



ATTACHMENTS TO REPORTS OF THE BLAYNEY SHIRE COUNCIL
MEETING
HELD ON TUESDAY 26 MAY 2026

PART TWO

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

17 Blayney Shire Development Control Plan 2026

Attachment 1: Development Control Plan	93
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BLAYNEY SHIRE COUNCIL

Development Control Plan

2026



Part A

Introduction to the Plan

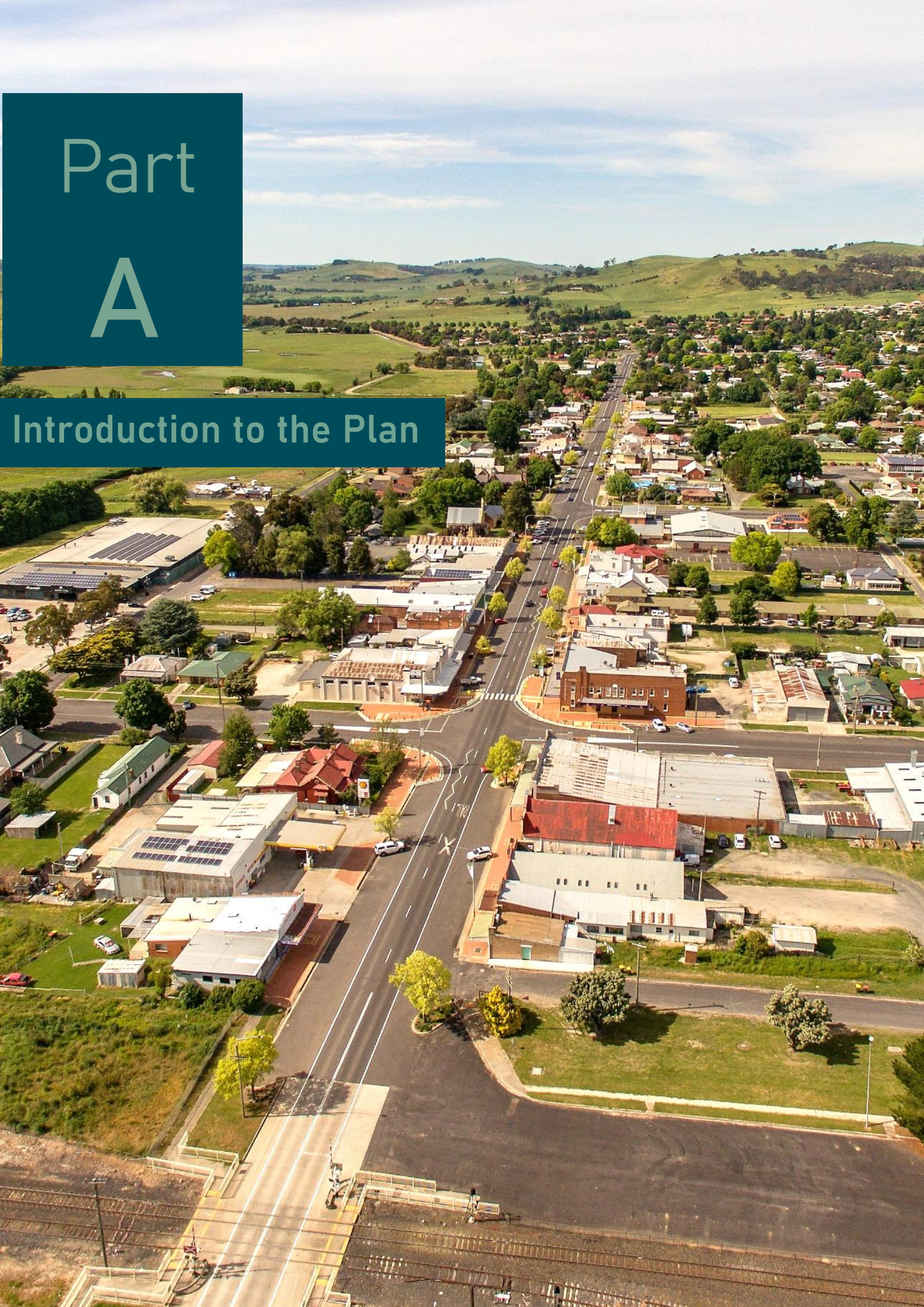


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Approved Date	Version Number	Summary of changes
XX/XX/2026	1	

A1 Introduction to Blayney Development Control Plan 2025

A1.1 Name of this Plan

This Plan is called the Blayney Shire Development Control Plan 2025 (Plan). The Plan has been prepared in accordance with Section 3.43 of the *Environmental Planning and Assessment Act 1979 No 203 (EP&A Act)*.

A1.2 Date of Commencement of DCP

The Plan was adopted by Blayney Shire Council at its Ordinary Council Meeting held on the INSERT DATE and came into effect on INSERT DATE, being the date notice of commencement of plan was published on the website of Blayney Shire Council.

A1.3 Land to which this DCP Applies

This Plan applies to all land within the Blayney Local Government Area (LGA).

A1.4 Purpose of the DCP

The principal purpose of this Plan is to provide guidance on the following matters:

- a) Giving effect to the aims of Blayney Local Environmental Plan 2012 (**BLEP2012**).
- b) Guiding development that is permissible under the **BLEP2012**.
- c) Achieving the objectives of land use zones prescribed under **BLEP 2012**.

The controls included in this Plan should be considered as part of the design phase of new development and will be taken into consideration by Council as part of the assessment of new Development Applications. All controls are designed to improve the planning outcomes for the Blayney community.

Together, the BLEP and this Plan form the land use planning framework for the Blayney LGA.

A1.5 Relationship to other Planning Policies and Instruments

The Plan is to be read in conjunction with other environmental planning instruments, Blayney Shire Council Policies, codes and specifications such are relevant to specific aspects of a development proposal.

In the event of an inconsistency between this Plan and an environmental planning instrument applying to the same land, the provisions of the environmental planning instrument/s will prevail to the extent of the identified inconsistency.

In addition to the provisions of this Plan, Council must also make an assessment of those matters specified for consideration under Section 4.15 of the EP&A Act.

A1.6 Aims and Objectives of the DCP

The broad aims of this Plan are:

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

The objectives for this DCP, relating to different types of development are included in the relevant parts of this Plan.

A1.7 Repeal of Existing DCP

In accordance with Clause 22(2) of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation), this Plan repeals the Blayney Shire Council Development Control Plan 2018.

A1.8 Structure of the DCP

The DCP has the following Parts:

PART A:	Introduction to the Plan
PART B:	Residential Development
PART C:	Commercial, Community and Industrial Development
PART D:	Subdivision
PART E:	Other Land Uses
PART F:	Environmental Management and Hazards
PART G:	Heritage Conservation

Depending on the nature of a proposed development, one or more Parts of the DCP may contain relevant controls that need to be considered.

The development controls contained within this Plan are structured to ensure that zone objectives of **BLEP2012** are achieved and the desired land use and/or built outcomes on a site are consistent with the corresponding objectives of the DCP. Therefore, the structure of each Part of this DCP includes:

Objectives / Performance Criteria

Are located either at the start of each Section or in the left-hand column of each Section and clearly state what the Council is seeking to achieve and the desired outcomes for each Part or Section. If the Acceptable Solution below requires variation, then the Objectives / Performance Criteria must be addressed.

Acceptable Solutions

Are located in the right-hand column of each Section and set the requirements for achieving an outcome consistent with the corresponding objectives for each Section.

A1.9 Variation to Controls

Council accepts that it is not possible to plan for all development scenarios. The controls in this Plan have been designed to be as flexible as possible. However, there will inevitably be situations where strict compliance is not able to be achieved, and or alternate solutions are preferred.

Council may consent to a Development Application involving departure from a control contained within this DCP, but only where Council has considered a written request from the applicant that seeks to justify the departure by demonstrating:

- a) Compliance with the particular control within this DCP is unreasonable or unnecessary in the circumstance of the case; and
- b) The objectives of the particular control are met or sufficiently addressed; and
- c) There are sufficient environmental planning grounds to justify the departure from the particular control within this DCP; and
- d) The impact of the non-compliant proposal will not be significantly greater than a compliant proposal or may enhance the outcome.

A1.10 Developer Contributions

Development may create a need for public services and facilities, such as open space, community facilities, utilities and traffic management. Needs will vary depending on the scale of the proposal, the characteristics of the area, the relevant population and standard and capacity of existing services.

Section 7.11 and Section 7.12 of the *EP&A Act* is the principal legislation that enables Council to levy contributions for amenities and services. Contributions are imposed by way of a condition of consent and can be satisfied by:

- a) Dedication of land.
- b) A monetary contribution.
- c) A material public benefit.
- d) A combination of the above.

As an alternative to the payment of a Section 7.11 or Section 7.12 contribution, the applicant may offer to enter into a Voluntary Planning Agreement with Council. Acceptance of an offer is at the sole discretion of Council and where Council decides not to accept the offer, payment of the Section 7.11 or 7.12 contributions will be required.

Council and Central Tablelands Water are both able to levy contributions for amenities and services under Section 64 of the *Local Government Act 1993 (LGA 1993)* which enables both organisations to levy contributions towards water and sewerage utilities.

A1.11 Dictionary

This DCP adopts the definitions listed in the Dictionary within **BLEP2012**. In addition, some Parts or Sections of this DCP may have additional definitions to assist in interpreting or controlling specific issues / outcomes.

Note 1: *This DCP may refer to other documents. Where there are inconsistencies in definitions BLEP2012 will prevail.*

Note 2: *Terms used in this plan such as “should”, “may” and “where possible” are not mandatory requirements or standards.*

Part B

Residential Development

including Urban & Rural Dwellings and
Ancillary Development such as
Garages, Carports, Outbuildings,
Sheds, Tanks & Pools

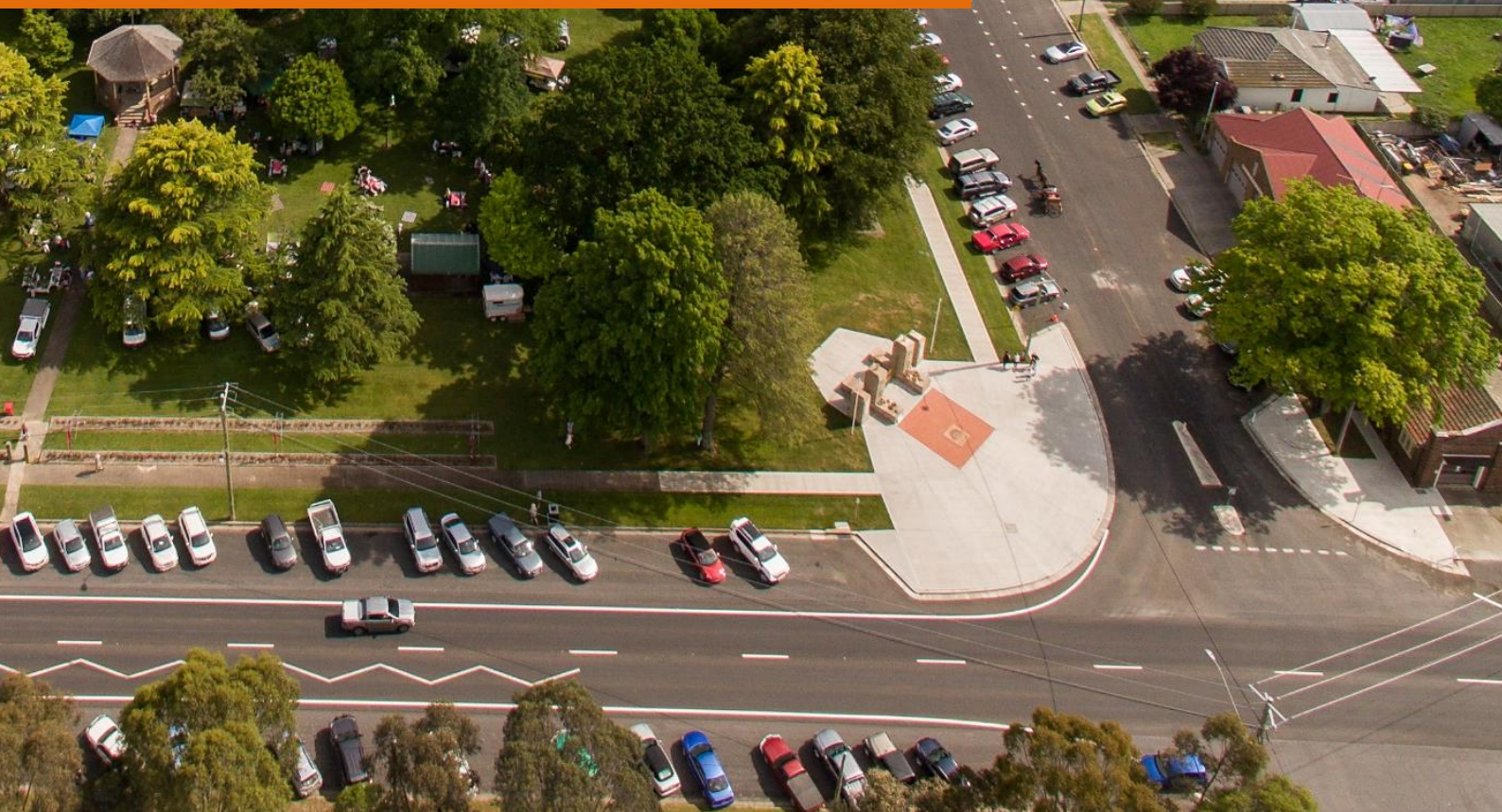


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B1 Introduction

B1.1 Application of this Part

This Part applies to development applications for a wide range of dwellings or residential accommodation types and associated ancillary development like outbuildings, sheds etc. and alterations and additions to all of these buildings. In order to understand which Sections of this Part you need to apply you will need the following information:

STEP ONE (1) - LAND USE ZONE: Check whether your land is in an **urban zone** or **rural zone** as this may affect the relevant Part in STEP TWO (below):

- a) **Urban zones** include Zone R1 General Residential (Blayney and part of Millthorpe) and E1 Local Centre (Blayney only) and Zone RU5 Village (part of Millthorpe and other villages). It also includes Zone R5 Large Lot Residential areas attached to some villages. Generally, lots less than 1 hectare in area would be considered 'urban' lots.
- b) **Rural zones** include Zone RU1 Primary Production, Zone RU2 Rural Landscape and Zone RU3 Forestry are rural zones. It also includes Zone R5 Large Lot Residential areas that would be considered 'rural' (e.g. along Browns Creek Road or Forest Reefs Road) – generally these lots are equal to or greater than 1 hectare in area.



STEP TWO (2) - TYPE OF DEVELOPMENT: Next, determine the type of residential or ancillary development you are proposing:

- a) A single 'dwelling house' on a lot in an urban area – Go to **Part B2 – Single Dwellings in Urban Areas** (includes dwelling houses, semi-detached dwellings, and attached dwellings).
- b) If you are proposing ancillary development such as a garage, carport, shed, outbuilding, pool or spa AND it is not considered EXEMPT or COMPLYING development then please address **Part B3 – Garages/Carports, Sheds/Outbuildings & Pools/Spas**.
- c) A single detached 'dwelling house' or 'dual occupancy' in a rural area (Zone RU1 or R5 Browns Creek Rd / Forest Reefs Rd) – Go to **Part B4 – Large Lot & Rural Dwellings / Dual Occupancies**.
- d) A medium density housing type including, but not limited to 'dual occupancies', 'secondary dwellings', 'semi-detached dwelling', 'attached dwelling' (townhouses), 'multi-dwelling housing' (a cluster of houses on the same lot), or a 'residential flat building' (see Blayney Local Environmental Plan for the definitions) – Go to **Part B5 – Medium Density Housing**.
- e) For temporary accommodation, second hand (relocatable) dwellings, 'manufactured/transportable housing', and 'shop-top housing' – Go to **Part B6 – Other Residential Types**.



STEP THREE (3) – SITE PLANNING, ACCESS & PARKING: Before finalising your application check whether any of the following sections apply (minor alterations and additions may not need to address these sections):

- a) **Part B7 – Access & Parking**.
- b) **Part B8 – Site Planning, Earthworks, Utilities and Services**.

B1.2 Other Parts of this DCP

Whilst Council has attempted to consolidate most of the controls relating to residential development in this Part, other Parts of this DCP may also apply depending on the type of development you are proposing and the site constraints including, but not limited to:

- **Part D – Subdivision** (where you are also proposing some type of subdivision of your land).
- **Part E – Other Land Uses** (other land uses including, but not limited to, advertising & signage).
- **Part F – Environmental Management & Hazards** (depends on site constraints and potential impacts).
- **Part G – Heritage Conservation** (where the site is a heritage item or is in a conservation area or near a heritage item).

B1.3 Setback Definitions

These definitions apply to Part B2 – Single Dwellings in Urban Areas and Part B7 – Medium Density Dwellings:

- a) **Allowable encroachments:** Side and rear setbacks and setbacks from the boundary with a road do not apply to 'allowable encroachments' permitted under Part 9.2.9 of ABCB Housing Provisions or any eave or roof overhang that has a horizontal setback of not less than 450mm from a boundary.

'Allowable encroachments' include the fascia, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas meters, aerials, antennae, pergolas, sun blinds, unroofed terraces, landings, steps and certain ramps'
- b) **Existing Dwellings:** These setbacks do not apply to alterations and additions to an existing dwelling that does not meet these setbacks as long as the setbacks are not further reduced by the alterations and additions and National Construction Code (NCC) requirements are met.
- c) **Adjacent Dwelling Setbacks:** When calculating setbacks based on the average of adjacent dwellings the adjacent dwellings should be within 40m of the proposed site boundaries, but you can disregard adjacent battle-axe lots (a lot that is accessed by an access handle rather than a full road frontage).
- d) **Variation to Setbacks:** Council may consider a setback reduction where the applicant can demonstrate:
 - i) An adjoining dwelling is creating a significant anomaly in the average setback compared to the average of setbacks in the street or comparable streets; or
 - ii) The shape of the lot and/or site constraints affect the placement of a building; and
 - iii) There is sufficient setback for privacy and amenity of neighbouring dwellings and no significant impact on the consistency of built form in the street or road functions; and
 - iv) National Construction Code requirements are met including, but not limited to, fire rating; and
 - v) Part A1.11 – Variations to Controls is addressed.

B2 Single Dwellings in Urban Areas

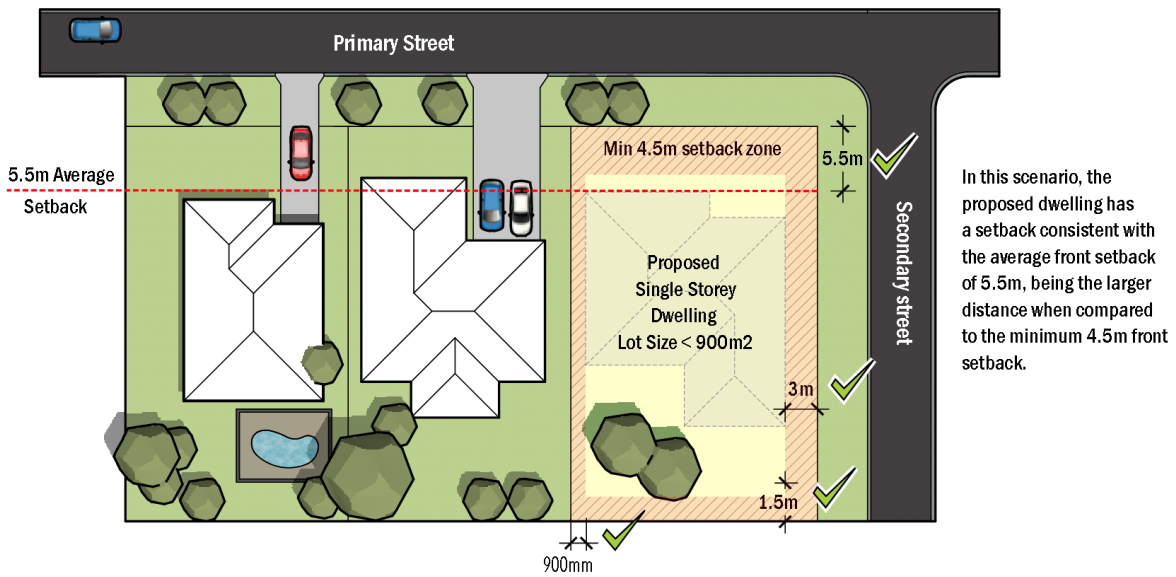
This section applies to applications for a new single dwelling house, semi-detached dwellings, or attached dwellings (where there is a single dwelling house on any lot) or alterations and additions to these existing dwellings in:

- 1) Zone R1 General Residential (in the Town of Blayney and part of the village of Millthorpe)
- 2) Zone E1 Local Centre (in the Town of Blayney)
- 3) Zone RU5 Village (for the urban area of settlements other than the Town of Blayney)
- 4) Zone R5 Large Lot Residential where existing/proposed lots < 1 hectare in area (generally where this land forms part of a town or village *(if unclear, please confirm which controls apply with Council)*).

