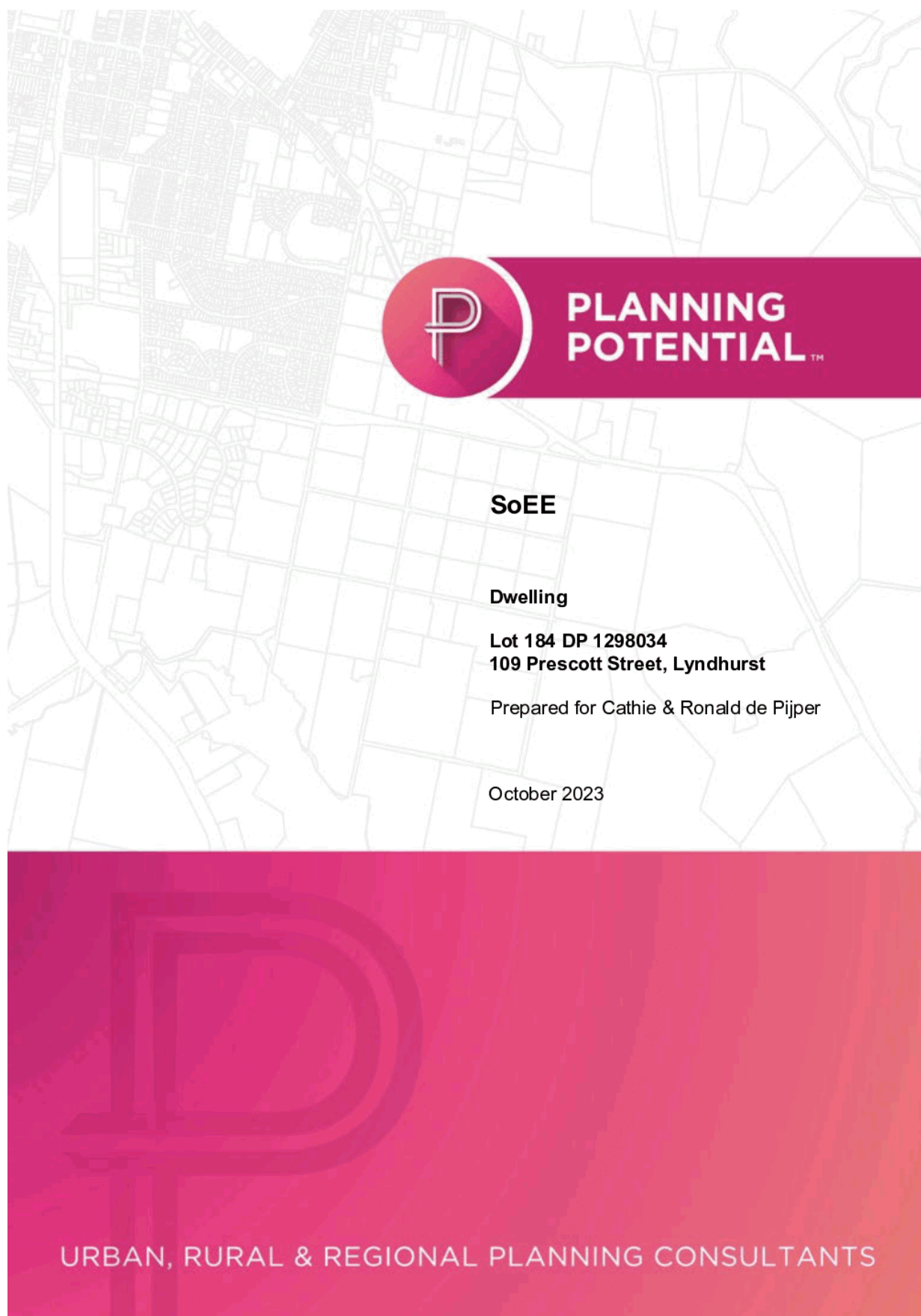
PROJECT NAME :

CC07

DRAWING NO.

PROJECT NO. 23-084

DATE: November 2023



Lot 184 DP 1298034, 109 Prescot Street, Lyndhurst

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1.0 INTRODUCTION

The proposed development seeks Council consent for a Dwelling on the subject land being land legally described as Lot 184 DP 1298034, 109 Prescott Street, Lyndhurst.

Consent is sought for the construction of a new Dwelling consisting of three (3) bedrooms, open plan living/dining and kitchen areas, bathroom, separate WC and laundry. A wrap around verandah is also included.