Objective / Performance Criteria	Acceptable Solutions
B2.1 Dwelling Siting & Setbacks O1. To increase residential amenity for both the proposed dwelling(s) and adjacent dwelling(s) through appropriate building separations that minimise overshadowing and maximise privacy of primary living and open spaces and separation from noise sources. O2. To provide sufficient building separations or design mechanisms for fire protection in accordance with the <i>National Construction Code (NCC)</i> .	1) Classified State & Regional Roads: All dwellings not associated with a commercial use (for example, 'shop top housing') must be setback from classified roads by a minimum of 8m to minimise road noise impacts. 2) Public Reserves: All dwellings must have a setback of at least 3m from a boundary with a public reserve. 3) Dwelling setbacks: All new dwellings should meet the minimum setbacks in metres (m) from the lot boundaries as set out in the following table and in accordance with the Setback Definitions in Part B1 including the average setback of adjacent buildings.

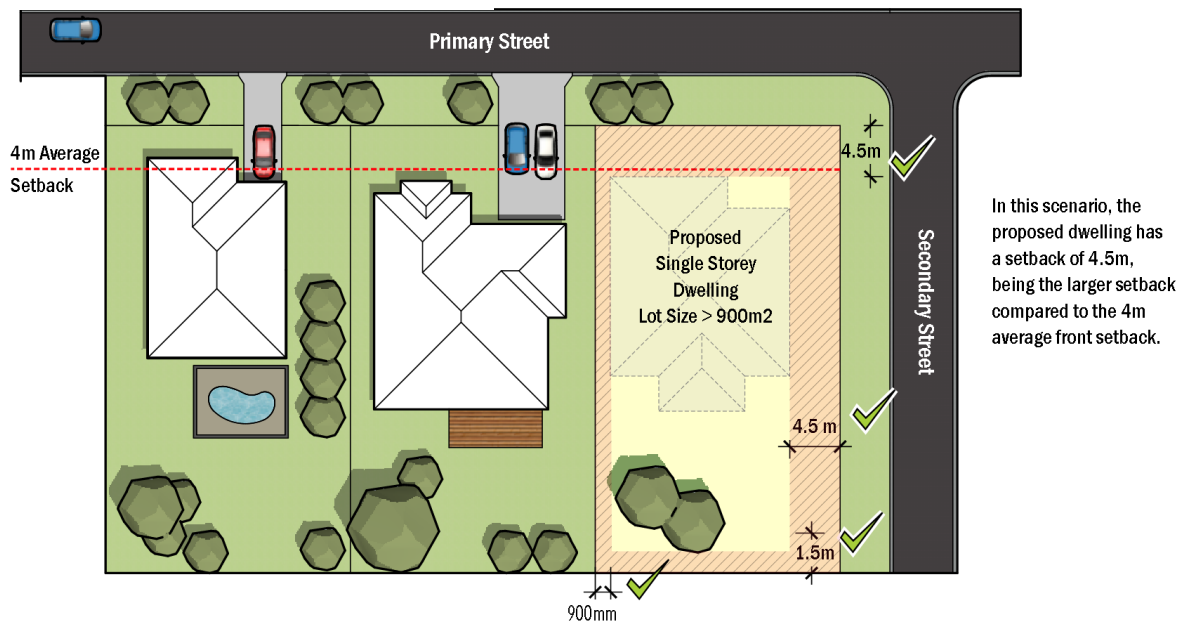
ZONE / USE	PRIMARY STREET (Not Classified Road) (FRONT SETBACK)	SECONDARY STREET / CORNER LOTS (Not Classified Road)	SIDE BOUNDARY (Not road frontage)	REAR BOUNDARY (Not road frontage)
Zone E1 Local Centre	Average setback of adjacent buildings	3m	<i>National Construction Code (NCC)</i>	Sufficient open space / NCC
R1 General Residential / RU5 Village Lots ≤ 900m ²	4.5m or average setback of adjacent dwellings (whichever is greater). Note: Min. 5.5m to garage/carport.	3m	1st storey = 900mm or NCC >1st storey = 1.5m	1.5m

R1 General Residential / RU5 Village Lots > 900m²	4.5m or average setback of adjacent dwellings (whichever is greater). Note: Min. 5.5m to garage/carport.	4.5m	<i>1st storey = 900mm or NCC > 1st storey = 1.5m</i>	1.5m
R5 Large Lot Residential < 1ha lot area	8.0m or average setback of adjacent dwellings (whichever is greater)	6m	3m	6m



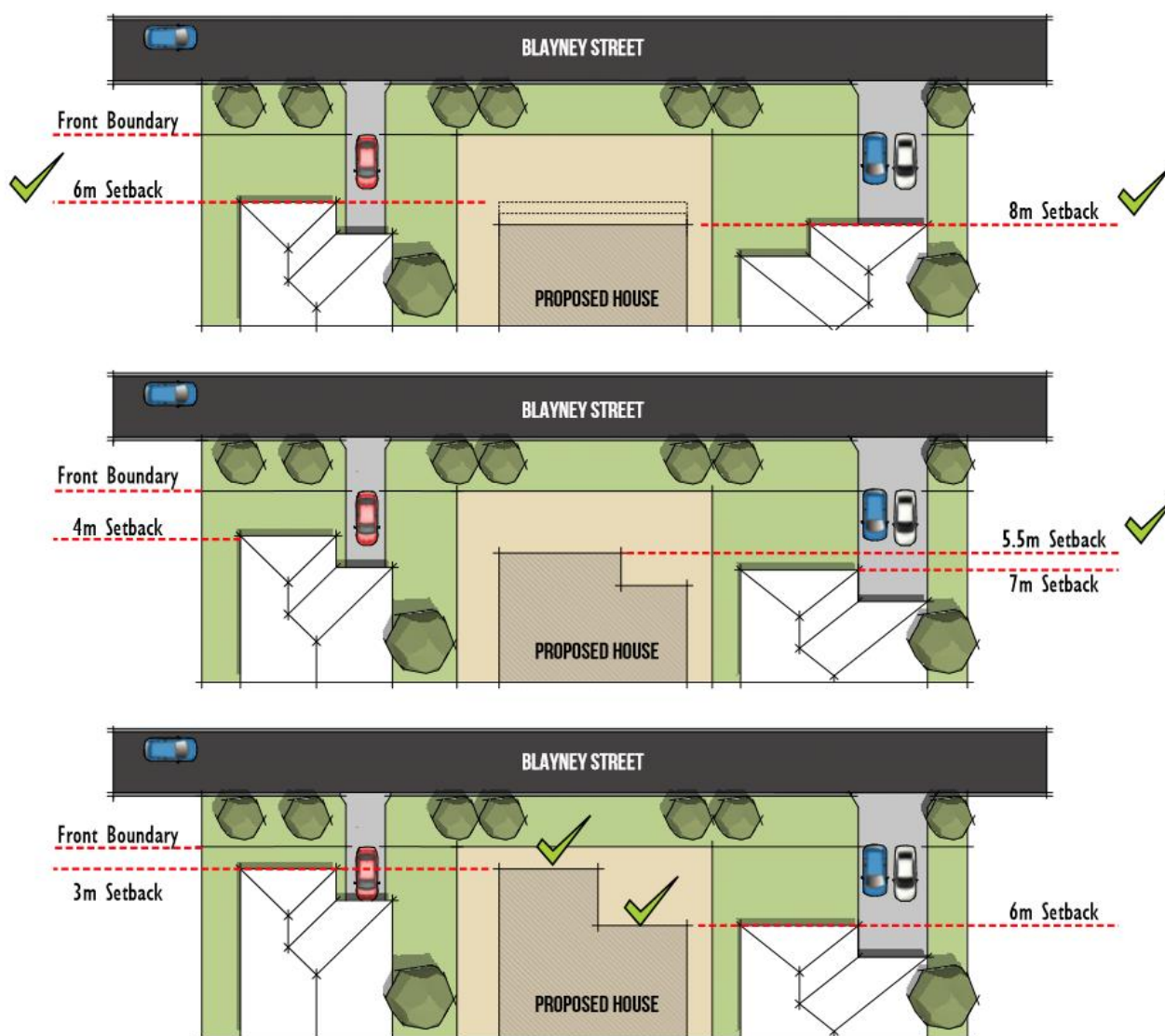
In this scenario, the proposed dwelling has a setback consistent with the average front setback of 5.5m, being the larger distance when compared to the minimum 4.5m front setback.

>900m²



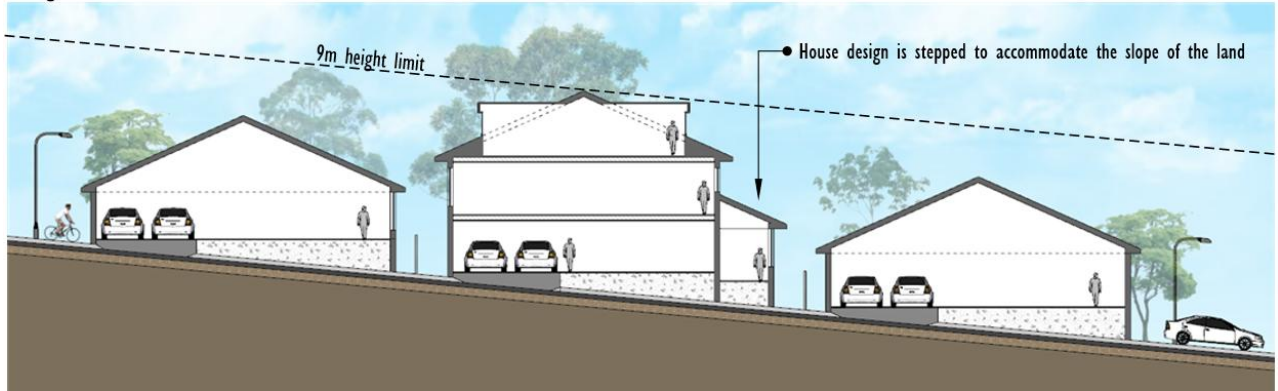
In this scenario, the proposed dwelling has a setback of 4.5m, being the larger setback compared to the 4m average front setback.

Primary Street Setbacks

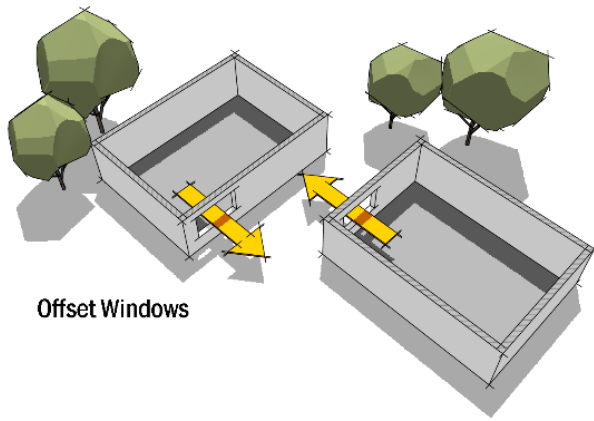


Objective / Performance Criteria	Acceptable Solutions
B2.2 Site Coverage O1. All dwellings must provide sufficient site area without buildings or impermeable hard surfaces: a) To encourage development that responds to the site opportunities and constraints. b) To avoid overdevelopment of the site and protect the area character. c) To protect existing significant trees and their root systems and promote additional landscaping. d) To allow for infiltration of water, and significant landscaping and plantings. e) To provide ground level open spaces and recreation areas. f) To encourage passive solar design and energy efficiency; and g) To maximise building separations and residential amenity and privacy.	
B2.3 Height & Scale O1. To ensure that the height and scale of proposed dwellings and ancillary buildings is sympathetic or consistent with the existing and/or desired future character of urban streets and adjacent buildings.	1) Sloping Land: Where there is a steeply sloping site, the proposed building design should not protrude from the landscaping but be staggered or stepped down the natural slope of the land, where possible. 2) Impacts: Where a dwelling is: a) Greater than two storeys in height (including attics with dormer windows and habitable basements); or b) Greater than 9m in height (measured from existing ground level to the highest point of the building excluding antennae or chimneys or similar); or c) Less than the setbacks prescribed above, then the applicant must demonstrate the following: i) How the height and scale of the building fits within the existing and/or desired street character of the area. ii) That it will comply with the visual and acoustic privacy requirements of this Section. iii) That there is at least 2-3 hours solar access to key living spaces/private open spaces of the proposed/adjacent dwelling(s) at the winter solstice (21 June) between 9am and 3pm (through the provision of Shadow Diagrams).

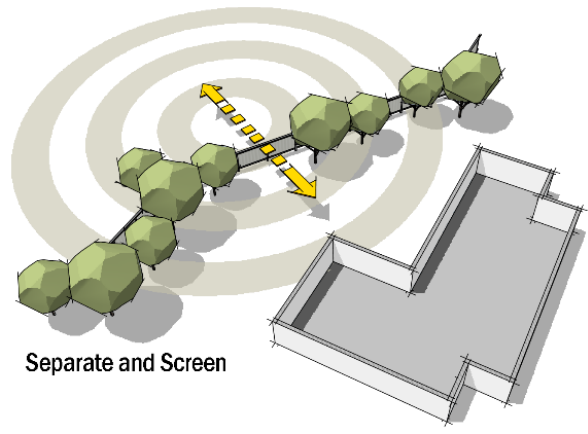
Height and Scale



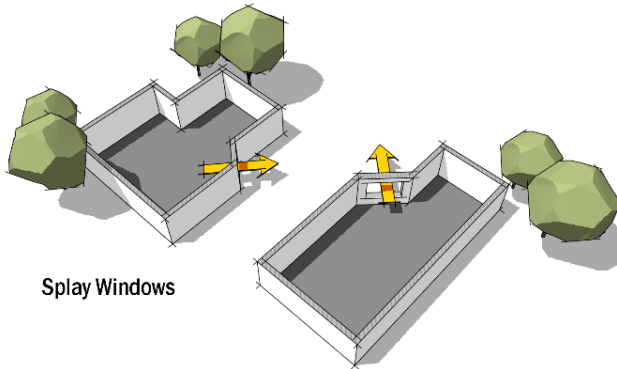
Objective / Performance Criteria	Acceptable Solutions
B2.4 Building Elevations O1. To promote variations in building elevations (especially those facing street frontages) to: a) minimise the bulk and scale of larger buildings. b) avoid large blank walls and facades and provide visual interest. c) encourage casual surveillance of public spaces for safety. d) integrate with the desired character of the area and street.	1) Blank Walls: Building facades facing a public road cannot have large areas of blank wall(s) and must incorporate: a) Window(s) to a habitable room facing the street to allow for casual surveillance of any street frontage. b) Variation of materials and/or colours on larger surfaces. c) Variation of building setback and roof lines. d) Any other articulation acceptable to Council. 2) Reflectivity: External materials must have low reflectivity if they are visible from a public road or neighbouring dwelling and there is a reasonable probability of glare affecting driver safety, residential amenity, or the building being too visually intrusive. Factory pre-coloured non-reflective materials are preferred (or galvanised iron where required by Council or justified in the development application due to heritage or rural character considerations).
B2.5 Noise & Visual Privacy O1. To increase residential amenity for both the proposed dwelling and adjacent dwelling(s) through appropriate building separations and window alignments that minimise noise impacts and maximise privacy of primary living and open spaces.	Development that: 1) Is greater than one-storey in height (including habitable attic rooms with dormer windows); or 2) Where there is a risk of overlooking of adjacent properties due to floor and window sill levels higher than fences / adjacent properties; or 3) That does not meet the minimum building setbacks, must be designed to locate and size windows to habitable rooms or balconies to avoid looking directly into windows, balconies, courtyards, and primary private open space(s) of adjoining dwellings or demonstrate how overlooking will be minimised. Note: Techniques may include (but are not limited to) additional building setbacks, offsetting or splaying windows, adding privacy screens, opaque windows, raising the windowsill level, or landscaping / screening (see diagrams below). However, barriers to solar access to living rooms are not desirable.



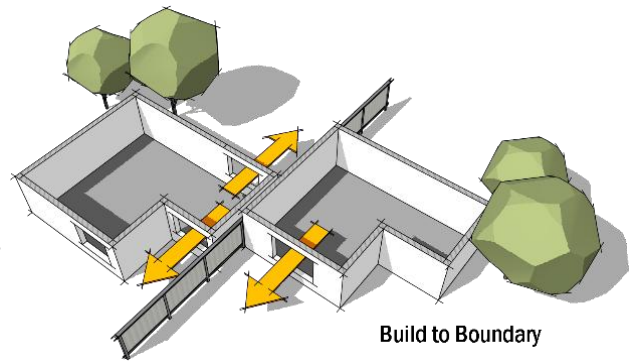
Offset Windows



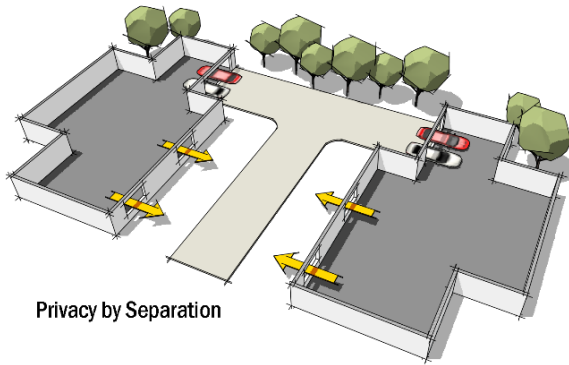
Separate and Screen



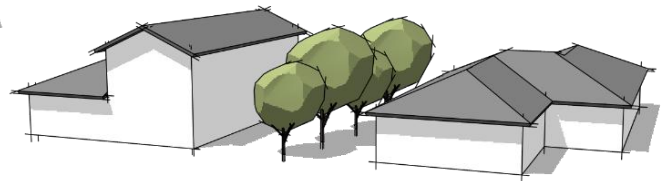
Splay Windows



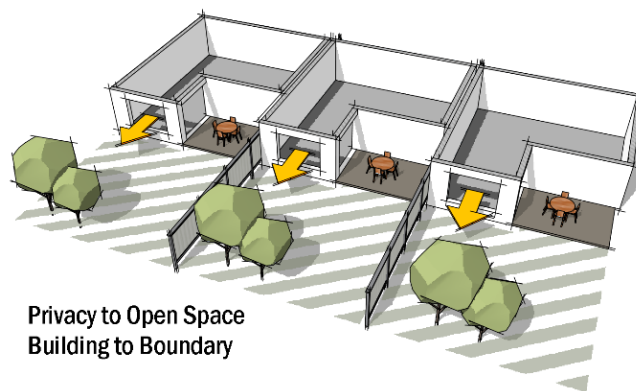
Build to Boundary



Privacy by Separation

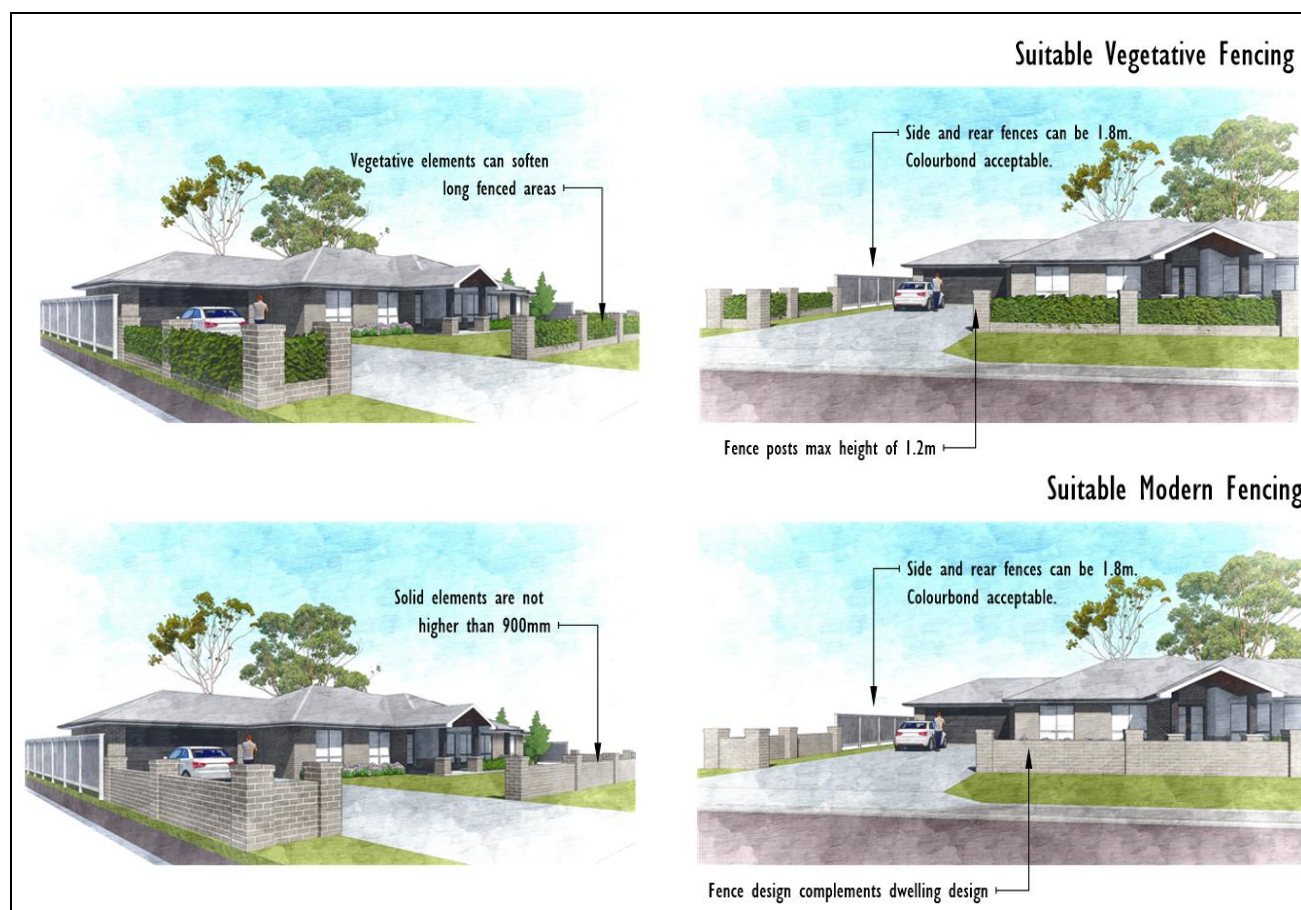


Screening



Privacy to Open Space
Building to Boundary

Objective / Performance Criteria	Acceptable Solutions
B2.6 Fencing Fencing must seek to balance security and privacy with the community need for new development to: - Reflect traditional and/or rural village styles and materials and the style of the associated building(s). - Provide opportunities for casual surveillance of the street. - Avoid large solid fence sections unsympathetic to the street character. - Ensure sightlines for vehicle and pedestrian safety.	Height (Front Fences): Fences within the front primary setback area to the building line are to be: - Maximum 1.2m high above existing ground level. - Not made of Colorbond/metal panels. - Not be solid above 900mm. Height (Corner Allotments): Fences on corner allotments forward of the front building line must be either splayed, set-back, reduced in height or transparent to maintain visibility for motorists and views of the front of the house. Height (Other Fences): Other side or rear boundary fences can be up to 1.8m high. Materials: The materials for street frontage fences must be consistent with or sympathetic to those used in adjoining developments (other than solid metal panels), particularly when located in a heritage conservation area, adjacent to a heritage item or on a main street.



Suitable Modern Fencing



Fence design complements dwelling design

inappropriate fencing



high front fences of the building can obscure vehicle sight lines and are unacceptable



Inappropriate fence design does not enable casual surveillance of the street



Traditional Fencing

Objective / Performance Criteria	Acceptable Solutions
C2.6 Fencing (continued)	5) Reflectivity: If fencing (other than for front fences) is constructed of metal panels it must be of low reflectivity, factory pre-coloured materials (or galvanised iron where required by Council). 6) Surface Water: Fencing must not redirect the flow of surface stormwater or floodwaters onto an adjoining property. 7) Flood Prone Land: If the land is affected by flood related development controls (see Part F – Environmental Management & Hazards) the fence types must be designed to allow flood conveyance and prevent additional flooding on adjacent properties. 8) Landscaping: Long fenced areas should be softened with landscaping.
B2.7 Landscaping & Private Open Space To ensure all dwellings are provided with appropriate areas of landscaped private open space that promotes recreation, environmental, privacy benefits, reduces the visual impact of buildings and allows water infiltration.	Water & Energy Efficiency: Landscaping must comply with that shown on the approved BASIX Certificate for the dwelling.

B3 Garages, Carports, Sheds, Outbuildings & Pools/Spas

This Section applies to garages and carports (both detached and attached to a dwelling), sheds and a range of 'outbuildings' as well as pools and spas that are ancillary to a residential use.

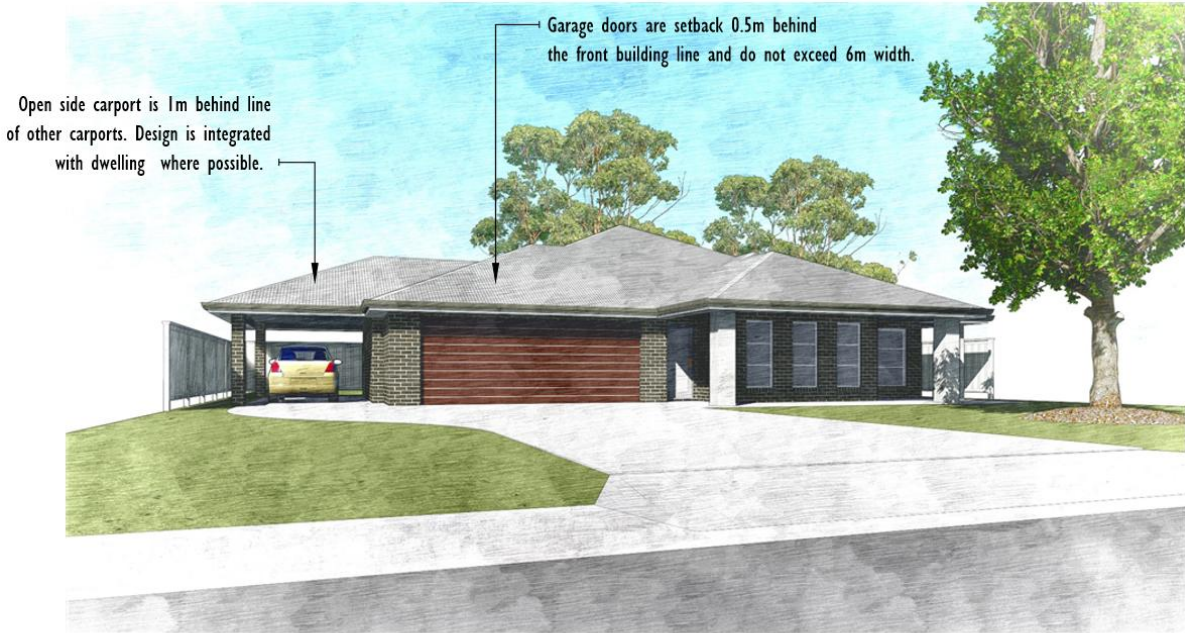
Note: Many ancillary development types maybe either EXEMPT (not require an application) OR COMPLYING DEVELOPMENT. See State Environmental Planning Policy (Exempt and Complying Codes) 2008 ('SEPP Code') for more details. Otherwise, a development application will be required.

Outbuilding means a detached structure ancillary to the main building on a parcel of land, used for purposes such as storage, car accommodation, or similar minor uses.

Objective / Performance Criteria	Acceptable Solutions
B3.1 Use Outbuildings, garages and sheds are not to be used as a dwelling, habitable room, or home business/industry (without approval).	Note: Generally, installation of a toilet, wash basin and/or shower in an outbuilding would not make these a 'habitable' room or dwelling. However, if a kitchen, bathroom and/or laundry are provided this would be considered a 'dwelling' and can only be approved if it meets the relevant controls. Regardless, any building requiring a sewerage/waste-water connection will require an approval from Council. Noise issues from home businesses/industries must be addressed.

Objective / Performance Criteria	Acceptable Solutions
B3.2 Visual Impact / Amenity O1. To ensure that outbuildings and garages/carports: a) will not dominate views from the street or key public places. b) will be in keeping with the scale and setting of the relevant land use zone, streets and locality character. c) will integrate with the dwelling design and surrounding landscaping and buildings. d) will not significantly impact on the amenity of neighbouring properties (e.g. shadow, noise). <i>Note: Generally, impacts from these structures increase on smaller lots and decrease on larger lots. Therefore, Council is likely to require more information addressing impacts on smaller lots.</i>	Any garages, carports, outbuildings, sheds or pools/spas must: 1) Visibility: Demonstrate that their size and location will not dominate the street and will be in keeping with the residential scale and setting. Generally, larger buildings will be more acceptable behind the dwelling (rear building line). 2) Setbacks/Amenity: Setbacks from boundaries and height are subject to assessment of the impacts on adjacent properties including, but not limited to: shadow/solar access, noise and visual amenity/privacy, colour and visibility, and addressing the <i>National Construction Code (NCC)</i> / fire separation requirements. 3) Streetscape: Where buildings are located to the side of or in front of dwellings facing a street they must: a) Be subsidiary in bulk, height, scale and footprint to the principal dwelling or other buildings on the land; b) Incorporate articulation to break down larger blank walls or facades; and c) Use colours and materials that integrate with and complement the existing dwelling (though not necessarily replicate it), landscaping and street character. 4) Colour/Materials: If the buildings are made of metal components AND they could adversely affect visual amenity from adjacent residences, public spaces or heritage items/heritage conservation areas, then they must be constructed using low reflectivity/ factory pre-coloured external materials (or galvanised iron where required by Council or justified in the development application due to heritage or rural character considerations). <i>Note: Please discuss visual impact/ colours/materials with Council if the site is in a heritage conservation area or is a heritage item.</i> 5) Other Standards: Comply with any relevant requirements in the <i>National Construction Code</i> and <i>Australian Standards</i>.

Objective / Performance Criteria	Acceptable Solutions
B3.3 Garages, Carports, Outbuildings & Sheds in Urban Areas See objective(s) for Visual Impact / Amenity above.	In urban areas / zones (e.g. Zone R1 / RU5 / E1 / R5<1ha) in addition to the visual impact/ amenity controls above: 1) Attached Garages/Carports: must: a) Be located at least 0.5m behind the front building line and 5.5m from the front boundary. b) not exceed (see diagram below): i. 50% of the front elevation of the building; or ii. Garage door 6 metres in width (whichever is greater); and iii. One (open-sided) carport in addition to the above that is setback a further 1m behind the line of the other garages/ carports. c) Attached carports in the front setback of existing buildings will need to demonstrate there are no other suitable locations and address the visual impact. 2) Detached Garages/Carports/Sheds/Shipping Containers: a) Should generally be located behind any existing or proposed dwelling or towards the rear of any property; b) Must not exceed a ridge height of 4.8m from existing ground level; c) Must not exceed a cumulative floor area for all outbuildings: i. If the lot is < 900m² in area – maximum of 100m²; ii. If the lot is ≥ 900m² in area but less than 2000m² in size – maximum of 150m² iii. If the lot is >2000m² – Maximum of 200m²

Objective / Performance Criteria	Acceptable Solutions
	 Attached Garage Design - Appropriate
	 Attached Garage Design - Inappropriate

Objective / Performance Criteria	Acceptable Solutions
	 Detached Garages

Objective / Performance Criteria	Acceptable Solutions
B3.4 Garages, Carports, Outbuildings & Sheds in Large Lot Residential Areas See objective for Visual Impact / Amenity above.	In Zone R5 Large Lot Residential areas where the existing lot size is ≥ 1ha in addition to the visual impact/amenity controls above any garages, carports, outbuildings or sheds must not exceed: 1) A ridge height of 6m from existing ground level. 2) A cumulative floor area, of all detached outbuildings, greater than 400m² 3) A minimum setback of: a) 10m; or b) Where the dwelling on the allotment is within 50m of a public road, the outbuilding should be located behind the front building line of any dwelling.
B3.5 Rural Sheds	Maximum size subject to merit-based assessment.

B3.6 Shipping Containers

To minimise the visual impact of shipping containers and ensure that where visible they are modified to appear as a shed.

1) In Zone RU5 Village, Zone R1 General Residential, Zone R5 Large Lot Residential, and Zone E1 Local Centre:

a) If not located in heritage conservation areas or on land occupied by a heritage item.

i) A maximum of **one** (1) shipping container for storage purposes is permitted per lot or ownership holding or must appear as one (1) shed form if multiple containers are enclosed and containers are not to be stacked; and

ii) It must be located behind the rear building line of the primary dwelling on urban land; and

iii) Where visible from any public place, it must be integrated into a shed structure, clad in shed materials, and/or painted to make it appear like a standard shed. Landscaping may also be required.

b) Additional requirements for heritage conservation areas or on land occupied by a heritage item.

ii) To be used for storage purposes to support conservation or renovation works on the property.

ii) Only permitted for a maximum period of 12 months.

ii) The submission of a signed written undertaking, stating that the shipping container will be removed within, or at the expiration of, the 12 month timeframe.

~~Shipping container style sheds or storage are only permitted for a maximum period of 12 months in heritage conservation areas or on land occupied by a heritage item, if they are to be used in conjunction with heritage conservation works and screened from view from public roads.~~

~~a) In all other areas:~~

Objective / Performance Criteria	Acceptable Solutions
	i) A maximum of one (1) shipping container is permitted per lot or ownership holding or must appear as one (1) shed form if multiple containers are enclosed; and ii) It must be located behind the rear building line of the primary dwelling on urban land; and iii) Where visible from any public place, it must be integrated into a shed structure, clad in shed materials, and/or painted to make it appear like a standard shed. 2) In any <u>other</u> Rural Zone, <u>E3 or E4 Zone</u> (unless the business moves goods by shipping containers) the shipping container(s) should be unobtrusive, suitably painted and/or their visual impact reduced through landscaping.

Objective / Performance Criteria	Acceptable Solutions
B3.7 Water Tanks, Pools & Spas To ensure that water tanks, pools and spas are appropriately located and designed: a) To minimise visual impacts from a street or public space and integrate with the residential development. b) To minimise impacts on a heritage conservation area or nearby heritage items (if applicable). c) To minimise noise impacts from associated machinery or the use of pools/spas near sensitive areas of adjacent development. d) To ensure that materials and colours are compatible with the surrounding character (if visible from a public area).	1) Considerations: Council will consider any applications for water tanks, pools and/or spas on their merits (with regards to the relevant controls in <i>SEPP (Exempt & Complying Development Codes) 2008</i> and the visual impact / amenity objectives in this section. 2) Front Setback: Generally, in urban areas/zones water tanks, pools and spas should be located behind the front building line (i.e. not in the front setback to a public street). 3) Heritage: In heritage conservation areas pools and spas should be located behind the rear building line (i.e. in the rear yard) or where they are suitably screened from a public street or space. 4) Noise: Machinery (e.g. pumps, filtration equipment, generators or heat pumps) must be located away from sensitive areas of adjacent dwellings (e.g. bedrooms) in urban areas or suitably shielded to meet standard noise requirements. Note: Some water tanks are likely to be exempt development and not require a development application and some pools and spas are likely to be complying development or will be addressed as part of a dwelling application. Note: Please also see the <i>Swimming Pools Act 1992 and Regulations 2008</i> and <i>AS1926- Swimming Pool Safety (as amended)</i> that take precedence over these controls to the extent of any inconsistency.

B4 Large Lot & Rural Dwellings (including Rural Dual Occupancies)

This section applies to applications for a new **dwelling house** or **dual occupancies** (or alterations and additions to existing **dwelling houses** or **dual occupancies**) in:

- 1) Zone RU1 Primary Production;
- 2) Zone RU2 Rural Landscape; and
- 3) Zone R5 Large Lot Residential in rural areas where existing/proposed lots ≥ 1 hectare in area (e.g. along Browns Creek Road and Forest Reefs Road) *(if unclear, please confirm which controls apply with Council)*.

Objective / Performance Criteria	Acceptable Solutions
B4.1 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.	Setbacks*: Dwellings (and attached ancillary buildings) must meet the following <u>minimum</u> setbacks in metres (m) from the lot boundaries. Zone RU1 & RU2: 1) Public road frontage – 20m. 2) Side or rear boundary – 10m. Zone R5 Large Lot Residential ≥ 1 hectare, 1) Public road frontage – 20m; 2) Side or rear boundary – 10m Note: Additional setback may be required where there is a higher risk of conflict including, but not limited to: public roads/noise, adjacent unsealed driveways/dust, proximity of other dwellings, buffers to intensive agriculture or other activities, watercourses, and bushfire prone areas or other matters discussed in this Section. Additional buffers/setbacks may be required under Part F – Environmental Management & Hazards. * These setbacks may be varied if the proposed dwelling is to be situated within an area registered as a building envelope.

Objective / Performance Criteria	Acceptable Solutions
B4.2 Building Siting & Buffers 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.	1) Environmental Hazards: Buildings must be sited so as to avoid, or if not avoid, mitigate or minimise the impacts from natural hazards (including but not limited to flooding, stormwater hazards, bushfire etc.) or impacts on sensitive environment areas (including but not limited to significant vegetation, biodiversity, watercourses etc.) in accordance with Part F – Environmental Management & Hazards.
Notes: <i>1) Buffers can be in the form of simple setbacks between developments. Dense tree plantings may be required to provide a more effective barrier. Consideration may also be had for topography, noise, and prevailing winds etc.</i> <i>2) The extent of buffer required will also be determined by the type of impact from which protection is sought (e.g. odour, noise, dust, chemical spray drift etc.).</i> <i>3) Council supports the 'right to farm' so standard agricultural activities on rural lands must not be impacted by locating more sensitive dwellings in close proximity to adjacent farms.</i> 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 building siting, height, scale, and use of materials that blends into the natural environment. O3. Environment: To ensure that all buildings are sited in locations where impacts from natural hazards or impact to environmentally sensitive	2) Existing Trees: Buildings should be sited so as to minimise disturbance or removal of existing significant trees (including for asset protection zones to minimise bushfire risk) and buildings should be located outside the drip line of any retained trees to protect root structures. 3) Buffers: Where dwellings are located adjacent to existing or potential higher impact activities (including, but not limited to agriculture, intensive agriculture, mineral resources etc.) then applicants must address the recommended buffer distances in Part F – Environmental Management & Hazards. If these buffer distances cannot be met, then there must be additional justification that addresses how impacts will be avoided or minimised. 4) Dual Occupancy Access: All dual occupancies must utilise the same driveway access from a public road. <i>Note: Dual occupancies (by definition) must be located on the same lot (i.e. they cannot be on separate lots even if they are part of the same holding) or lots will be required to be consolidated.</i> 5) Privacy & Amenity: Buildings must be sited to reduce any overlooking of the living rooms and primary private open spaces of adjoining dwellings and appropriately screened to protect privacy, noise

Objective / Performance Criteria	Acceptable Solutions
areas are avoided, or if not avoided, mitigated and minimised. O4. Amenity: To protect and enhance the residential amenity of the proposed dwelling(s) and any adjacent dwelling(s) on neighbouring lots.	separation and residential amenity of adjoining dwellings. If dwellings must be sited in close proximity to adjoining dwellings, then privacy measures such as landscaping or screening, offsetting of windows, opaque windows etc. should be utilised.
B4.3 Visual Impacts O1. The scale, footprint, height and materials of any building must seek to integrate any buildings into the landscape and protect important skyline views.	1) Ridgelines: Dwelling must be located away from ridgelines or seek to minimise their visual impact on the skyline. 2) Scale / Colours/ Materials: Building must be designed and constructed to integrate with the surrounding rural landscape and not detract from the rural amenity. 3) Reflectivity: External materials must have low reflectivity if they are visible from a public road or neighbouring dwelling and there is a reasonable probability of glare affecting driver safety, residential amenity, or the building being too visually intrusive.