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Proposed construction materials include colorbond wall and roof sheeting with aluminium doors and windows.

A new access point will be required to be constructed off Prescott Street. Internal access will be constructed to 2 wheel drive standard or as otherwise required.

Consent is also sought for the installation and operation of a new onsite effluent management system to address the disposal of effluent for the new dwelling. A Section 68 application will be included as a part of the overall development.

The proposed development for a Dwelling is permissible under the provisions of the Blayney Local Environmental Plan (CLEP) 2012 Clause 4.2A(3)(e) and is subject to development consent of Council.

The proposal seeks a variation of the DCP provisions for setbacks for a dwelling on rural land.

The following SoEE report provides an assessment of the proposed development based on the relevant matters in Section 4.15 of the Environmental Planning & Assessment Act. The report also considers the consistency of the proposed development against relevant legislation, environmental planning instruments and the potential impacts that may be associated with the development.

The application is for DA and Section 68 (Installation and Operation of a new Onsite Effluent Management System).

Lot 184 DP 1298034, 109 Prescott Street, Lyndhurst

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1.1 DOCUMENTATION

The Development Application consists of a completed Development Application form (online), the SoEE report, Plans drawn by Designsatm Project Number 23-084 dated October 2023 and an Onsite Effluent Management Study by Envirowest Consulting Pty Ltd REF: R16110e dated 13 October 2023.

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Plans:

- CC01 – Floor Plan
- CC02 – Area Schedule
- CC03 – Elevations (South West and North East)
- CC04 – Elevations (North West and South East)
- CC05 – Window and Door Schedules
- CC06 – Site Plan
- CC07 – Colour Schedule
- CC08 – Erosion and Sediment and Control Plan

1.2 DEVELOPMENT DETAILS

Applicant:	Cathie & Ronald de Pijper c/o: Planning Potential
Owner:	Cathie de Pijper Ronald de Pijper
Proposal:	Dwelling
Location:	Lot 184 DP 1298034, 109 Prescott Street, Lyndhurst
Zone:	RU1 Primary Production

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1.3 THE PROPOSAL

The proposed development seeks Council consent for a Dwelling on a vacant allotment Lot 184 DP 1298034, 109 Prescott Street, Lyndhurst.

Consent is sought for the construction of a new dwelling comprising three (3) bedrooms, main bathroom, separate WC, open plan kitchen, living and dining areas and a wrap around verandah.

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The gross floor area of the dwelling equates to 181.45m² with a wrap around verandah having an area of 155m².

Proposed construction materials include metal wall and roof sheeting, aluminium doors, windows, gutters, fascia and flashings.

Access to the site will require a new access point off Prescott Street. Internal access will be constructed to a two wheel standard or as otherwise stipulated by any condition.

The existing site has the ability to connect to all relevant services (reticulated water, septic, electricity and telecommunications).

The proposal will also seek consent to install and operate a new onsite effluent management system. A site and soil evaluation for a new onsite sewerage system has also been prepared to objectively assess the requirements for a new system for the proposed dwelling including recommendations for maintaining satisfactory and effective use of the recommended system.