B5 Medium Density Housing (including Urban Dual Occupancies)

This Section applies to any application for **'medium density housing'** in any zone generally where there is more than a single dwelling on any lot. This includes the following types of residential accommodation where they are permitted with consent (in accordance with **BLEP2012** (as amended)): **dual occupancies (except when on rural land under Section B4), secondary dwellings, multi-dwelling housing, and residential flat buildings.**

Note: As these applications are more complex than a single dwelling application Council suggests that assistance is sought from development professionals to prepare the application, and it is discussed with Council prior to lodging.

Objective / Performance Criteria	Acceptable Solutions
B5.1 State Environmental Planning Policies O1. The applicant must address any other relevant State Environmental Planning Policies ('SEPPs') that apply to the particular type of residential accommodation proposed.	1) All residential flat buildings must address the requirements of <i>SEPP (Housing)</i>. If they are multi-level developments and not a residential flat building (e.g. shop top housing) they will be considered on their merits with regard to the principles of SEPP (Housing). 2) Where any controls in this DCP are inconsistent with any State Policy then the State Policy overrules the DCP provision to the extent of any inconsistency. Note: The Low Rise Housing Diversity Code <u>may</u> allow certain development types to be considered as complying development. Discuss this with Council before lodging your application. Council may consider these controls for any relevant medium density application.
B5.2 Suitability of the Site O1. To promote higher dwelling densities in areas that are suited to higher densities without significantly compromising the amenity and character of our settlements.	Applicants must address (as part of the Site Analysis) why the proposed site is well-suited to the intended density of dwellings including: 1) the site's access to services, transport, recreation and amenity. 2) the existing and/or desired future character of the area including heritage and landscape qualities (where applicable).

Objective / Performance Criteria	Acceptable Solutions	
B5.3 Minimum Street Frontage O1. To ensure sufficient street frontages to accommodate vehicle and pedestrian access and promote dwellings that present to the street.	All multi-dwelling housing and residential flat buildings must have a minimum street frontage of 18 metres at the front building line.	
B5.4 Density / Site Area O1. To ensure that lot size is of sufficient size to promote good site planning, vehicle access and parking, open space and landscaping, building separations and solar access, dwelling design, and street / visual amenity.	1) Effluent - Dual Occupancies/Secondary Dwellings: Any application for a dual occupancy or secondary dwelling on a lot without access to reticulated sewer will require additional justification (as part of the Geo-technical (Effluent) Report) that demonstrates there is sufficient space for both dwellings, on-site effluent disposal, landscaping, parking and buffers to adjacent lots. 2) Effluent – Multi-Dwelling Housing/ Residential Flat Buildings: Multi-Dwelling Housing or Residential Flat Buildings must be connected to a reticulated sewer system (Blayney and Millthorpe only). 3) Residential Flat Buildings: Any application for a residential flat building should have a minimum site area of 1,500m² (assessed on its merits). 4) Multi-Dwelling Housing: The minimum site area / maximum number of dwellings permitted on a site for multi-dwelling housing is calculated by dividing the site area by the site area required for each proposed dwelling size as set out in the following table. <i>(For example: a proposal for two 2-bedroom dwellings and one 3-bedroom dwelling would require (2*300) + (360) = 960m²).</i>	
Note: In order to meet other controls in this DCP and provide suitable residential amenity it may be necessary to provide larger areas than those set out in the table above. There is no guarantee that every site can achieve those site areas/densities.	DWELLING SIZE	SITE AREA PER DWELLING
	Studio / 1 Bedroom	240m ²
	2 Bedrooms	300m ²
	3+ Bedrooms	360m ²

Objective / Performance Criteria

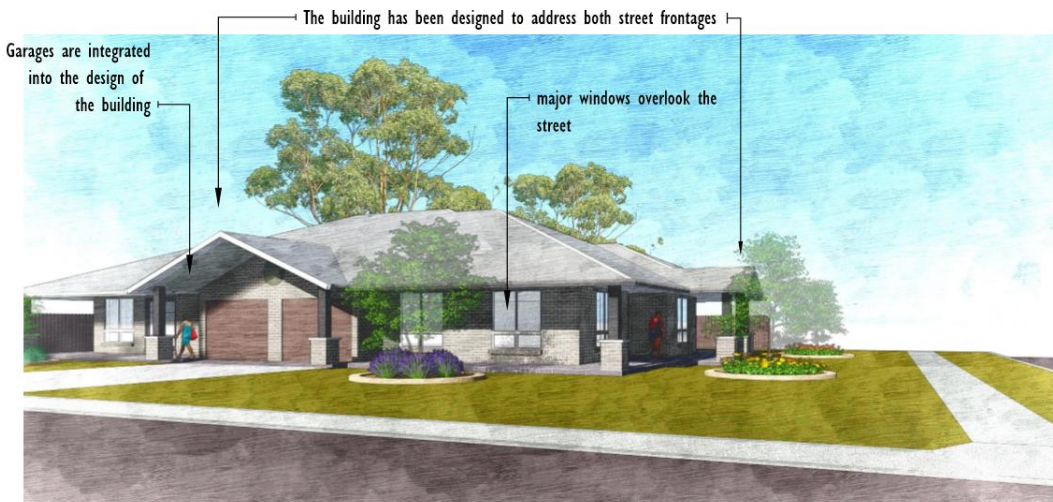
Acceptable Solutions

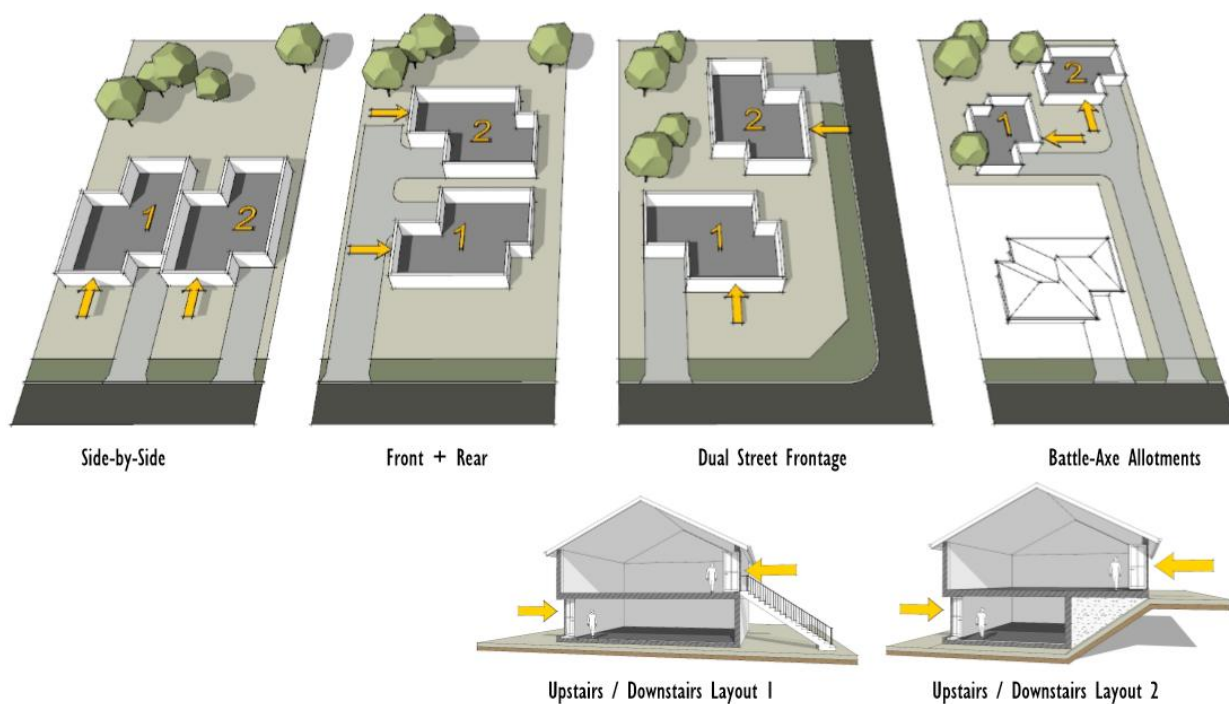
B5.5 Setbacks

- 1) **Objectives:** Medium density housing must have suitable building setbacks/separations to:
- Minimise noise impacts from adjacent roads & neighbours.
 - Maximise visual privacy.
 - Maintain reasonable solar access to primary living spaces and open spaces & minimise overshadowing to/from other dwellings on the site and adjacent sites.
 - Promote natural cross ventilation.
 - Encourage useable private (and possibly communal) open spaces that are accessible from primary living spaces and capable of supporting some significant landscaping.
 - Provide opportunities for water and energy efficiency.
- 2) **Building setbacks:** All new dwellings must meet the minimum setbacks from the lot boundaries as set out in the following table and in accordance with the **Setback Definitions** in **Part B1.3** including the averaging of setbacks. Any variations must be justified in accordance with **Part A1.11 Variation to Controls**.

Classified Roads (Zone R1 / RU5 only)	8m
Primary St (street with driveway) FRONT SETBACK	4.5m – single storey OR average setback of adjacent dwellings (whichever is greater) 6.0m – two or more storeys OR average setback of adjacent dwellings (whichever is greater)
Garages fronting a public road	5.5m from the front boundary AND 0.5m behind the front building line
Secondary St (corner lots)	3m – single storey 4.5m – two storeys or greater
Side & Rear Boundary (no road frontage)	1.5m - single storey 3m - two storeys or greater
Public Reserves	3m

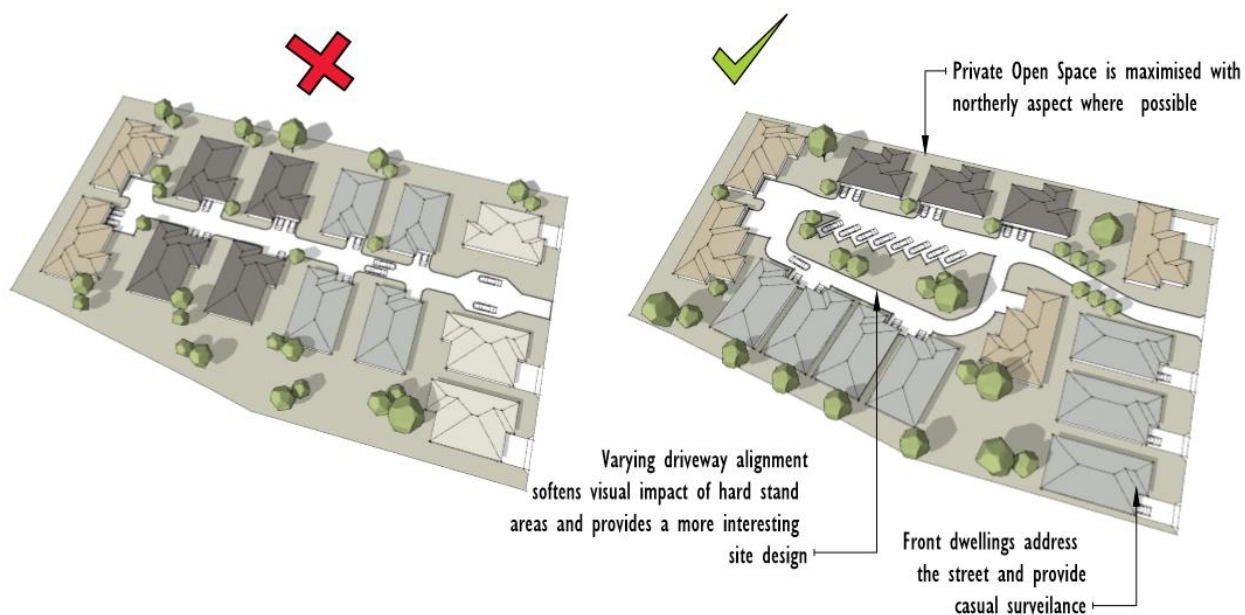
Objective / Performance Criteria	Acceptable Solutions
B5.6 Site Coverage O1. To ensure that development allows sufficient areas for deep soil for landscaping and water infiltration that softens larger developments. O2. To encourage development with good open space, residential amenity, and energy efficiency.	Development must not exceed a site coverage of 70% (including all ancillary buildings and impermeable, hardstand and/or driveway areas). Note: The site coverage should be clearly shown on the proposed Site Plan(s).
B5.7 Height & Solar Access O1. To ensure that the height and scale of development integrates into the existing and desired streetscape and minimises impacts on adjacent properties from shadow, acoustic and visual privacy, and cut and fill. O2. To encourage innovative medium density housing design that has good residential amenity, integrates with the existing and/or desired future neighbourhood character, and is responsive to the site and surrounds.	1) Maximum Height: Any proposal that exceeds 9m in height (measured from natural or existing ground vertically) or two (2) storeys (including attics with dormer windows) will need to provide: a) Detailed site analysis that demonstrates it will not significantly impact on the amenity of neighbouring properties or other dwellings that form part of the development. b) Elevation drawings with Reduced Level (RL) for the maximum ridge, eave, floor, ceiling height(s) and existing/proposed ground level(s). c) Shadow Diagrams to demonstrate that there is a minimum of 3 hours solar access between 9am and 3pm on 21 June (Winter Solstice) in the primary living spaces and open space(s) of adjacent dwellings. d) Justification of building transitions to adjacent lower scale dwellings within 40m of the proposed development and how it fits within the existing and/or desired street character. 2) Solar Access: The primary living space of any adjacent dwelling must receive at least 2 hours of solar access at the Winter Solstice (21 June) between 9am and 3pm or not decrease solar access if it is already less than this amount.

Objective / Performance Criteria	Acceptable Solutions
B5.8 Presentation to Street & Vehicle Driveways O1. Higher density or innovative and different building forms must demonstrate how the building siting and driveway layout: a) promote casual surveillance of the street. b) create clear entrances and a sense of address for each dwelling. c) avoid blank walls to public or semi-public areas and create visual interest. d) promote good orientation for solar access to living spaces and private open spaces. e) reduce visibility of maintenance areas and soften driveways with landscaping and screening.	Development must address any public road frontage and internal driveway as follows: 1) Ensure each dwelling (especially when attached) reads as a separate dwelling with its own clear entrance facing the street or internal access-way. 2) Avoid repetition in the dwelling types and layouts where the building forms become monotonous and/or mirrored with little differentiation between different dwellings. 3) Building facades facing a public road or internal driveway cannot have large areas of blank walls. 4) There is at least one window to a habitable room (not a bathroom or laundry) facing the street or internal driveway that allows for casual surveillance of public and semi-public areas. 5) Blank walls (or walls with little or no articulation) to public streets, internal driveways, or side setbacks are not supported. 6) Garages and carports are integrated into the design, so they do not dominate the street frontage or internal driveways; 7) Soften the visual impact of large areas of hard-stand / driveway by varying driveway alignment when servicing more than six (6) dwellings and adding significant landscaping.
	



Clause C5.8 - Presentation to Street & Vehicle Driveways

Dual Occupancy Layouts



Clause C5.8 - Presentation to Street & Vehicle Driveways

Multi Dwelling Housing Arrangements

Objective / Performance Criteria	Acceptable Solutions
B5.9 Noise & Visual Privacy O1. To recognise and respond to potential noise and privacy constraints by designing to minimise acoustic (noise) impact and maximise visual privacy on proposed and adjacent development. Note: Techniques may include additional building setbacks, offsetting or splaying windows, adding privacy screens, opaque windows, raising the bottom windowsill (high-level windows), courtyard walls or landscaping/ screening (see diagrams in Part C2.5). If reliant on landscaping, its effectiveness within 3 years of planting must be demonstrated. Solar access to living rooms must not be significantly impacted.	1) Windows & Balconies: Development: a) That is more than one storey (including habitable attic rooms with dormer windows); or b) Where the floor level is greater than 1 metre above the existing ground level; or c) That does not meet the minimum building setbacks; or d) Involves multiple dwellings on the one lot and/or strata/community title subdivision, must be designed to locate dwellings/rooms and locate/size windows to habitable rooms or balconies to avoid looking directly into windows, balconies, courtyards, primary private open space(s) or access walkways of adjoining dwellings or demonstrate how overlooking will be minimised. 2) Pathways / Driveways: Where an access-way to another dwelling / parking area is in close proximity to a dwelling window there must be sufficient setback between the access-way and any windows to enable landscape plantings for privacy and acoustic amenity, particularly for bedroom windows. 3) Adjacent Dwellings: Dwellings that are attached should minimise noise transmission by locating active / day rooms (living, dining, kitchen, bathrooms) together, quieter rooms / bedrooms together, and garages together. 4) Facilities: Noise generating areas of developments (e.g. air conditioning plant, swimming pool areas, pumps, communal areas etc.) must be located away from bedroom areas of adjacent dwellings and adequately screened or sound-proofed (if required).

Objective / Performance Criteria	Acceptable Solutions
B5.10 Private Open Space <i>Private open space ('POS') is the primary outdoor space associated with a dwelling (either ground level yard or upper balcony/terrace) that is solely for use of the occupants of that dwelling and separated / screened from other public spaces.</i> Medium density housing must incorporate sufficiently sized and suitably located outdoor private open space and landscaping areas: a) To maximise amenity for each dwelling. b) To maximise solar access to private open spaces and living areas.	1) Area/Dimension: For each dwelling in dual occupancies, or multi-dwelling housing (at ground level): a) The minimum dimension of the one area of 'primary' open space is 4m by 4m; and b) The minimum combined open space area is 40m² (only areas with a minimum depth of 2m are included). <i>Note: The private open space area calculation excludes intrusions e.g. drying areas, garbage bin storage areas, electricity substations, water tanks, hot water systems, retaining walls, driveways, etc. that would make the space unusable but may include covered 'alfresco' outdoor dining areas and decks as long as there is a significant area of permeable landscaping/deep soil provided.</i> 2) Solar Access: The 'primary' private open space must receive at least 2-3 hours of solar access over 50% of the area at the Winter Solstice (21 June) between 9am and 3pm. 3) Access to Primary Living Space: Private open space for each dwelling should be directly accessible from the living areas of the associated dwelling. 4) Screening/Privacy: The 'primary' private open space should be suitably screened from direct view from a public place, adjacent dwellings and adjacent common open space within any development.
B5.11 Landscaping & Deep Soil To encourage deep soil areas that can support significant landscaping to: a) Retain and protect existing significant trees. b) Allow for water infiltration and reduce stormwater issues.	1) Landscape Design: The applicant is required to lodge Landscaping Plan(s), prepared by a suitably qualified person that demonstrates how the proposed landscaping addresses: a) Retention and incorporation of any significant existing trees on the site (if possible). b) The likely height and size of existing (retained) and proposed species and their ability to integrate with the scale of the development and avoid future

Objective / Performance Criteria	Acceptable Solutions
c) Reduce the bulk and scale of larger developments and hardstand areas. d) Improve privacy and shading whilst allowing solar access in winter. e) Utilise species suitable to the climate with lower maintenance. f) Assist in defining the boundary between public, semi-public, and private land and promote good sightlines and safety.	incompatibility due to proximity to buildings and falling limbs. c) Whether the species is deciduous or perennial and how this will facilitate solar access in winter and shade in summer. d) Whether the species will screen less visually appealing areas such as long driveways, car parks, garbage storage areas, clothes drying areas as well as providing privacy for dwellings. e) How any screening may impact on casual surveillance of the street and public spaces. f) Whether the species is suited to the climate (frost and drought tolerance) and local ecology (avoiding, where possible, weeds or invasive species). g) Provide details of maintenance and watering requirements for multi-dwelling housing and residential flat buildings. h) Proposed levels and surface types for drainage. 2) Access Sightlines: Driver visibility / sightlines along public roads and footpaths at the entrance /exit of any lot must not be impaired by any fences or proposed landscaping (existing significant trees may be retained). 3) Large Hardstand Areas: Landscaping must be provided to shade and soften the visual impact of large hard surfaces and allow for water infiltration including: a) Along driveways for multi-dwelling housing and residential flat buildings; and b) Around outdoor car parking areas. 4) Water & Energy Efficiency: Landscaping must comply with that shown on the approved BASIX Certificate for the dwelling. 5) Earthworks / Retaining Walls: Earthworks and retaining walls must be designed to promote access through the site and minimise impacts on neighbouring sites.