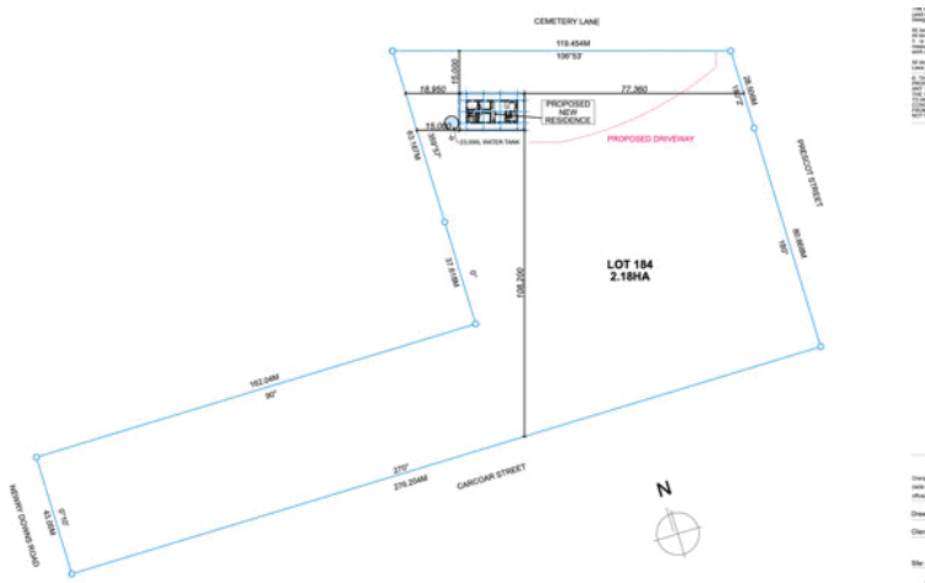


Figure 1: Site Plan

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2.0 SITE

2.1 Location, Title and Zoning

The subject site consists of one (1) title; Lot 184 DP 1298034 with approximate site areas of 2.18 hectares. The subject land is located on the western side of Prescott Street; on the corner of Cemetery Land and Prescott Street and 270m from the Mid Western Highway (to the south). The site is approximately 27km from Blayney and 59km from Orange. The land is zoned RU1 Primary Production under the provisions of the Blayney Local Environmental Plan (CLEP) 2012 as shown in Figure 2.

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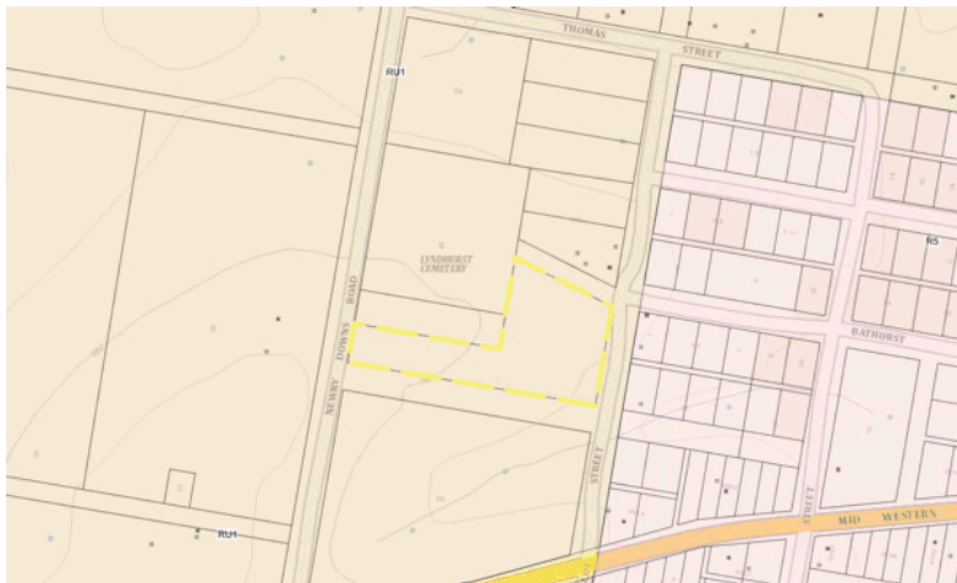


Figure 2: Site zoning map RU1 Primary Production

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2.2 Site Map



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Figure 3: Aerial view of the subject land and surrounding locality

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2.3 Site

The subject site, being Lot 184 DP 1298034 has a site area of approximately 2.18 hectares.

The site is approximately 27 km to Millthorpe and 59km to Blayney. To the sites west is the Lyndhurst Cemetery.

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The site consists of sheds, chook house and runs. The remainder of the site has been used for grazing and was a part of a larger holding incorporating Lot 83 to the sites immediate north.

Due to the nature of the site being highly modified from its natural state and its use for grazing purposes, the sites biodiversity value is limited to sporadic remnant vegetation particularly along the sites western boundary it shares with the adjoining cemetery and along the Prescott Street road reserve.

The surrounding locality is typified by agricultural holdings of varying sizes, associated rural dwellings and lifestyle lots, village allotments, and the local cemetery.

The nearest residential receptors is approximately 25m to the north, 34m to the east, 85m to the south east and 360m to the west.

2.4 Access and Services

Access to the site is via Prescott Street.

The site is currently vacant rural land and therefore will require services to be connected. All essential services are available in the locality. Reticulated water has recently been connected to the land.

There are no easement or restrictions registered on the title.

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4.0 MATTERS FOR CONSIDERATION

Section 1.7 Application of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994

Section 1.7 of the EP&A Act 1979 identifies that Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 have effect in connection with both terrestrial and aquatic environments.

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There are four triggers known to require a development to be included into the Biodiversity Offset Scheme:

Trigger	Response
Trigger 1 – development occurs in land mapped on the Biodiversity Values Map (OEH)(Clause 7.1 of BC Regulation 2017)	The site is not within an area mapped on the NSW Biodiversity Values Map.
Trigger 2 – development involves clearing/disturbance of native vegetation above a certain threshold (Clauses 7.1 and 7.2 of the BC Regulation 2017)	The proposal does not involve the clearing or disturbance of any native vegetation. The land is rural land.
Trigger 3 – development is otherwise likely to significantly affect threatened species (Clause 7.2 and 7.3 of the BC Act 2016)	The land is not identified on the Blayney LEP Biodiversity Values Map. The development is unlikely to affect habitat for native fauna as there is no proposal for any removal of vegetation on the site.
Trigger 4 – development proposed in an area of Outstanding Biodiversity Value	The land is not identified as being of Outstanding Biodiversity Value.

Based on the above assessment, the proposal satisfies the relevant matters in Section 1.7. A BDAR (Biodiversity Development Assessment Report) is not required.

Section 4.15 of the Environmental Planning and Assessment Act 1979 requires Council to consider relevant matters, of which those pertaining to the application are listed below.

4.1 PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15(1)(a)(i)

Clause 1.2 Aims of the Plan

The broad aims of the LEP are as follows:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (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 contribute to the social, economic and environmental resources of Blayney in a way that allows present and

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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 impacts on drinking water catchment to protect and enhance water availability and safety for human consumption, and
- (iv) protects and enhances environmentally sensitive areas, ecological systems, areas of 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 minimizing 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 whilst minimizing conflict between land uses within the zone and land uses within adjoining zones, and
- (ix) promotes the efficiency and effective delivery of utilities, infrastructure and services that minimises long-term costs to government, authorities and the community.

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The proposal is consistent with the aims of the LEP.

Clause 1.9A Suspension of covenants, agreements and instruments

This clause provided that covenants, agreements or other similar instruments that restrict the carrying out of development upon the subject land do not apply unless such are:

- Covenants imposed or required by council,
- Prescribed instruments under s138A of Crown Lands Act 1989
- Any conservation agreement under National Parks and Wildlife Act 1974
- Any trust agreement under the Nature Conservation Trust Act 2003
- Any property vegetation plan under the Native Vegetation Act 2003
- Any biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995
- Any planning agreement made under Division 6 of Part 4 of the Environmental Planning and Assessment Act 1979

A search of records identifies that the subject property is not affected by any of the foregoing covenants, instruments, agreements or plans.

Mapping

The subject site is identified on the LEP maps in the following manner:



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Land zoning map	Land zoned RU1 Primary Production
Lot size map	Clause 4.2B(e) Dwelling Opportunity Map
Heritage map	Not a heritage item or conservation area
Drinking water catchment map	Not located in a drinking water catchment area
Terrestrial biodiversity map	Has biodiversity sensitivity on the subject land
Groundwater vulnerable map	Is not identified as groundwater vulnerable
Riparian land and watercourses map	Not affected by an identified watercourse
Land affected by designated buffer zone	Not affected by a designated buffer zone
Flood planning map	Is not located within a flood zone
Land reservation acquisition map	Not applicable

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These matters are addressed in the report following.

Blayney Local Environmental Plan (CLEP) 2012

The subject land is zoned RU1 Primary Production under the provisions of the CLEP 2012. A Dwelling is permissible within the zone, subject to Council's development consent.

The standard instrument defines a **dwelling** as a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

A dwelling house means a building containing only one dwelling.

Dwelling houses are a type of **residential accommodation**.

The proposed development for a new dwelling is consistent with the LEP standard instrument definition.

Objectives of the RU1 Primary Production Zone

The development relates to and is consistent with the zone objectives which seek to:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To enable function centres, restaurants or cafes and appropriate forms of tourist and visitor accommodation to be developed in conjunction with agricultural uses.

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The proposal is a permissible land use in the rural zone as per the land use table.

Part 2 – Permitted or prohibited development

The proposed development for a Dwelling is a permitted land use in the RU1 Primary Production zone subject to development consent.

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Part 4 – Principle development standards

4.2A Erection of Dwelling houses or dual occupancies on land in certain rural zones

3(e) *Is a lot or holding with a size of least 1.5ha on land identified as “Dwelling Opportunity” on the Dwelling Opportunity Map.*

The subject land is identified on the Dwelling Opportunity Map allowing a dwelling on the land subject to development consent. Refer to Figure 6.



Figure 6: Dwelling Opportunity Map

Part 5 – Miscellaneous provisions

There are no miscellaneous provisions that apply to the proposed development.