Objective / Performance Criteria	Acceptable Solutions
B5.12 Fencing Fencing must seek to balance security and privacy with the community need for new development to: - Reflect traditional and/or rural village styles and materials and the style of the associated building(s). - Provide opportunities for casual surveillance of the street. - Avoid large solid fence sections unsympathetic to the street character. - Ensure sightlines for vehicle and pedestrian safety.	Height (Front Fences): Fences within the front primary setback area to the building line are to be: - Maximum 1.2m high above existing ground level. - Not made of Colorbond/metal panels. - Not be solid above 900mm. Height (Corner Allotments): Fences on corner allotments forward of the front building line must be either splayed, set-back, reduced in height or transparent to maintain visibility for motorists and views of the front of the house. Height (Other Fences): Other side or rear boundary fences can be up to 1.8m high. Materials: The materials for street frontage fences must be consistent with or sympathetic to those used in adjoining developments (other than solid metal panels), particularly when located in a heritage conservation area, adjacent to a heritage item or on a main street.
	Suitable Vegetative Fencing  Suitable Modern Fencing  

Suitable Modern Fencing



Fence design complements dwelling design

Inappropriate Fencing



high front fences of the building can obscure vehicle sight lines and are unacceptable



Inappropriate fence design does not enable casual surveillance of the street



Traditional Fencing

Objective / Performance Criteria	Acceptable Solutions
	5) Reflectivity: If fencing (other than for front fences) is constructed of metal panels it must be of low reflectivity, factory pre-coloured materials (or justified in the development application due to heritage considerations or required by Council). 6) Surface Water: Fencing must not redirect the flow of surface stormwater or floodwaters onto an adjoining property. 7) Flood Prone Land: If the land is affected by flood related development controls (see Part F – Environmental Management & Hazards) the fence types must be designed to allow flood conveyance and prevent additional flooding on adjacent properties. 8) Landscaping: Long fenced areas should be softened with landscaping
B5.13 Landscaping & Private Open Space To ensure all dwellings are provided with appropriate areas of landscaped private open space that promotes recreation, environmental, privacy benefits, reduces the visual impact of buildings and allows water infiltration.	Water & Energy Efficiency: Landscaping must comply with that shown on the approved BASIX Certificate for the dwelling.

Objective / Performance Criteria	Acceptable Solutions
B5.14 Solid Waste Management To ensure that solid waste management is integrated into the design of more complex developments and will provide: a) Safe and efficient access for waste collection vehicles to the waste storage area. b) Suitable locations and accessibility to promote effective waste management and recycling. c) Appropriately sized waste storage areas for the potential waste generation of the development and collection periods. d) Screening of waste storage areas to minimise visual and odour impacts.	1) Multi Dwelling Housing: For all multi dwelling housing there must be: a) Individual bin storage areas nominated for each dwelling on the lot for that dwelling (preferably in the garage or side or rear setbacks where they are not visible from the internal driveway); and b) Where there are more than four (4) dwellings, communal bins storage area(s) nominated for all dwellings adjacent to the front / street boundary of the property that are: i) Located and designed in accordance with the collection requirements of a standard waste collection vehicle and allow for vehicles to access and empty bins safely; and ii) Suitably screened from the street and internal driveway (shown on any Landscape Plan(s)). Other Medium Density Housing: For all other medium density housing applications garbage bins associated with dwellings are to be stored in the rear yard, side setback or garage of the dwelling and/or suitably screened (i.e. not visible from the street).
B5.15 Adaptability To require larger residential developments to provide a percentage of dwellings that are capable of being adaptable to meet changing needs of residents and the community.	Any development of six (6) or more units/dwellings in multi-dwelling housing or a residential flat building must provide one (1) unit for every six (6) units that is capable of conversion to adaptable housing in accordance with <i>Australian Standard AS4299 – Adaptable Housing</i> (as amended) to a Class C Level (all essential features incorporated).

B6 Other Residential Types

This section applies to temporary accommodation (during construction), second-hand (relocatable) dwellings, manufactured homes (transportable dwellings), and shop-top housing/mixed-use developments.

Objective	Acceptable Solutions
B6.1 Temporary Accommodation <i>Council will permit in limited circumstances for the owner of a site and their immediate family to erect or inhabit a temporary residence on the development site to live in during the construction of a proposed dwelling.</i> O1. To ensure temporary accommodation is appropriately constructed and serviced and only used for the limited time needed to construct the permanent dwelling. Note: An alternative may be to seek development approval for a dual occupancy and to build one of the dwellings first to live in while the primary dwelling is being constructed. This would ensure that the smaller dwelling has a permanent approval and can be re-used.	1) Permissibility: Temporary accommodation (during construction) is only permissible on lots or holdings that are $\geq 4,000\text{m}^2$ (i.e. they are prohibited in urban residential zone(s) and villages). 2) Number of Buildings: A temporary residence may comprise of one (1) shed (Council approved/ <i>National Construction Code</i> compliant); one (1) Caravan (with or without annex); or combination of one (1) shed and one (1) caravan. 3) Street Setbacks: The temporary accommodation must not be built or placed within the front setback to any street frontage of the proposed permanent dwelling. 4) Visual Impact: The arrangement of temporary accommodation must seek to minimise visual impact from any public space/road. 5) Fixtures: The temporary accommodation must be provided with: a) Kitchen with cooking and dish-washing facilities with running water. b) Shower and toilet facilities. c) Points of connection for a washing machine. d) Smoke detectors. e) All facilities installed in accordance with the <i>National Construction Code (NCC)</i>. 6) Effluent Disposal: There must be provision for adequate effluent disposal facilities (either an approved on-site effluent management system or connection to reticulated sewer).

Objective	Acceptable Solutions
	7) Prior to Occupation: Temporary accommodation must not be occupied until: a) Council has approved the development application and issued a Construction Certificate for the permanent dwelling on the site. b) Council has inspected the temporary accommodation (prior to occupation) to ensure it has been constructed / installed in accordance with the plans and specifications or Council has been given notice of intent to live on the site (if it is a caravan). c) All sewer drainage for the temporary accommodation has been approved and connected to the town sewerage system or Council approved on-site waste management system (where applicable). 8) Length of Use: The maximum period that temporary accommodation may be used as a habitable building is (whichever is the shortest time of): a) 12 months from the date of approval of the permanent dwelling; or b) 3 months from the date the final Occupation Certificate is issued for the permanent dwelling; or Council will only grant one six (6) month extension to the above timeframes that is supported with justification and a clear construction program agreed to by the builder. 9) Finalisation: At the end of the maximum period in subclause (8) the temporary accommodation must be: a) Completely demolished / removed and the area remediated; or b) The applicant must have Council approval to extend the maximum period for the temporary accommodation; or There must be a development approval for the building to remain (either as a permanent dwelling / dual occupancy or shed / outbuilding where the components that make it habitable have been removed).

Objective	Acceptable Solutions
B6.2 Second Hand (Relocated) Buildings <i>Existing second-hand buildings can be moved to the site and often placed on elevated footings. It does not include 'manufactured homes' or 'relocatable dwellings' or any other 'moveable dwelling' that may be approved under Section 68 of the Local Government Act outside of a caravan park (see next section).</i> O1. To ensure second-hand (existing) buildings are safe for occupation and use prior to their delivery to the site. O2. To ensure that second-hand buildings are located and/or designed to reduce their visual impact and integrate with the surrounding area character.	1) Approvals: A Development Application and Construction Certificate will be required. You will require Section 68 Application(s) (<i>Local Government Act</i>) for installation of the building, connection to utilities and on-site sewage management. 2) Other Controls: The building location and design for the second-hand dwelling must comply with the other relevant controls in this DCP. 3) Visible Locations: In general, sites that have a frontage to a classified road (highways and regional roads) or a key public space or community facility must ensure that the second-hand building will appear as a permanent structure with good articulation and materials. 4) Lodgement: Applications for a second-hand building must include: a) A Site Plan showing the proposed location of the second-hand building in accordance with the setbacks in the relevant section of this DCP. b) Elevations of the second-hand building (as it is to be constructed). c) A Structural Report prepared and/or certified by an accredited Structural Engineer certifying the structural soundness of the building and design and certification of the footings. d) A Hazardous Building Material Survey prepared and/or certified by an accredited Occupational Hygienist/ Asbestos Assessor certifying that either there is no asbestos or other hazardous material in the building, or it has been removed, or it is safe/stable for transport and use of the building. e) Photographic evidence of the building (prior to its relocation to site) supported by a description of its condition prepared by a qualified consultant.

Objective	Acceptable Solutions
	f) Evidence of how the building will be transported to the site and a copy of any permit(s) to ensure safe passage of the dwelling in accordance with the relevant acts / legislation (e.g. <i>Roads Act</i>). g) Evidence of screening to obscure any elevated footings from public view, usually with a sub-floor 'curtain' around the base of the building. Note: <i>Second-hand buildings must not be moved onto the site before development consent is issued for the use of the land.</i> Note: <i>Council will issue a Final Occupation Certificate at the completion of the installation & any associated works. Second-hand dwellings will generally be required to complete their on-site installation and any associated works within a 6-month period from arrival at the site and Council may require a bond or bank guarantee.</i> Note: <i>A BASIX Certificate is NOT required as it is not within the definition of a 'building' under the EP&A Act.</i> Note: <i>If the land is bushfire prone land then additional assessment of bushfire risk and building construction will be required.</i>

Objective	Acceptable Solutions
B6.3 Manufactured / Transportable Homes <i>Under the Local Government Regulation 2005 this includes a 'relocatable home' which is either a 'manufactured home' or any other 'moveable dwelling' (but does not include a tent, caravan or campervan or other moveable dwelling capable of being registered on the road). This section does NOT apply to flat pack / kit homes.</i> <i>'Manufactured home' is defined in the Local Government Act as 'a self-contained dwelling (that is a dwelling that includes at least one kitchen, bathroom, bedroom and living area that also includes a toilet and laundry facilities)' that is built either in parts or as a whole off-site and then transported to site for installation. It is not a registrable moveable dwelling and includes any associated structures that form part of the dwelling.</i> O1. To meet statutory requirements for manufactured homes / transportable dwellings.	1) Approval: The installation of a manufactured or transportable home (outside a caravan park or manufactured housing estate) requires development consent for the residential use of the land and approval(s) under Section 68 of the <i>Local Government Act</i> for the placement of the dwelling and any connections to reticulated sewer and water. This includes plans and specifications as set out in Clause 79 of the <i>Local Government Regulations</i>. 2) Screening of Footings: The application must include evidence of screening to obscure any elevated footings from public view, usually with a sub-floor 'curtain' around the base of the building. 3) Residential Controls: The building location and design for manufactured dwellings must comply with the other relevant controls in the residential controls of this DCP. 4) Visible Locations: In general, sites that have a frontage to a classified road (highways and regional roads) or a key public space or community facility must ensure that the manufactured dwelling will appear as a permanent structure with good articulation and materials. Note: A BASIX Certificate is NOT required as it is not within the definition of a 'building' under the EP&A Act. Note: If the land is bushfire prone land, then additional assessment of bushfire risk and building construction will be required.

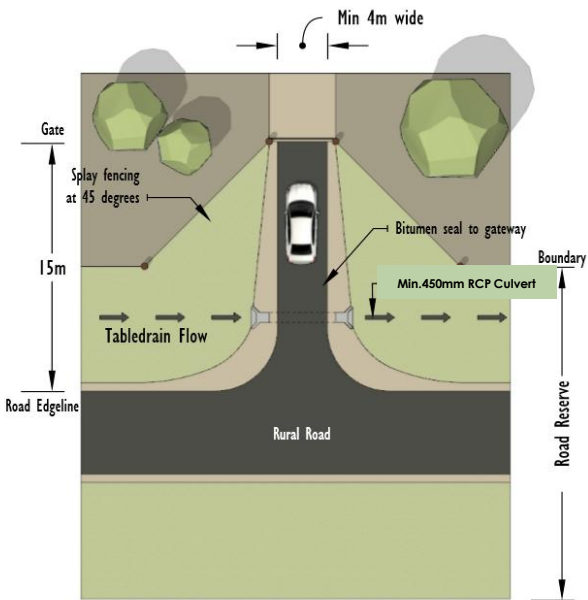
Objective	Acceptable Solutions
B6.4 Shop Top Housing / Mixed Use Developments <i>‘Shop top housing’ means one or more dwellings located above ground floor retail premises or business premises. It is permitted with consent in Zone E1 Local Centre, Zone R1 General Residential, and Zone RU5 Village.</i> O1. To ensure that shop top housing is designed to integrate with the associated commercial / retail function whilst providing suitable residential access and amenity. Note: SEPP (Housing) 2021 applies to a building of 3 or more storeys and 4 or more dwellings including shop top housing or mixed-use developments.	1) Commercial Controls: The commercial and/or retail element of any shop-top housing / mixed-use proposal must address the relevant Commercial & Community Uses controls in this DCP. 2) Residential Setbacks: If a dwelling is on top of or attached to a commercial component the same setbacks as the commercial component should be adopted as long as the applicant confirms: a) The requirements of the <i>National Construction Code</i> and fire rating are met. b) There is residential amenity for the proposed and adjacent (if any) dwellings in accordance with the relevant residential controls in this DCP and subclause (4) below. c) Setbacks have minimised overshadowing of adjacent dwellings and their private open spaces. 3) Residential Access: A separate access must be provided to the residential component of the building from the main street frontage and/or from any rear parking area with an alternative street frontage. 4) Residential Amenity: The controls in the Sections above relating to residential amenity including, but not limited to noise & visual privacy, solar access to living spaces, and facilities (such as letterboxes and garbage bin storage and collection areas) will generally be applicable to shop-top housing but the requirements may be varied on merit with justification. 5) Car Parking: For any new building/dwelling(s) the residential component of any new shop top housing requires at least one (1) off streetcar parking space per dwelling but preferably two (2) spaces. In addition, the site needs to accommodate any commercial car parking requirements set out in this DCP.

B7 Access & Parking

This section applies to any proposed car parking, driveways and pedestrian access requirements for new residential development or associated with new garages and carports.

Objective/Performance Criteria	Acceptable Solutions	
B7.1 Vehicle Parking O1. Ensure there is sufficient on-site car parking for the proposed use(s) so that there is not an unreasonable reliance on on-street or off-site parking that impacts on other users.	Car Parking: Each dwelling must provide: 1) The number of off-street car parking spaces for each development type set out in the rows below; OR 2) If the use is not listed below – in accordance with the <i>Guide to Transport Impact Assessments</i> on the Transport for NSW website (as amended); 3) Parking spaces, manoeuvring areas, and driveways must be designed in accordance with <i>Australian Standard AS2890 – Parking Facilities</i>, the <i>Guide to Transport Impact Assessments</i> (on the Transport for NSW Website), and Council's <i>Guidelines for Engineering Works</i>.	
Development Type	Parking for Residents	Visitor Parking
Single dwelling houses, secondary dwellings, dual occupancies, semi-detached dwellings and attached dwellings (townhouses) including second-hand (relocatable) and transportable dwellings.	Minimum one (1) off-street car parking space on the property for each dwelling located behind the dwelling setback to the street lot boundary ('building line'). Two (2) car spaces are preferred and may include use of the driveway area in front of any garage/carport.	Not required. On-street or in driveway sufficient.
Multi-dwelling housing and residential flat buildings	Minimum one (1) off-street car parking space for each unit plus an additional one (1) space per four (4) units or part thereof.	Minimum one (1) space per five (5) units or part thereof.

Objective/Performance Criteria	Acceptable Solutions
B7.2 New Driveways & Entrances (Urban Areas) O1. Ensure new driveways and garage entrances are located to maximise vehicle and pedestrian safety with appropriate sightlines and separations from intersections / other driveways / pedestrian access paths. O2. Ensure that for developments (other than a single dwelling, secondary dwelling, or dual occupancy on a lot) all vehicles can enter and leave the site in a forward direction. O3. Ensure that driveways, garages and carports do not dominate the street or the proposed development, are integrated with the design, and there is sufficient landscaping to soften visual impact.	In Zones E1 Local Centre, R1 General Residential (Blayney and Millthorpe), RU5 Villages and any R5 Large Lot Residential lots < 1 hectare in area: 1) Safety: Any driveway must provide sufficient separation from nearby intersections and sightlines for pedestrian and vehicle safety in accordance with Council's <i>Guidelines for Engineering Works</i> and AS2890.1 – Figure 3.1/3.2). 2) Driveway Width: a) Driveways serving one (1) dwelling shall be a minimum width of 3m. Shared driveways serving two (2) or more dwellings shall have a minimum width of 4.5m increasing to 5.5m forward of the front building line or for passing bays (as required) justified based on the size of the development. 3) Vehicle Turning: There must be sufficiently sized and appropriately located vehicle turning space(s) to enable all vehicle sizes that are expected to access the development to enter and leave the site travelling in a forward direction (not required for dwellings with direct single driveway access to the street).

Objective/Performance Criteria	Acceptable Solutions
B7.3 New Access, Entrances & Driveways (Rural Areas) O1. To ensure that all lots have a safe and effective access / entrance and any new driveway minimises impacts on public roads and adjacent dwellings.	Guidelines: In Zone R5 lots ≥ 1ha in area, Zone RU1 / RU2, and any other rural any entrance or driveway must be constructed in accordance with Council's <i>Guidelines for Engineering Works</i> and the <i>Guide to Transport Impact Assessments</i> on the Transport for NSW website (as amended). Entrance Seal: If there is an existing bitumen sealed road adjacent to a new lot, all newly constructed vehicle entrances are to be bitumen sealed from the edge of the existing road to the entrance / gate. Entrance Setback: Entrances are to be setback from the edge of the existing road formation (to permit a small truck or car and trailer to park in the entrance without blocking the road) not less than the following distances (see diagram below): 15m (where the lot has an area of more than 1 ha). - Entrance setbacks to a highway or classified road must meet Transport for NSW standards.
	
Clause C7.3 - New Rural Access	

B8 Site Planning, Earthworks & Utilities

This Section applies to all development that involves 'significant' new development, earthworks, or new connections to utilities (at the discretion of Council). For any 'significant' development (other than minor alterations and additions) one of the most important steps in preparing an appropriate design is the Site Planning stage where the location of any building/structures/works, its orientation, and how it responds to site opportunities and constraints is determined (prior to detailed design). It is also important to consider the location and costs of connection and/or construction of utilities at the Site Planning stage.

Objective / Performance Criteria	Acceptable Solutions
B8.1 Site Planning O1. To ensure that the design of any significant new development is based on a site analysis of any relevant opportunities and constraints of the site and (taking into account any other relevant controls in BLEP2012 and this DCP): 1) Considers and responds to the topography, climate and natural environment; 2) Avoids, or if it cannot avoid, minimises or mitigates against natural hazards and land use conflicts; 3) Protects and enhances any heritage items or heritage conservation areas; 4) Integrates with the surrounding built form and landscape character; and 5) Maintains reasonable residential amenity (for the site and adjacent dwellings).	
B8.2 Water & Energy Efficiency O1. To promote dwelling design that is water and energy efficient, thermally comfortable, and minimises the need for mechanical heating and cooling in accordance with NSW State Government requirements.	A BASIX Certificate may need to be submitted with the Development Application in accordance with <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> prepared by a suitably qualified consultant. Note: Please go to www.basix.nsw.gov.au for more information or to conduct a BASIX assessment on-line or see Council's Development and Building Guide for more details.