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Part 6 – Additional Local Provisions

6.1 Repealed

6.2 Stormwater management

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

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This clause applies to all industrial, commercial and residential zones and requires that Council be satisfied the proposed development has minimal impact upon urban stormwater on the land and on adjoining downstream properties, native bushland and receiving waters.

As the land is zoned RU1 Primary Production (rural land), the provisions of the clause are not deemed relevant to the proposed development.

6.3 Terrestrial biodiversity

Whilst the land is identified as having “Biodiversity” on the Terrestrial Biodiversity Map, the biodiversity is restricted to the shared boundary between the subject land and the adjoining cemetery and along the road reserve of Prescott Street. The proposal does not include any removal of vegetation from the site. No additional measures are required to minimise or mitigate the impacts of the proposed development.



Figure 5: Terrestrial Biodiversity Map

6.4 Groundwater vulnerability

The subject land is not identified as being “Groundwater Vulnerable”.

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6.5 Drinking water catchments

The subject land is not identified as being located in a drinking water catchment area.

6.6 Riparian land and watercourses

The subject land is not identified as "Watercourse" on the Riparian Lands and Watercourses Map.

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6.7 Development within a designated buffer area

The land is not identified as being located within a designated buffer area and as such the provisions of the clause are not considered to be relevant to the proposed development.

6.8 Essential services

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 proposed development are available or that adequate arrangements have been made to make them available when required:

- Supply of water
- Supply of electricity
- Disposal and management of sewerage
- Storm water drainage or on-site conservation
- Suitable road access

The subject site is able to connect to all relevant services in the locality.

The site has recently been connected to town water.

A new effluent system will be required to be installed in accordance with the Onsite Effluent Management Study prepared by Envirowest Consulting Reference: R16110e and dated 13 October 2023.

An Erosion and Sediment Control Plan addresses measures for the control and management of soil, erosion and sedimentation.

A new access point will be required to be constructed to Councils Engineering specifications.

6.9 Location of sex services

The provisions of the clause are not relevant to the proposed development.

4.2 STRATEGIC PLANS AND POLICIES

Central West & Orana Regional Plan 2041 applies to the proposal.

The proposal is consistent with the goals of the plan.

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4.3 STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land is applicable to the proposal and must be considered in any development proposal.

The site has not been used for any approved activities which would render the soil contaminated to such a degree as to prevent the development of the land for the purposes of a Dwelling.

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There is no onsite evidence of mines, sheep dips, mixing sheds or contaminating industrial activities were identified on the site from resulting from the site walkover. The use of agricultural pesticides over the area in the past is expected to be low.

As such, the proposal is considered to be consistent with the provisions of the SEPP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4 - Koala Habitat Protection 2021 is applicable to the proposal.

Blayney Shire Council is identified in Schedule 2 of the SEPP as a LGA that is required to consider the proposed development and any impact upon koalas and koala habitat.

The land is generally cleared, with the exception of vegetation along the Prescott Street road reserve and the sites shared western boundary with the Lyndhurst Cemetery.

A specific report has not been provided as the proposed development for an animal boarding and training establishment would be unlikely to impact upon koalas or koala habitat. There is no removal of existing vegetation.

The proposal is consistent with the provisions of the SEPP.

State Environmental Planning Policy (Building Sustainability index: BASIX) 2004 applies to the proposed development.

A BASIX Certificate is submitted in support of the proposal to meet the requirements of the SEPP. The proposal will satisfy the provisions of BASIX in respect of water, thermal comfort and energy for residential accommodation.

4.4 PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION s4.15(1)(a)(ii)

There are no draft environmental planning instruments that relate to the subject land or the proposed development.

4.5 PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s4.15(1)(a)(iii)

The Blayney Development Control Plan is applicable to the proposed development.

The following parts of the comprehensive DCP are considered to be applicable to the proposed development: -

The overarching aims of this DCP are:

Lot 184 DP 1298034, 109 Prescott Street, Lyndhurst

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- a) To implement and support the objectives of BLEP2012;
- b) To provide clear and concise development guidelines for various forms of development;
- c) To promote growth and development in the Blayney LGA and ensure it occurs in an orderly, environmentally friendly and sustainable manner;
- d) To ensure positive planning outcomes are maximised for the benefit of the broader community.

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The proposed development is for the construction of a new Dwelling on a rural holding. The subject land has the ability to connect to all necessary essential services. A new access point will be required to be constructed to Councils Engineering specifications. The site is located on the outskirts of the Village of Lyndhurst.

Part B – Notification/Advertising

The application will be reviewed by Council to determine where the proposal will be notified to adjoining landowners.

Part C4: Large Lot & Rural Dwellings

Objective/Performance Criteria	
C4.1 Building Setbacks To maximise residential amenity on larger lots with appropriate setbacks from road noise and/or dust and visual and acoustic privacy between adjacent dwellings	<p>The proposed dwelling includes a setback of 77.360m from the Prescott Street (eastern) boundary; 15m from Cemetery Lane (northern) boundary, 18.950 from the western boundary and 108.2m from the sites southern boundary (Carcoar Street). A variation is sought for the northern and western boundaries. These variations are based on the DCP requirement of 50m from side boundaries.</p> <p>The nearest residential receptors is approximately 25m to the north, 34m to the east, 85m to the south east and 360m to the west.</p> <p>The dwellings proposed location takes into account the sites topography, existing structures, vegetation, surrounding development and site context.</p> <p>The dwellings proposed location does not impact upon either visual or acoustic amenity, noise or dust to the nearest residential receptors (to the north and east).</p>
C4.2 Building Siting & Buffers	

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<p>O1 Land Use Conflict: To minimise conflict between land uses within this zone and land uses within adjoining zones, particularly impacts on agricultural activities from demands for residential amenity, by appropriate building siting, setbacks and landscaping buffers.</p>	<p>The proposed dwelling has been sited so as to not impact upon the remainder of the site or the surrounding locality in terms of natural hazards, flooding, bushfire, vegetation, setbacks and proximity to nearby dwellings.</p> <p>The surrounding locality comprises a dwelling to the north on a small rural holding, the local cemetery to the sites west and rural residential land to the east. Furthermore, based on the surrounding context, the construction of a new rural dwelling will not adversely impact upon nearby agricultural activities.</p> <p>An On-site Effluent Management Study has been prepared to justify the sites location and area to ensure there is adequate area for effluent disposal.</p>
<p>O2 Rural Setting: To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality through appropriate buildings siting, height, scale and use of materials that blends into the natural environment.</p>	<p>The dwelling location has been sited to minimise removal of vegetation.</p> <p>The building footprint, height, scale, materials and colours are satisfactory for the locality.</p> <p>There are no higher impact agricultural activities nearby or on adjoining land that would require increased buffer distances to the proposed dwelling.</p>
<p>O3 Environment: To ensure that all buildings are sited in locations where impacts from natural hazards or impacts to environmentally sensitive areas are avoided, or if not avoided, mitigated and minimised.</p>	<p>There are no natural hazards that have the potential to impact the proposed dwelling and its intended location.</p> <p>The dwelling has however been sited to minimise vegetation removal.</p>
<p>O4 Amenity: To protect and enhance the residential amenity of the proposed dwelling(s) and any adjacent dwelling(s) on neighbouring lots.</p>	<p>The proposed dwelling includes a setback of 77.360m from the Prescott Street (eastern) boundary; 15m from Cemetery Lane (northern) boundary, 18.950 from the western boundary and 108.2m from the sites southern boundary (Carroar Street).</p> <p>The nearest residential receptors are approximately 25m to the north, 34m to the east, 85m to the south east and 360m to the west.</p> <p>The proposed dwelling is sited so as to ensure residential amenity is maintained for the site and surrounding locality.</p>

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<p>C4.3 Visual Impacts</p> <p>O1 The scale, footprint, height and materials of any building must seek to integrate any buildings into the landscape and protect important skyline views.</p>	<p>The proposed dwelling has reduced setbacks from the northern and western boundaries to ensure the proposed dwelling is not situated on the ridgeline. A request to vary the setbacks for the <i>dwelling</i> is included with this application.</p> <p>The proposed dwelling has dimensions of 18m x 8m. The proposal includes a wrap around verandah having dimensions 23m x 13m x 2.5m. The proposed building height is single story only. The subject land has a site area of 2.18ha with the proposal having a building footprint of 366.45m². The proposed building footprint is not excessive for the locality and is not out of context. Nor does the proposed building impact upon the visual amenity of the site or locality.</p> <p>Construction materials include colorbond wall and roof sheeting which are consistent with structures on rural land.</p> <p>All materials have low reflectivity.</p> <p>Refer to Plan CD07 for colours and materials.</p>
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Part G: Environmental Management and Hazards