B8.3 Design Principles (Advisory only)

- 1) **Overall:** All new dwellings should (within the constraints of the existing lot orientation and dimensions) consider ways that (using the advisory design principles below):
 - a) Maximises solar access to key living spaces during winter (to minimise heating requirements); and
 - b) Minimises solar access and facilitates cross-ventilation of the building during summer (to minimise cooling requirements).
- 2) **Layout:** Living spaces should ideally be located on the north side of the dwelling where there is maximum solar access. Private open spaces should demonstrate significant areas unaffected by shadow from proposed or existing buildings.
- 3) **Activity Zones:** Dwellings should ideally have separate living and bedroom zones to avoid having to heat or cool the entire dwelling when only part of the dwelling is in use during different parts of the day.
- 4) **Windows:** Windows to primary living spaces should ideally face between 30° east of solar north or 20° west of solar north.
- 5) **Shading:** Shading devices should be provided for windows (including eaves, awnings, balconies, pergolas, louvers and or deciduous plantings) that that will let in the winter sun but block the higher summer sun and minimise the need for additional heating/cooling.
- 6) **Cross Ventilation:** Design should seek to facilitate natural cross ventilation (breezes) through a dwelling by minimising interruptions in air flow and providing operable windows on opposite sides of the dwelling and key living spaces to capture cooling breezes in summer.
- 7) **Insulation:** The higher the insulation (R) values the greater the ability for the dwelling to stay warm in winter and cool in summer.
- 8) **Solar Photovoltaic Panels:** Consider how the roof orientation, design and pitch may be able to accommodate photovoltaic panels or other suitable locations with good solar access (now or in the future).
- 9) **Landscaping:** Landscape design should be integrated with the site planning and building design to utilise perennial and deciduous species to provide wind barriers, privacy, shading in summer and solar access in winter, and water infiltration into the soil.

For more information see the Your Home - Australia's guide to environmentally sustainable homes for these and a range of other ways to make your house more sustainable at www.yourhome.gov.au.

Objective / Performance Criteria	Acceptable Solutions
B8.4 Earthworks O1. To ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, or cultural or heritage items. O2. To minimise cut and/or fill or site and potential erosion and sediment entering stormwater systems or watercourses or impacting on adjoining properties. Note: <i>Earthworks MAY be exempt or complying development under SEPP (Exempt and Complying Development Codes) 2008.</i> O3. Avoid contaminated fill being relocated or used on sites.	1) Cut and/or fill should be minimised by appropriate site planning, building orientation and design, taking into account the slope of the site, proximity to adjacent properties and environmentally sensitive areas, and access and drainage requirements. 2) Cut and/or fill for residential uses that is greater than 1m in depth or closer than 1m to a lot boundary may require additional certification to avoid impacts on adjacent properties. 3) Applicants must notify Council if cut and/or fill will result in the net export or import of fill from sites other than the subject site and demonstrate the fill is not contaminated. Note: <i>If the site is within a flood prone area or drinking catchment area then there may be additional earthworks controls in Part F – Environmental Management & Hazards.</i>
B8.5 Building near Utilities/ Easements O1. All buildings and structures must be located and designed so they do not obstruct access to, or impact on the safe operation of, existing or proposed utilities such as sewer, stormwater, water, electricity, gas, and telecommunications (whether they are above ground or underground).	1) Permanent buildings or structures or works must not be located over or in the vicinity of an easement without express written authorisation from the responsible utility authority. 2) Where an easement does not exist, the structure must be located a minimum distance equivalent to the invert depth of the pipeline plus one (1) metre from the known utility location, and in accordance with the relevant utility authority requirements. Note: <i>Council recommends that applicants lodge a 'Dial Before You Dig' Application to ascertain the approximate location of all services on site and, where there is any chance that development will be near those services, identify those services accurately on a Survey Plan.</i>

Objective / Performance Criteria	Acceptable Solutions
B8.6 Connection to Utilities O1. To address the requirements of Clause 6.8 - <i>Essential Services</i> in <i>Blayney Local Environmental Plan 2012</i>. O2. To ensure that new developments are appropriately serviced (the type or level of service depending on service availability and cost-effectiveness to connect). O3. To require development to connect to and support existing utility infrastructure in accordance with Council's <i>Guidelines for Engineering Works</i> (as amended). O4. Where reticulated services are available within reasonable proximity to the lot, any new buildings must connect to those reticulated services unless the applicant can demonstrate why that connection would not be appropriate and/or propose an alternative system that is acceptable to Council.	1) All dwelling lots in Zone R1 General Residential (Blayney or part of Millthorpe) or Zone RU5 (Millthorpe) must be connected to reticulated water and sewer. 2) All residential lots in Zone R5 Large Lot Residential near Millthorpe that have a Minimum Lot Size of 4,000m² on the Lot Size Maps in BLEP2012 and propose to create lot(s) below 2 hectares must connect to reticulated water and sewer. 3) New development must be connected to grid-electricity unless the applicant can demonstrate a sufficiently sized and appropriate alternative (off-grid) system to meet the reasonable needs of that type of development. 4) All utilities must be installed and/or connected in accordance with Council's <i>Guidelines for Engineering Works</i> or the requirements of the relevant utility provider. Note: Telecommunications and gas services may also need to be connected. Speak to Council about your requirements. Stormwater is addressed in Part F – Environmental Management & Hazards.
B8.7 Siting & Visibility of Utilities O1. To minimise the visual impact of any new utilities, connections, or associated structures if visible from public areas.	1) Utilities should be located underground (particularly in heritage conservation areas or main streets) or utilise existing poles (at the discretion of Council) unless other constraints make this unsuitable. 2) Utility boxes and cabinets (e.g. electricity substations, meter boxes etc.) on private land are integrated into the development and screened (where appropriate).

Objective / Performance Criteria	Acceptable Solutions
B8.8 Water Tanks O1. To ensure that dwellings have sufficient potable water to cater for the number of people/ likely consumption and any ancillary uses.	Dwellings that are reliant on rainwater for drinking water must have a minimum tank capacity of 60,000L or the requirements set out in the BASIX Certificate (whichever is greater). Additional capacity may be required for garden watering and other purposes. <i>Note: If the site is bushfire prone land it may also need to meet Rural Fire Service requirements). Additional water may be required for gardens, pools and other uses.</i>
B8.9 On-Site Sewage Management O1. To ensure (where reticulated / centralised sewage management systems are not available) appropriate on-site systems will 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.	Where a lot is unable to connect to a reticulated sewage system, the applicant must provide an Effluent (Geo-technical) Report prepared by a suitably qualified geo-technical engineer that supports the design and location of any on-site system in accordance with any relevant Australian Standards, and Part F2.5 On-Site Effluent Disposal of this DCP.
B8.10 Re-Use of Water O1. Re-use of water is encouraged but must be treated to the relevant NSW standards to ensure safety and environmental health.	Any water for reuse-use must be treated in accordance with the relevant <i>NSW Health Guidelines</i> and any other relevant <i>Australian Standards</i> using certified systems and may need to be addressed in an Effluent (Geo-technical) Report.
B8.11 Solid Waste Management O1. To ensure that all new development has an appropriate solid waste management system to protect the environment.	Applicants must determine (in consultation with Council) what solid waste collection services are available, other appropriate method of disposing of solid waste and suitable storage location(s).

Objective / Performance Criteria	Acceptable Solutions
B8.12 Letterboxes O1. Letterboxes must be provided for all new lots/dwellings that do not have an existing letterbox. <i>Note: Letterboxes MAY be exempt or complying development under SEPP (Exempt and Complying Development Codes) 2008.</i>	Separate letterboxes for each dwelling must: 1) Be located where it is easily visible from the road frontage and accessible for Australia Post employees. 2) Be clearly marked with the correct house number. 3) Provide an additional letterbox for the Owners' Corporation for Strata/Community Title.
B8.13 Street Numbering O1. Street numbers should be provided for new buildings on vacant lots or new lots.	Each dwelling must have an appropriate street number that is clearly visible from the street (as determined by Council).

Part C

Commercial, Community &

Industrial Development



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C1 Introduction

C1.1 Application of this Part

This Part applies to any **commercial premises, community related uses or industrial** development as well as alterations, additions and extensions, or ancillary development to those uses within land zoned, E1 Local Centre, E3 Productivity Support, E4 General Industrial and RU5 Village under the Blayney Local Environmental Plan 2012 (**BLEP 2012**).

COMMERCIAL PREMISES

Commercial premises is a group term that includes **business premises, office premises and retail premises**. Please see **BLEP2012** for the definitions and sub-terms within these definitions.

USES WITH COMMERCIAL QUALITIES

The controls for commercial development may also be relevant to other types of developments where there is a commercial activity involved in that development in an urban area such as:

- 1) **Tourist and visitor accommodation** (see **Part E – Other Land Uses**).
- 2) **Home businesses and home occupations**.
- 3) Commercial/retail component of **mixed-use building**.
- 4) Industries where the dominant use is commercial (e.g. depots with offices).

INDUSTRIAL PREMISES

Industrial premises are a group term that includes **general industry, heavy industry and light industry**. Please see **BLEP2012** for the definitions and sub-terms within these definitions.

COMMUNITY RELATED USES

For the purpose of this DCP, other community related uses where these controls may apply (where relevant) include (See **BLEP2012** for more detailed definitions of these land uses / activities):

- a) **Educational establishments** (e.g. schools, colleges etc.);
- b) **Health service facilities** (e.g. hospitals, medical centres, health consulting rooms etc.);
- c) **Community facilities** (e.g. recreation).

C1.2 Change of Use

A change of use of a premises may be exempt or complying development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (SEPP Codes 2008). If the Applicant is unable to meet these requirements and needs to lodge a Development Application, then Council will assess each application on its merits. The general controls in this Part need to be addressed (please discuss with a Council officer) and we recommend also addressing those relevant development standards in the SEPP Codes 2008.

C1.3 Other Parts of this DCP

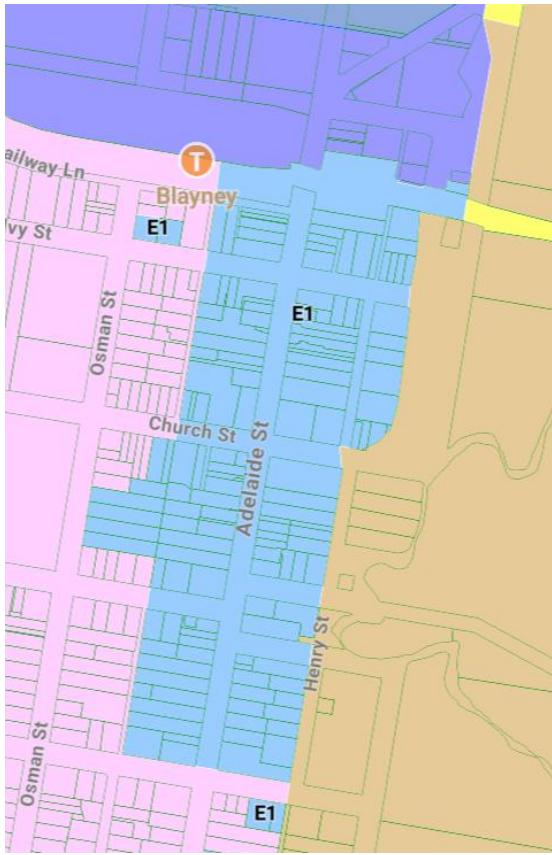
Whilst Council has attempted to consolidate most of the controls relating to commercial, community and industrial development in this Part, other Parts of this DCP may also apply depending on the type of development you are proposing and the site constraints including, but not limited to:

- 1) **Part D – Subdivision** (where you are also proposing some type of subdivision of your land).
- 2) **Part E – Other Land Uses** (other land uses including, but not limited to, advertising & signage).
- 3) **Part F – Environmental Management & Hazards** (dependent on-site constraints and potential impacts).
- 4) **Part G – Heritage** (where the site is a heritage item or is in a conservation area or near a heritage item).

C2 Commercial and Community Buildings & Design

PART C

Objective / Performance Criteria	Acceptable Solutions
C2.1 Site Selection and Land Use Conflicts Whilst Council will consider all applications for commercial and community use(s) on their merits in any zone where the particular land use is permitted under BLEP2012, the development application must ensure that the chosen site and building design will: 1) Avoid, or minimise/mitigate any potential impacts on other land uses in the vicinity of the site having regards to: a) The land use zone and the desired development outcomes for each settlement/area; and b) Environmental impacts in Part F – Environmental Management & Hazards, including but not limited to Part F2: Buffers to Sensitive Land Uses (noting that Buffers may increase the required setbacks for buildings or activities. 2) Address Part C5: Site Planning, Earthworks & Utilities.	
C2.2 General Building Setbacks 1) Road Frontages: Setbacks to road frontages (other than rear lanes) should: a) Reinforce the desired built form pattern, street character and function and not dominate the street whilst allowing variability where it can be justified. b) Respond to the level of pedestrian activity required for any proposed retail frontage(s); c) Respond to adjacent development and adjacent building setbacks. d) Minimise impacts on adjacent lots. e) Provide areas to service these uses whilst minimising the impact of large parking, utility, or storage areas on street character/activity. f) Accommodate (where appropriate) outdoor dining areas, disabled access and landscaped setbacks. g) Provide adequate sight distances for vehicle and pedestrian safety, particularly on corner lots. 2) Rear Lanes: If a lot has frontage to a rear lane, then setbacks from the rear lane should consider adjacent building setbacks/impact and encourage access for service and delivery vehicles and parking at the rear of the site by accommodating potential vehicle turning circles on-site, and sight-lines. 3) Side & Rear Setbacks: Side and rear setbacks must meet the <i>National Construction Code</i> ('NCC') requirements and may depend on the fire rating of the building materials chosen and the adjacent development and the need for access to the rear part of the lot. In addition, where applicable, the guidelines for the following site-specific areas/land use zones should be addressed.	

Objective / Performance Criteria	Acceptable Solutions
C2.3 Setbacks – Zone E1 Local Centre <i>In BLEP2012, Zone E1 Local Centre is found in the Town of Blayney in its Business District predominantly along Adelaide Street (see map opposite). The desired character is for buildings that have consistent setbacks to clearly define the street, provide active street frontages, provide good pedestrian amenity and weather protection, and have limited impacts from car parking and services fronting Adelaide Street. It also sits within a Heritage Conservation Area.</i> <i>Excerpt from Land Zoning Map for Blayney in BLEP2012 (as amended – this map is subject to change).</i> 1) Primary Street Setbacks: a) New commercial and community buildings fronting Adelaide Street should generally have zero or limited street setbacks at ground level in the core business district between Railway Lane and Charles Street to reinforce active street frontage and allow for continuous footpath awnings weather protection. b) Possible exceptions to zero setbacks may be justified if a new commercial or community building is adjacent to: i) A heritage item that has a greater setback to Adelaide Street and sightlines are maintained to this item (subject to heritage advice); or ii) An adjacent building is setback from the street and the proposal would seek to create a setback the average of the adjacent setbacks. c) Front setbacks are not to be used for the provision of on-site car parking unless it is adaptive re-use of an existing building and Council approves traffic access directly to Adelaide Street. d) Upper-level setbacks from Adelaide Street (generally two storeys or more) may be required where adjacent buildings have a consistent street frontage height, and it is required to reduce the visual impact of the proposed building. 2) Side Setbacks: New buildings fronting Adelaide Street (particularly between Railway Lane and Church Street or if adjacent to a zero-setback building between Church Street and Charles Street) should have zero side setbacks to the adjacent lots to reinforce a continuous retail precinct.	

Objective / Performance Criteria

Acceptable Solutions

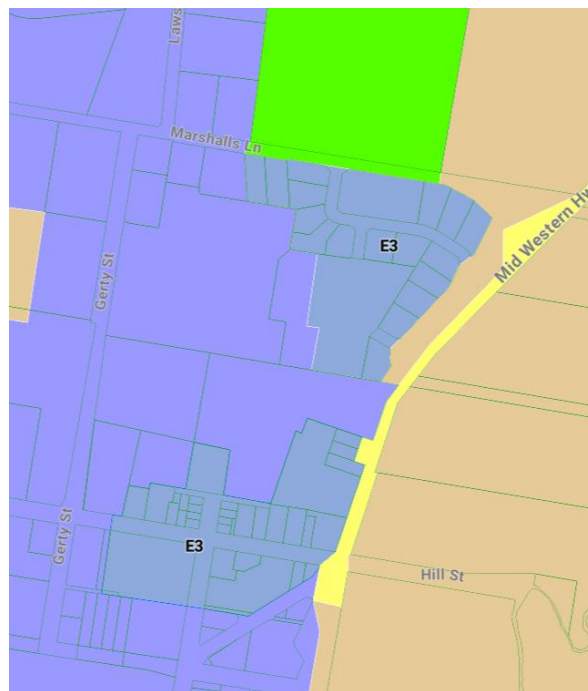
- 3) **Rear Setbacks:** Rear setbacks should consider servicing and off-street parking requirements with access from Farm Lane, Henry Street and Adelaide Lane and the provision of some landscaping to reduce the visual impact of large parking and service areas.

C2.4 Setbacks – Zone E3 Productivity Support

In **BLEP2012**, Zone E3 Productivity Support is found in the Town of Blayney at the Trade Centre to the north of town. The desired character of this zone/area is to create a mixed-use bulky goods / light industrial retail precinct on smaller sites that have good visual presentation to the Mid-Western Highway due to their important 'gateway'/entrance location.

Ideally, there should be some consistency in front setbacks to reinforce the public road frontages whilst providing flexibility for building placement to meet a wide variety of different business types and access/parking solutions.

Excerpt from Land Zoning Map for Blayney in **BLEP2012** (as amended - this map is subject to change)



- 1) **Primary Street Setbacks:** The primary street setback will be dependent on access and off-street parking requirements for each site being accommodated in the front setback but should also respond to and integrate with the setbacks of adjacent buildings (e.g. the average of adjacent setbacks).
- 2) **Side & Rear Setbacks:** Side and rear setbacks may be required where loading/unloading facilities and on-site storage need to be accommodated and appropriately screened from public spaces.

C2.5 Setbacks – Zone RU5 Village & Zone E3 Productivity Support

In **BLEP2012**, Zone RU5 Village is used in all settlements (towns/villages) other than Blayney. There are different characters in each village and in different streets. For example:

- a) In core retail streets, there will often be zero front and side setbacks in the historic narrow subdivision patterns.
- b) Where villages have less established retail centres then there is a mix of front and side setbacks.

Objective / Performance Criteria	Acceptable Solutions
c) <i>In the residential areas of most villages the setbacks increase considerably to preserve the rural village and landscape character of these areas.</i> <i>In BLEP2012, Zone E3 Productivity Support is found in the Town of Blayney in the Hill Street Mixed Use Area (see map on previous page). This is a mixed-use precinct with schools, churches, dwellings and some businesses and light industries all with varying setbacks and built form. This area needs a degree of flexibility for building setbacks but also needs to consider residential and community amenity, particularly on side setbacks, whilst acknowledging this is now an industrial/business precinct.</i> 1) Primary Street Setbacks: a) Front primary street setbacks should generally be a minimum of the average of the setbacks of buildings on adjacent lots within 40m of the lot boundaries and justified according to the existing street character and setback pattern and the functions of the buildings. b) Views to heritage items and provision of front landscaping must be considered where this forms part of the character of the village and streetscape. 2) Side & Rear Setbacks: Where there is an existing dwelling or community use on an adjacent lot, the applicant must demonstrate how side setbacks avoid, minimise or mitigate impacts on that adjacent lot including, but not limited to, overshadowing from buildings higher than 6m, traffic, noise, dust, odour, visual and acoustic privacy, and large blank walls.	
C2.6 Building Height & Bulk The applicant must demonstrate how the proposed building height and bulk will: 1) Minimise visual impacts of larger buildings. 2) Integrate with the existing/desired scale and street character for the relevant land use zone and location with consistent street frontage heights (including parapets/roof lines). 3) Be sympathetic to heritage buildings and conservation areas (where applicable). 4) Be sympathetic to and, if necessary, provide a transition in height to adjacent buildings. 5) Minimise overshadowing of the living spaces and private open spaces of adjacent dwellings and any community facilities (e.g. school yards, churches etc.). 6) Use building height and massing to reinforce key corner sites and 'gateways' to the town. 7) Maintain the dominant building façade/heights to main streets and setback additional height behind this street frontage height.	