<p>Objective/ Performance Criteria</p> <p>G2 Buffers to Sensitive Land Uses</p> <p>G2.5 On-site Effluent Disposal</p> <p>Where an on-site effluent disposal system is proposed to manage sewage, the on-site systems must be suitably sized and able to operate on the lot without impacting on development on the subject lot, neighbouring lots or surface or ground water systems, and don't require excessive vegetation removal.</p> <p>Any proposed lots or on-site effluent disposal systems should be located so as to provide appropriate buffers to watercourses and buildings in accordance with:</p>	<p>An On-site Effluent Management Study has been prepared by Envirowest Consultants Pty Ltd and submitted with the application (for a new dwelling) to address effluent disposal for the subject site.</p>
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<p>a) The <i>Environmental Health Protection Guidelines – On-site Sewage Management for Single Households (1998 as amended)</i>;</p> <p>b) <i>Australian Standard 1547 – On-site domestic wastewater management</i>; and</p> <p>An Effluent (Geo-technical) Report must be prepared by a suitably qualified consultant that supports the design and location of any on-site system in accordance with Council's <i>Development and Building Guide</i>, <i>Australian Standard AS1547</i>, and relevant NSW Government policy.</p> <p>Any water reuse-use must be treated in accordance with the relevant NSW Health Guidelines and any other relevant Australian Standards using certified systems.</p>	
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4.6 PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15(1)(a)(iv)

The proposal does not contravene the relevant provisions of the regulations.

A BASIX Certificate has been issued for the proposal.

4.7 THE LIKELY IMPACTS OF THE DEVELOPMENT s4.15(1)(b)

Context and Setting

The land is located within the rural locality of Lyndhurst on the outskirts of the Village. The development proposes a new dwelling, which is permissible within the RU1 land use zone. The surrounding locality is typified by rural dwellings, lifestyle lots, agricultural holdings of various sizes, and the local cemetery.

Visual amenity

The site is located in the rural locality of Lyndhurst. The proposal includes new elements and a new structure to the existing rural environment. External finishes include colorbond wall and roof sheeting which are consistent with structures on a rural holding.

Materials and colours are not unsympathetic to a rural locality.

There is no use of reflective materials will be incorporated into the development.

The proposed dwelling has setbacks of 77.360m from Prescott Street, 15m from Cemetery Lane, 18.950m from the western boundary and 108.2m from Carcoar Street. The dwelling location has taken into account site topography, access to services, vegetation, separation distance to nearby dwellings and the surrounding locality context.

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Access and traffic

There is no dedicated access point for the site. This has resulted from its separation from the land to the immediate north (Lot 83).

A new access point will be required to be constructed to Councils Engineering Specifications for rural access. Internal access will be constructed to a two wheel drive standard or as otherwise stipulated by Council requirements.

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Additional future traffic movements will be generated as a result of any approval based on an additional dwelling in the locality. The increase in traffic movements are considered to be adequate for the locality and the local road network.

Water

The site has recently been connected to town water supply.

Effluent Disposal

The subject site is not connected to reticulated sewer system and as such requires effluent disposal.

An onsite effluent management system has been prepared by Envirowest Consulting Pty Ltd Ref: R16110e (dated 13 October 2023) and is included as a supporting document for this proposal. A site and soil assessment using the Australian Standard 1547 *On-site domestic wastewater management*, and the Environment and Health Protection Guidelines, *On-site sewage management for single households (1998)*, Department of Urban Affairs and Planning and NSW Health *Septic Tank and Collection Well Accreditation Guideline* as guidelines.

The report recommends the following system for the proposed new dwelling:

- Surface (dripped) or sub-surface irrigation with an irrigation area of 444m².
- Gypsum is to be applied to the application area during construction and annually to maintain permeability.
- Secondary wastewater treatment system accredited by NSW Health

The recommendations and management tools should be incorporated into any future installation of an effluent system.

The report further addresses that there are no specific environmental constraints or health constraints identified in order to achieve sustainable onsite treatment systems.

Impact on adjoining development

The subject land is located on the outskirts of the Village of Lyndhurst and is within an area that transitions from village allotments to rural holdings. The local cemetery is situated to the sites west. The proposed development for a detached dwelling is not anticipated to have any adverse impact upon visual privacy or amenity of the locality.

Environmental Impacts

The subject land is located within the locality of Lyndhurst. The land has been highly modified from its natural state with the majority of the site being cleared land with the exception remnant

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pockets of native vegetation along the sites shared western boundary with the local cemetery and along the Prescott Street road reserve. The proposal does not include the removal of any vegetation. The proposal will not have an adverse environmental impact upon either the site or locality.

Climate Change

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The NSW Sea Level Rise Policy Statement 2009 outlines the Governments objectives and commitments in regard to sea level rise adaption. A key Government commitment is the promotion and support for an adaptive risk-based approach to managing the impacts of sea level rise. The proposal would not significantly contribute to climate change and will not change the risk profile of the site in regard to the impacts of sea level rise.

Ecologically Sustainable Development

All potential environmental interactions should have regard for the Precautionary Principle (prevent environmental degradation and protect the local environment), Intergenerational Equity (not to compromise the environment for future generations), Improved Valuation and Pricing of Environmental Resources (to utilise the land with minimal environmental impact to result in an economic benefit to the community) and conservation of biological diversity and ecological integrity. The proposal is not considered to present significant threats of serious or irreversible environmental damage, with the health, diversity and productivity of the environment maintained or enhanced for the benefit of future generations and will further support the conservation of biological diversity and ecological integrity.

4.8 THE SUITABILITY OF THE SITE s4.15(1)(c)

The subject site is located within a designated rural area of Lyndhurst. A dwelling is a permissible use within the RU1 Primary Production zone subject to development consent and compliance with Clause 4.2A of the BLEP 2012. Adequate arrangements can be made for access, drainage, essential services, visual and neighbourhood amenity. On this basis, the subject site is considered to be suitable for the proposed development.

4.9 DEVELOPMENT CONTRIBUTIONS

The proposed development will be assessed in accordance with Blayney Shire Local Infrastructure Contributions Plan 2022.

4.10 SUBMISSIONS IN ACCORDANCE WITH THE ACT s4.15(1)(d) OF THE REGULATIONS

The proposed development will be notified in accordance with Council's Community Participation Plan.

4.11 PUBLIC INTEREST s4.15(1)(e)

The proposed development is considered to be of minor interest to the wider public due to the relatively localised nature of potential impacts.

Lot 184 DP 1298034, 109 Prescott Street, Lyndhurst

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5.0 CONCLUSION

This Statement of Environmental Effects (SoEE) report has been prepared as a part of the development application submission to Blayney Shire Council seeking consent for a Dwelling on land legally described as Lot 184 DP 1298034, 109 Prescott Street, Lyndhurst.

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The proposal includes the construction of a new three bedroom dwelling having a gross floor area of 181.45m² and a wrap around verandah having an area of 155m².

Construction materials consist of metal wall and roof sheeting, aluminium windows and windows.

The aim of this Statement has been to:

- describe the proposal;
- demonstrate compliance/planning merit of the proposal against the relevant statutory controls and local planning provisions; and
- provide an assessment of the likely environmental effects of the proposal.


The subject site is located within the Lyndhurst locality on the edge of the Village. The proposed development for a *Dwelling* is a permissible use within the RU1 Primary Production zone. Adequate arrangements can be made for access, drainage, essential services, visual and neighbourhood amenity. On this basis, the subject site is considered to be suitable for the proposed development.

The submission is supported by an Onsite Effluent Management Study (REF:R16110e) for the new Dwelling seeking approval for both the installation and operation of a new onsite effluent management system.

The proposed development generally complies with the relevant aims, objectives and provisions of the Blayney LEP 2012 and the Blayney Development Control Plan. This application does seek a request to vary the setbacks (side and rear boundary setbacks) for a dwelling on rural land. The DCP requires setbacks of 20m from a public road frontage and 50m from side and rear boundaries. The proposed setbacks for the dwelling include a 77.360m setback from the Prescott Street (front) boundary, 18.950m setback from the rear (western) boundary and 15m setback from the northern boundary (Cemetery Lane). The variation of DCP setbacks for the side and rear boundaries has taken into consideration the sites topography, existing structures, the surrounding locality and access. The proposed dwelling location does not adversely impact the site or the surrounding locality. The proposal is consistent with the regional plan, state planning policies, local planning policies, and relevant regulations and acts. A section 4.15 assessment of the development indicates that the development is acceptable.

Consideration of the development's merits and the acceptable level of impact, it is requested that this application be given favourable consideration by Council.

Any further enquiries can be made directly to our office on 0431700081.


Amanda Rasmussen
Principal Planner
Planning Potential

PO Box 2512 Orange NSW 2800 ☎ 0412 395 668 ✉ info@planningpotential.com.au www.planningpotential.com.au