C2.7 Building Design

- 1) **Variation:** Building elevations (especially for larger buildings or those facing public spaces or vacant land) should provide variations ('articulation') in building or wall setbacks (including projections or recesses), roof lines, openings (doors and windows), and building materials and colours to provide visual interest and reduce the perceived bulk and scale of the building.
- 2) **Blank Walls:** Large expansive blank walls are not preferred unless the applicant can demonstrate the majority of the wall would not be visible from a public space (e.g. it abuts the wall of an adjacent building with limited or no openings) and it meets the requirements of the *National Construction Code*.
- 3) **Activation/Safety:** Activation of main streets and pedestrian safety is to be encouraged through:
 - a) Consistent street setbacks and encouragement of awnings in key pedestrian areas.
 - b) Windows/glazing areas to the street being able to encourage casual surveillance and active retail frontages with well-lit views into the shopfronts.
 - c) Well-defined and lit entrances with good sightlines for safety and security.
- 4) **Security Grilles:** Security grilles must be see-through and not solid type structures, discreet, and not dominate the shopfront without compromising security.
- 5) **Safety by Design:** For larger developments (>2000m² site area) or where there is a higher potential risk of crime or impacts on pedestrian safety, Council may require the applicant to address NSW Guidelines for *Crime Prevention Through Environmental Design* ('CPTED') or *Safer by Design* (see the NSW Police website). CPTED is based on four (4) principles:
 - a) Surveillance.
 - b) Access control.
 - c) Territorial reinforcement.
 - d) Space/activity management and maintenance.

Note: Please discuss your proposal with Council prior to lodging the Development Application so they can offer guidance on some suitable solutions to meet the above principles.
- 6) **Servicing Areas:** Vehicle parking and servicing areas and fire exits/service cupboards etc. should be located to the side or rear of developments (where possible) to minimise impacts on active street frontages.
- 7) **Corner Sites:** New commercial or retail development on corner sites with limited setbacks must incorporate splays, curves, building entries and/or other architectural elements to reinforce the corner as a landmark feature of the street and activate both street frontages, whilst maintaining sightlines for safety.
- 8) **Utilities:** The visual impact of all external infrastructure/services (including air conditioning units, plant rooms, ducting, solar panels etc.) must be minimised when viewed from a public place or road and integrated into the roof design.

C2.8 Structures over Public Footpaths/Roads (Awnings & Balconies)

The reinstatement of, or repairs to, original building structures over public footpaths is encouraged (where supported by heritage advice).

Heritage advice may be required to determine the suitability of a new awning, balcony or verandah on any proposed building in a heritage conservation area or on or in proximity to heritage items.

Council's conditions of consent will require public liability insurance to Council's requirements.

O1. To encourage continuous street awnings in appropriate main street locations for pedestrian weather protection and amenity or to restore original historic building fabric.

Note: *It is the responsibility of the building owner to ensure the structural capacity of awnings, verandas, and works in the public domain and that they comply with all relevant standards e.g. Australian Standard AS1170 and the National Construction Code. For further information:*

- *Department of Local Government Circular to Councils No.99/33 (1999);*
- *NSW Government Planning Circular BS13-001 (8/3/13); and*
- *Association of Consulting Structural Engineers of NSW (2008) Practice Note No.18 – Inspection and Assessment of Existing Tied Awnings.*

- 1) **Locations:** Continuous street frontage awnings are to be provided for all new developments with a zero-front street setback that are adjacent to a building with an existing awning and/or in a high pedestrian activity area (subject to Council's discretion).
- 2) **Posts in Public Footpaths:** Posts required to support building extensions over public footpaths must not interfere with vehicle parking or pedestrian safety and must be structurally adequate such that if any one of the supporting posts were removed or damaged by vehicle impact, the structure would not collapse.
- 3) **Street Trees:** Building extensions must be located to ensure no conflict with street trees.
- 4) **Design:** Building extensions must be coordinated with building facades, materials and colours and be complementary in alignment and depth to the adjoining buildings and its building extensions over public footpaths.
- 5) **Dimensions:** These structures must comply with the following dimensions, subject to advice from Council's engineers and the specific site circumstances:
 - a) A minimum soffit height of 3.3 metres above the footpath.
 - b) A low profile, with slim vertical fascia or eaves (generally not to exceed 300mm in height).
 - c) A setback minimum of 600mm from the kerb.
- 6) **Lighting:** Under awning recessed lighting may be required to facilitate night use and public safety (subject to Transport for NSW input on classified roads).
- 7) **Safety:** For new awnings, significant alterations and additions to a building with an existing awning, or when an awning's safety is brought into question – Council will request a **Structural Certificate** for the awning to confirm it meets current standards.

C2.9 Street Trading / Footpath Dining

This part applies to the commercial use of the public road reserve (footpath) area. It does not apply to commercial uses on private lands. Under NSW legislation a number of statutory approvals may be required for the proposed activities on footpaths.

Council's conditions of consent will require a Section 68 application, public liability insurance to Council's requirements.

O1. To ensure that any ancillary use of the footpath does not interfere with the safety and functioning of the footpath or any nearby road.

O2. To enable the appropriate use of footpaths so that they contribute to the diversity and attractiveness of the area.

O3. To ensure that the use of footpaths contribute to the expression of local character and identity.

O4. To ensure that the use of footpaths is compatible with other commercial or community uses of the footpath and does not adversely impact upon the amenity of area.

1) **All Footpath Uses:** Subject to advice from Council's engineers and the specific site circumstances:

- a) Footpaths must have a minimum footpath width of 3.0m.
- b) Footpaths should maintain a minimum clear pedestrian zone of 1.0m, but 2m is preferred where achievable.
- c) A minimum distance of 600mm shall be maintained between the limit of any private footpath use and the face of kerb of the road or any other area (to provide room for vehicles to reverse angle or parallel-park and open car doors); and
- d) Footpaths must be of a suitable and level surface.

2) **Outdoor Dining** (see diagrams below):

- a) The use for outdoor dining or trading is to be ancillary to an approved business or retail activity on the adjoining lot.
- b) Tables and chairs, other furniture, and moveable signage are to be on the street frontage of the relevant business lot and not extend to other lot frontages that are not part of the business.
- c) Furniture must be removed and stored away inside the shop when the business is closed.
- d) The furniture should complement and enhance the streetscape, the types and designs should be of high-quality materials with finishes that are attractive and durable.

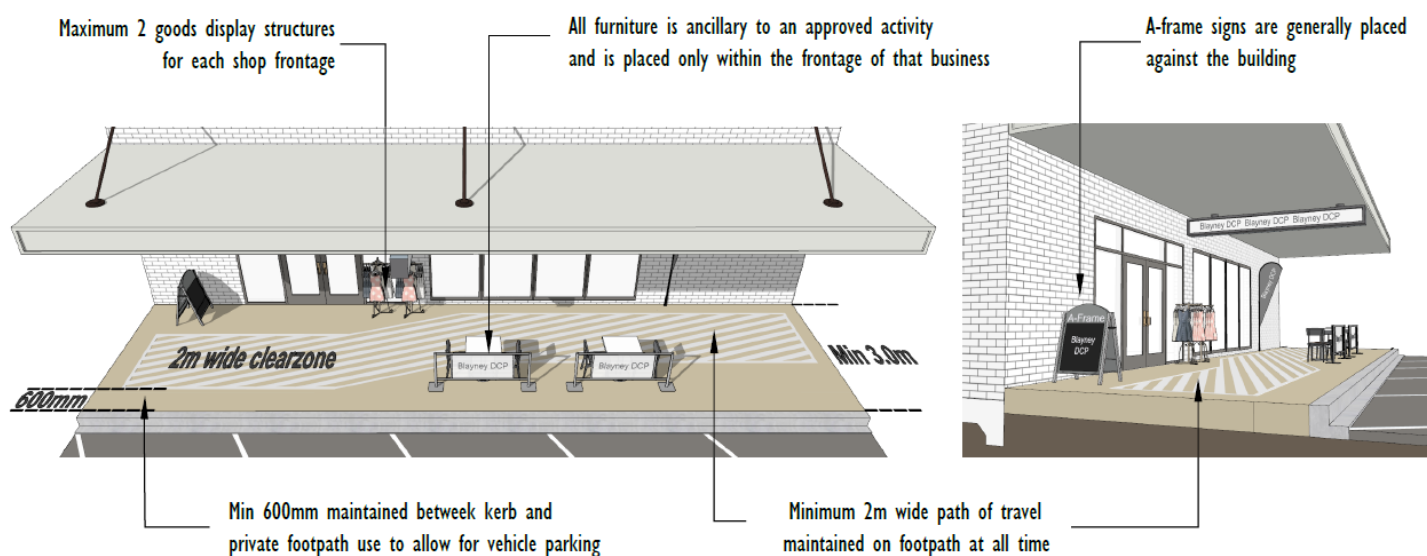
3) **Display of Goods:**

- a) Maximum of two (2) goods display structure (racks, shelves or similar) per commercial business/approval.
- b) Goods displays must sit against the relevant shopfront, not out against kerb or verandah posts.
- c) The maximum height of any display is 1.8 metres, however, within 9 metres of a street corner the height must not exceed 1 metre.

- d) Goods display structures must be of safe and stable construction.
- e) Display stands or goods must not be fixed to the footway or any street sign, pole, veranda post or other item.
- f) Goods display structures must only be placed on a public footpath during the normal hours of trade of the business to which they relate.

4) Advertising Signage (A – Frame Signs):

Signage must generally be up against the building within street trading/ footpath dining zone. See the controls for **Advertising and Signage in Part E – Other Land Uses** of this DCP.

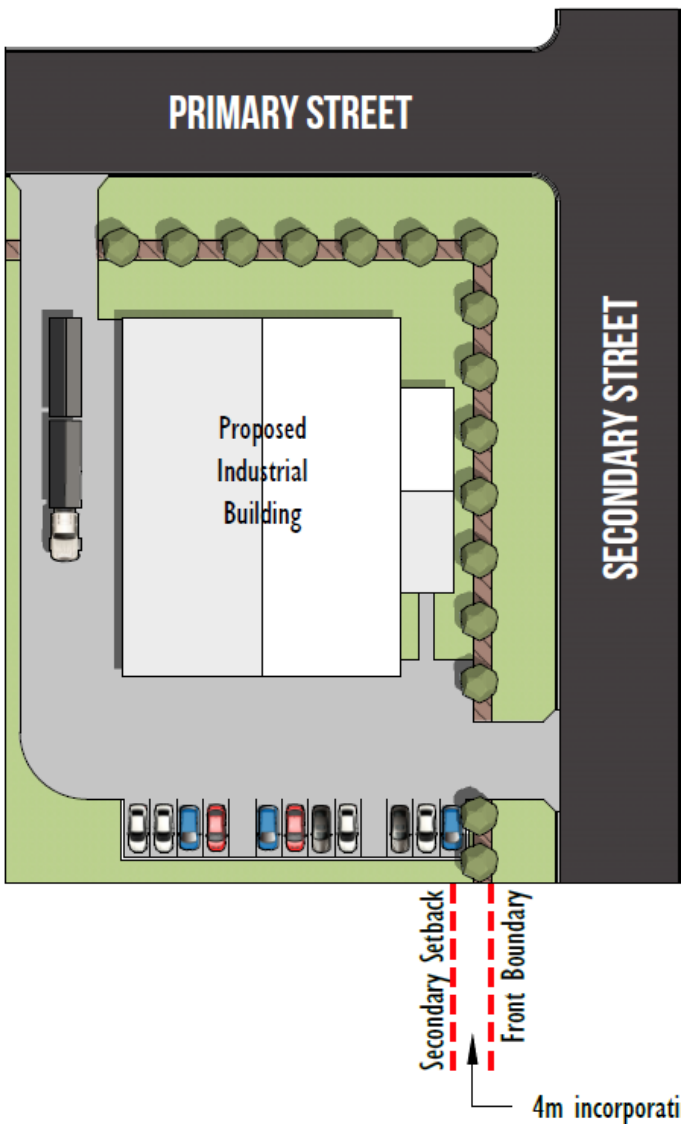


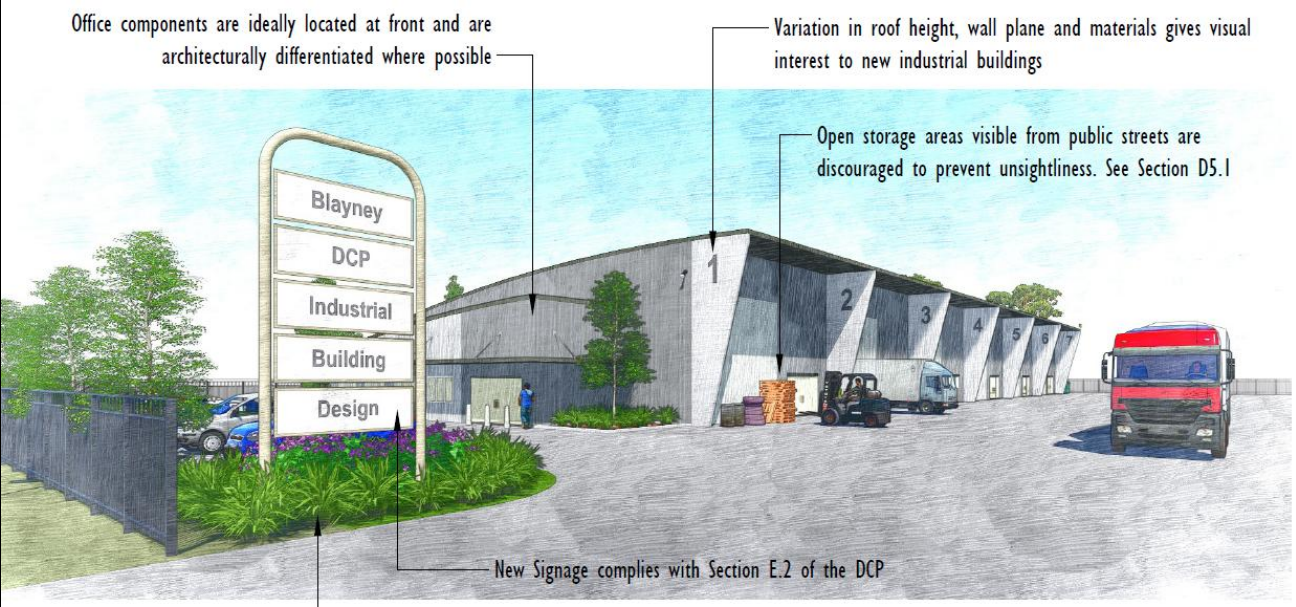
C3 Industrial Building & Design

PART C

Objective / Performance Criteria	Acceptable Solutions
C3.1 Site Selection and Land Use Conflicts O1. Encourage industrial developments in areas where they have the greater potential for expansion and widest range of uses/ activities for economic development and employment. O2. Ensure that industrial developments do not have an adverse impact on surrounding land use(s) or the environment. O3. Encourage a development layout, design and function, and construction that minimises impacts on adjoining and nearby properties, particularly sensitive uses such as residential uses.	Whilst Council will consider all applications for an industrial use on its merits in any zone where the particular land use is permitted under BLEP2012, the development application must ensure that the chosen site and building design will: 1) Avoid, or minimise/mitigate any potential impacts on other land uses in the vicinity of the site having regards to: a) The land use zone and the desired development outcomes for each settlement/area); and b) Environmental impacts in Part G – Environmental Management & Hazards, including but not limited to Part G2: Buffers to Sensitive Land Uses (noting that buffers may increase the required setbacks for buildings or activities. 2) Allowing for any foreseeable/desirable growth or expansion of the industrial use without significantly increasing impacts on adjacent properties. 3) Addressing Part D5: Site Planning, Earthworks & Utilities.
C3.2 Setbacks O1. Building setbacks should be sufficient: 1) To minimise impacts on adjacent lots. 2) To minimise the visual impact of larger buildings fronting public spaces or neighbouring residential dwellings. 3) To provide areas for landscaping as buffers to neighbouring lots and public spaces. 4) To provide areas for vehicle parking, loading/unloading and manoeuvring/turning areas whilst	1) Front Setbacks a) Front setback areas must be a minimum of 8m, incorporating a minimum 2 metre landscaping strip. b) Front setback areas larger than the minimum are encouraged where this area is used for on-site car parking. c) Front setback areas must not be used for storage or display of goods, excessive signage, or loading /unloading areas. d) New developments on sites that have a corner frontage are to provide an 8-metre front setback to the primary frontage and a

Objective / Performance Criteria	Acceptable Solutions
minimising the impact of large parking areas on street character/activity. 5) To provide areas for outdoor storage or ancillary activities that are suitably screened. 6) To allow stormwater management and water infiltration to soil.	minimum 4 metre setback to the secondary frontage. 2) Side and Rear Setbacks a) Industrial buildings must be setback 3 metres from side and rear property boundaries. b) Where the adjoining property is used for a residential purpose, the side and rear setback must be a minimum of 6 metres, incorporating a minimum 2 metre landscaping strip. c) Zero or reduced side and rear setbacks will only be permitted subject to compliance with the <i>National Construction Code</i> and additional evidence provided to ensure any impacts are deemed acceptable in relation to adjoining or adjacent properties.
The diagram illustrates the setbacks for a proposed industrial building. It shows a residential area on the left and a proposed industrial building on the right, separated by a 'Side Boundary'. The building is setback from the 'PRIMARY STREET' (top) and the 'RESIDENTIAL STREET' (left). Key setbacks are indicated by dashed red lines and text: Front Boundary: 8m Min. Front Setback including 2m landscape strip. Front Setback: Front Setback is increased in this instance to allow space for on-site visitor car parking. Rear & Side Setback: 3m Min. Rear & Side Setback. Side Setback: 6m incorporating 2m wide landscape strip.	

Objective / Performance Criteria	Acceptable Solutions
 The diagram illustrates a proposed industrial building layout. The building is situated between a Primary Street (top) and a Secondary Street (right). The front boundary is marked with a dashed red line, and the secondary setback is marked with a dashed red line. The front setback is 8m minimum, including a 2m landscape strip. The secondary setback is 4m, incorporating a 2m wide landscape strip. The building is labeled 'Proposed Industrial Building'. The front boundary is marked with a dashed red line, and the secondary setback is marked with a dashed red line. The front setback is 8m minimum, including a 2m landscape strip. The secondary setback is 4m, incorporating a 2m wide landscape strip.	Front Boundary 8m Min. Front Setback including 2m landscape strip In this example, the minimum setbacks to the primary and secondary street frontages have been applied and have not been increased to accommodate on-site car parking areas. Secondary Setback Front Boundary 4m incorporating 2m wide landscape strip
C3.3 Building Height & Bulk O1. Building height and bulk must seek: 1) To integrate with the existing/desired scale and street character for the relevant land use zone and location. 2) To be sympathetic to heritage buildings and conservation areas (where applicable). 3) To be sympathetic to and if necessary, provide a transition in	1) Visual Impact: Building height and bulk should not adversely impact on the visual amenity of the locality. 2) Blayney: For any development in proximity to Church Hill to the north of the Town of Blayney, the maximum height of any buildings should not exceed Relative Level of 910m (i.e. at least 20m below the highest point on Church Hill). 3) Other Villages: In Zone RU5 Village, building height should not exceed 10m from the existing ground level.

Objective / Performance Criteria	Acceptable Solutions
height to adjacent buildings to minimise visual impact. 4) To minimise visual impacts of larger buildings or overshadowing of key public spaces or the living spaces and private open spaces of adjacent dwellings.	4) Solar Access: Building height should not result in the unreasonable loss of solar access to the living and private open space areas of adjoining and adjacent dwellings between the hours of 9:00am and 3:00pm on 21 June.
C3.4 Building Design O1. To encourage high quality, sustainable and innovative industrial design which adds to and enhances to the quality of the surrounding land use and environment. O2. To encourage the use of building design and materials that mitigate noise impacts on adjoining land-uses, particularly residential areas.	1) Offices: Office components should be located at the street frontage of the structure and should be architecturally differentiated from the main industrial building to break up the façade, unless the office component is internal to the building. 2) Variation: Long blank walls and unbroken roof lines must be avoided facing the street or key public spaces. This can be achieved by incorporating one or more of the following techniques into the building elevations: a) Wall plane projection or recesses; b) Windows, doors or other openings; c) Variation of roof height; d) Material changes.
 Office components are ideally located at front and are architecturally differentiated where possible Variation in roof height, wall plane and materials gives visual interest to new industrial buildings Open storage areas visible from public streets are discouraged to prevent unsightliness. See Section D5.1 New Signage complies with Section E.2 of the DCP 2m wide landscape strip in accordance with D3.2 of the DCP	

Objective / Performance Criteria	Acceptable Solutions
C3.5 Building Materials & Colours O1. To ensure that materials and colours are used to reduce the visual impact of buildings and integrate with the surrounding built form and street character.	1) Reflectivity: External materials (particularly metal clad roofs and walls) must have low reflectivity if they are visible from a public road, public place or residential area, and where there is a reasonable probability of glare affecting driver safety or residential amenity. 2) Colour: All external building materials including roofing should be of a neutral colour finish. 3) Logos: Corporate colours and logos should be incorporated into the overall colour scheme and not be the dominant feature. For example, bright logos/ colours should not be across the whole front façade.

C4 Access & Parking

Objective / Performance Criteria	Acceptable Solutions
C4.1 General Controls O1. To ensure that developments are supported by good vehicle access, circulation, loading and unloading areas, and vehicle parking areas that: 1) Promote safety and efficiency for users, the general public, and surrounding road systems; 2) Are well-integrated with the site and building design and appropriately screened and/or landscaped to protect street character; 3) Provide adequate provision of off-street parking consistent with the parking demand generated by the development and NSW Government policy; 4) Minimise impacts on neighbouring sites (e.g. noise, dust, vehicle lights, vibrations etc.).	1) To ensure that all traffic generating developments are designed in accordance with the requirements of this DCP and: a) Council's <i>Guidelines for Engineering Works</i>; b) Transport for NSW (2024) <i>Guide to Transport Impact Assessment</i>; and/or c) Relevant <i>Australian Standards</i> including but not limited to AS2890 – <i>Parking facilities</i> including: i. AS2890.1 (1993) – <i>Off-street car parking</i>; ii. AS2890.2 (1989) – <i>Commercial vehicle facilities</i>; and iii. AS2890.3 (1993) – <i>Bicycle parking facilities</i>. Note: These guidelines/standards are applicable to all relevant control(s) below.

C4.2 Vehicle Access O1. To ensure all lots have appropriate and safe provision for access to and egress from a site. O2. To ensure that development is provided with appropriate access, circulation, loading and unloading areas and vehicle parking areas that are safe and efficient and integrated with the site and building design. O3. The applicant must demonstrate that any proposed site vehicle access location and design has considered public safety including, but not limited to: a) The type of road the access will front onto and its design; b) Sight distances and vehicle speeds; c) Proximity to intersections or pedestrian crossings; d) Existing and proposed landscaping design; e) Potential conflicts with other vehicles and pedestrians/ bicycles on and off-site.	1) Public Safety: The applicant must demonstrate that any proposed site access location and design has considered public safety including, but not limited to: a) The type of road the access will front onto and its design. b) Sight distances and vehicle speeds. c) Proximity to intersections and pedestrian crossings. d) Existing and proposed landscaping design. e) Potential conflicts with vehicles and pedestrians; and f) Ingress/egress in a forward direction. 2) Access: Vehicle access must be located to: a) Avoid direct access to a classified road unless there is no suitable alternative. b) Provide suitable separation from intersections and sight lines; and c) Provide clear separation between customer and vehicle traffic. 3) Design: Vehicle access must be designed to: a) Meet the requirements of Council's <i>Guidelines for Engineering Works</i> including, but not limited to Section 2.3.7 – Driveway Construction. b) Cross the footpath or footway at right angles to the centreline of the road. c) Be clear of obstructions, which may prevent drivers having a timely view of pedestrians. d) Be properly signposted, where there are separate access and exit points; and e) Take into consideration any requirements in the Transport for NSW (2024) Guide to Transport Impact Assessment – Chapter 7 Site Access and Design. 4) Gates: Access or security gates must: a) Be set back from the public roadway a sufficient distance to allow a vehicle and trailer to stand without hindering vehicular or pedestrian traffic on the public road whilst the gate is being opened and closed. b) Not open outwards onto any public space.
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C4.3 Circulation & Loading/Unloading

O1. To ensure that all traffic generating developments are designed in accordance with Council's *Guidelines for Engineering Works*.

O2. To provide parking areas which promote ease of access as well as safe and effective internal circulation patterns.

- 1) **Safety:** The design of all internal vehicle manoeuvring areas should demonstrate consideration of the safety and access for all users (vehicle, pedestrian and bicycle) and minimise potential conflicts.
- 2) **Pavement:** All vehicle manoeuvring areas on-site must be sealed. Gravel will not be permissible except in rural areas where there are no conflicts (noise and dust) with adjacent lots and suitable drainage is provided.
- 3) **Direction of Travel:**
 - a) For all developments there should be sufficient manoeuvring areas to enable all vehicles (regardless of size) to enter and leave the site in a forward direction; and
 - b) Reversing of vehicles onto public roads will not be permitted unless there are exceptional circumstances, for e.g. emergency vehicles.
- 4) **Vehicle Sizes:** Internal vehicle manoeuvring areas should be designed to accommodate the turning radii and the pavement loading of the largest vehicle that will potentially utilise the manoeuvring area.
- 5) **Loading / Unloading Facilities:**
 - a) All new development (except a change of use or commercial or community use in Zone E1 Local Centre in the Town of Blayney) should provide sufficient numbers and size of spaces on-site for delivery vehicles based on the expected frequency of deliveries and the likely vehicle size/type of delivery vehicle (see Chapter 7 and 8 Transport for NSW (2024) *Guide to Transport Impact Assessment* relating to courier, delivery and service vehicles); and
 - b) Deliveries and unloading from the street frontage will not be acceptable (except in Zone E1 Local Centre in the Town of Blayney or Zone RU5 Village in each other settlement) unless there are site constraints that would prevent off-street deliveries from occurring.
- 6) **Loading / Unloading Design:** Loading and unloading areas must be located and designed so they:

	a) Can be accessed in a safe and efficient manner. b) Do not extend over public roads or footpaths during loading and unloading operations. c) Do not utilise or crossover vehicle circulation or parking spaces unless all loading/unloading occurs outside the normal business hours of the premises; and d) Are suitably screened from public spaces where there may be on-site storage of goods.
C4.4 Parking O1. To provide adequate off-street parking consistent with the parking demand generated by the development so that there is not an unreasonable reliance on on-street parking or impacts on other users.	1) Parking Location: a) Minimising visual impact of off-street parking areas on street character, the amenity of the development and adjacent sites and providing screening that can minimise this impact (where appropriate); b) Proximity of customer parking to customer entrances and proximity of staff parking to staff entrances including accessible parking and access. c) Minimising impacts on any neighbouring dwellings/residential areas. d) Addressing site conditions such as slope and drainage. e) Ease of access to and from the street in a forward direction; and f) Separation of customer parking from courier and service delivery vehicle parking and/or loading and unloading facilities for safety and accessibility. 2) Operation Hours: Free and uninterrupted access to car parking areas should be maintained at all times during the hours of operation of the proposed development. 3) Stacked Parking: Generally stacked parking will not be acceptable unless there were special site considerations and parking management arrangements made to justify stacked parking. 4) Circulation: Larger car parking areas must provide rational circulation patterns and minimise the use of dead-end aisles.
C4.5 Pedestrian Access and Mobility	

O1. To improve equity of access for the entire community. O2. New buildings, substantial alterations and additions, parking and access must comply with the <i>Disability (Access to Premises – Buildings) Standards 2010</i> (as amended or replaced) under the <i>Disability Discrimination Act 1992</i> and the <i>National Construction Code</i> and <i>Australian Standards</i>.	1) Standards: New buildings, substantial alterations and additions, parking and access must comply with the <i>Disability (Access to Premises – Building) Standards 2010</i> (as amended and replaced) under the <i>Disability Discrimination Act 1992</i> and the <i>National Construction Code</i> and <i>Australian Standards</i>. 2) Separation: Pedestrian and vehicle access to sites must be separated and clearly marked. 3) Access ramps: Access ramps must be integrated into building design and located outside the road reserve/public footpath (unless otherwise agreed with Council).
C4.6 Parking and Safety 1) Parking Navigation: Signage should take into consideration the following: a) Parking areas should be well sign-posted to indicate the location of off-street parking and exit and entry points, visible from both the street and the circulation spaces on the site, with directional signposting from the building entrance/exit (where necessary). b) Pavement arrows should clearly indicate the direction of traffic circulation (if one-way). c) Parking areas shall be clearly delineated as well as parking spaces for specific users (e.g. disabled spaces/staff/visitors). 2) Pedestrian Connections: The parking design should consider the following for pedestrians: a) Footpaths should be designed to enhance access to and within the development. b) Footpath gradients should be minimised and cater for shopping trolleys, prams, mobility scooters etc. (where applicable). 3) Safety Principles: Development proposals involving large car parking areas or night-time parking areas should be assessed against general principles of <i>Crime Prevention through Environmental Design</i> (CPTED) / <i>Safety by Design</i>. 4) Lighting: The use of lighting should be considered where night use of parking areas is involved and where existing street lighting is inadequate subject to avoiding impacts on adjacent residential uses and classified roads (see Part C5.6 External Lighting).	
C4.7 Off Street Car Parking O1. To ensure there is adequate off-street parking to meet the	1) Each development must provide the number of off-street car parking spaces set out in the Table of Car Parking Requirements (below) plus any additional parking requirements in the Section on Mobility below -

needs and size of the development.

unless the proposed development meets the exemptions in accordance with **Clause C4.8**.

- 2) Stacked/ tandem parking will not be acceptable (particularly for customer parking) unless there are special site considerations and parking management arrangements made to justify stacked parking.

C4.8 Exemptions to Off Street Car Parking Requirements

Off-street parking will generally be required for most new developments and some adaptive re-use of existing buildings in accordance with the clause below. However, it may not be required for:

- 1) **Change of Use:** The proposed development is for a 'change of use' where there is no additional space for on-site car parking and the impacts on on-street parking would be minimal.
- 2) **Heritage Item:** The proposed development involves the restoration and/or conservation of a listed heritage item in **BLEP2012**. This is an incentive and will only be applied where the applicant can demonstrate that the conservation of the item depends upon the use of this clause.
- 3) **Existing Building:** The proposed development involves alterations and additions to an existing building, and the alterations and additions have a gross floor area of less than 25m² and do not encroach on existing off-street parking areas.
- 4) **Alternative Parking:** The applicant can demonstrate that there is alternative parking on another public or private site (not the proposed development site) that is in close proximity to the development and can accommodate the parking requirements without affecting other users.
- 5) **Site Constraints:** It is not physically possible to comply with the off-street parking requirements. The applicant will need to provide a Traffic and Parking Report that addresses the following matters:
 - a) A description of the proposal and the expected hours of operation.
 - b) An assessment of the traffic generation and expected vehicle parking demand (customer, staff and service vehicles).
 - c) Reasons why the lot(s) used for the proposed development cannot accommodate the off-street parking requirements
 - d) An assessment of the impacts of on-street parking on the public road system and adjacent lots and their existing or potential land uses.
- 6) **Contributions:** A parking contribution is paid in lieu in accordance with an adopted Council Policy or a Voluntary Planning Agreement (VPA).

C4.9 Table of Car Parking Requirements

Mixed Uses: A development comprising a combination of two or more uses will be assessed as if the two uses exist independently (i.e. the total parking spaces required is the sum of the parking spaces required for each use). Variation to this requirement will only be considered where the applicant can demonstrate that the peak demand for each land use component of the development is staggered or that the development as a whole generates less parking than the sum of its component parts.

Calculations: Where a calculation results in the requirement for a percentage of a space then the number of required spaces must be rounded up to the next full space.

Other Land Uses: The following table provides the minimum car parking requirements for developments with definitions adapted to BLEP2012. Where a land use is not listed below then Council will have regard to the Roads & Maritime Services (2024) Guide to Transport Impact Assessment (as amended).

BUSINESS PREMISES	
Business premises	1 space per 45m ² of Gross Floor Area (GFA).
OFFICE PREMISES	
Office premises	1 space per 40m ² GFA + Delivery vehicle parking.
RETAIL PREMISES	
Bulky goods premises	1 space per 55m ² of Gross Floor Area (GFA).
Hotels (Pubs), Function Centres & Registered Clubs	1 space per 5m ² of bar, lounge, beer garden, auditorium, games room, restaurant + 1 space per 3 staff (peak staff level) + 1 space per bedroom/unit.
Restaurants & cafes	1 space per 6.5m ² of customer service area (including outdoor dining areas)
Takeaway food & drink premises	Developments with no on-site seating: 10 spaces per 100m² GFA. Developments with on-site seating: 10 spaces per 100m² GFA + 1 space per 3 seats (internal or external). Developments with on-site seating & drive-through facilities: 1 space per 3 seats (internal and external) + queuing area for 5 to 12 cars.
Shops (including neighbourhood shops)	1 space per 35m ² of customer service area or display.
Hardware & building supplies & rural supplies	1 space per 130m ² of GFA dedicated to display (indoor & outdoor).
Vehicle sales or hire premises	1 space per 100m ² site area + 2 spaces per work bay (for vehicle servicing).

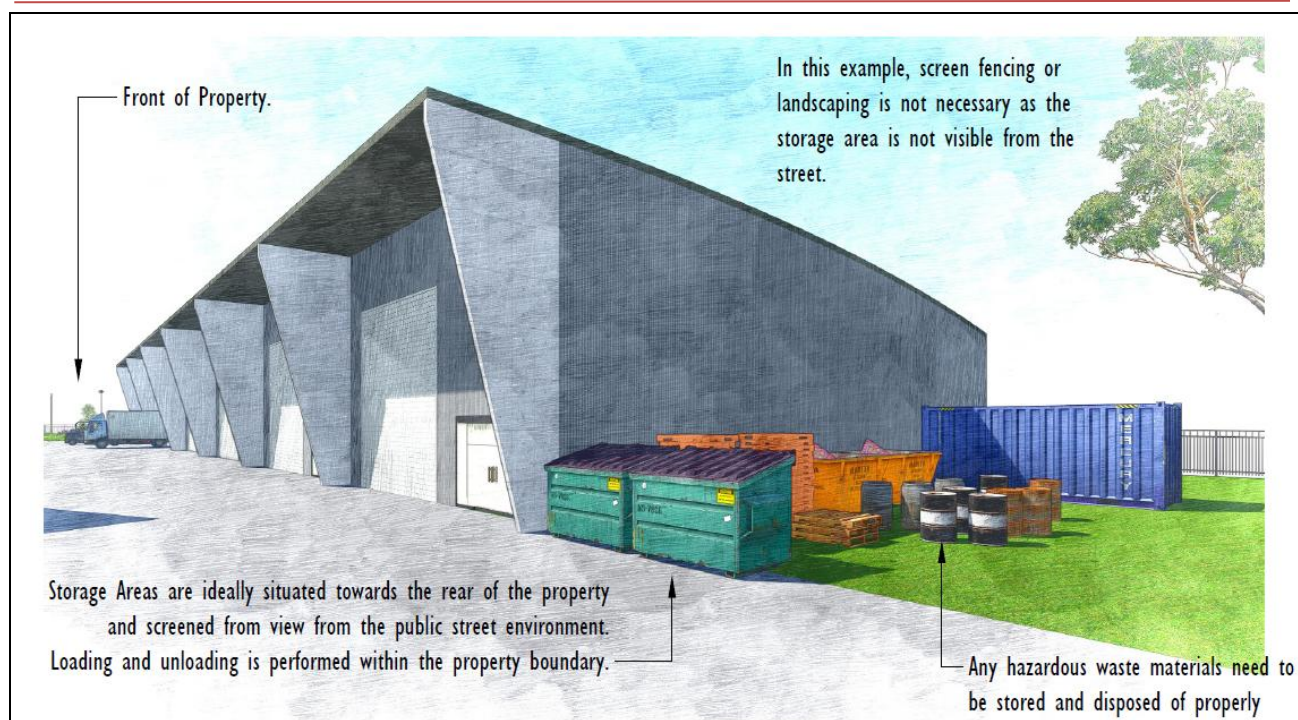
COMMERICAL PREMISES (OTHER)	
Amusement centres & Entertainment facilities	Whichever is the greater of 1 space per 10m ² OR 1 space per 10 seats.
Service stations	Adequate space adjoining each bowser + queuing area for 3 to 5 cars + 5 spaces for any convenience store
EDUCATION ESTABLISHMENTS	
Child care centres	1 space per 4 children + 1 space per 2 employees
Education establishment	Infants & Primary Schools: 1 space per staff member + adequate student set down/pick up areas, bus turning areas + parking for auditoriums and sportsgrounds. Secondary Schools: 1 space per staff member + 1 space per 10 students (17 years of age or older) + adequate student set down/pick up areas, bus turning areas + parking for auditoriums and sportsgrounds. Tertiary Schools & Colleges: 1 space per staff member + 1 space per 5 students + adequate parking and turning areas for auditoriums and sportsgrounds.
HEALTH SERVICE FACILITIES	
Hospitals	1 space per resident or staff doctor + 1 space per staff member on duty at any one time + ambulance parking + 1 space per 10 beds (visitor parking).
Medical centres	3 spaces per surgery room + 1 space per staff member
Health consulting rooms	3 spaces per surgery room + 1 space per staff member.
COMMUNITY INFRASTRUCTURE	
Community facilities/place of public worship/place of assembly	1 space per 10m ² of GFA OR 1 space per 4 seats (whichever is greater).
Funeral homes/mortuaries	1 space per 10m ² of GFA OR 1 space per 10 seats (whichever is greater).
TOURIST & VISITOR ACCOMMODATION	
Bed and breakfasts / Short-term holiday lets	1 space per bedroom.
Backpackers accommodation or hostels	1 space per 5 beds + 1 space per staff.

Hotels/motels	1 space for each unit + 1 space per 2 staff. If restaurant - Add 1 space per 6.5m ² of GLFA of restaurant. If function room – Add 1 space per 3 seats.
Serviced apartments	1 space per apartment + 1 space per 2 staff.
Caravan parks	1 space for manager + bus parking + 1 space per site + 1 space per 5 sites (visitor parking).
MISCELLANEOUS	
Home business	1 space per dwelling + 1 space per 2 staff.
Home occupation & Home occupation (sex services)	1 space per dwelling + 1 space (visitor).
Other Land Uses	To be determined on merit having regard to the nature of the development and traffic generation. Council may require a Traffic & Parking Report with up to three (3) cases / examples from the region.
INDUSTRIES	
Rural industries	To be determined on merit having regard to the nature of the development and traffic generation
Heavy/Light/General Industries	To be determined on merit having regard to the nature of the development and traffic generation
Vehicle body repair workshops	1 space per 55m ² of GFA + 2 spaces per work bay (for vehicle servicing facilities)
Vehicle repair station	1 space per 55m ² of GFA
Freight transport facilities/ passenger transport facilities/transport depots/truck depots	To be determined on merit having regard to the nature of the development and traffic generation

C5 Ancillary Development

PART C

Objective/Performance Criteria	Acceptable Solutions
C5.1 Open Storage, Utility & Service Areas To ensure that goods and waste storage areas: O1. Are appropriately located, designed and screened (with fencing and/or landscaping) to minimise the visual impact and clutter of these areas from key public areas and streets. O2. Limit environment impacts and impacts on the amenity of neighbouring sites.	1) Location & Screening: Storage areas should be located behind the building or another part of the site that cannot be seen from the street, unless suitably screened from public view. 2) Dust: Open storage areas must seek to minimise dust impacts on neighbouring properties with ground surface treatment to minimise dust emissions from vehicle movements (see Part F2.4 Odour & Dust). 3) Fencing: Screen fences should be a maximum of 2.4 metres in height and goods should not to be stacked higher than the actual fence. 4) Landscaping: Landscaping is generally not an acceptable method of screening, unless it is well established or the applicant can demonstrate that the storage area will be effectively screened using advanced plantings in conjunction with fencing, and other screening devices. 5) Hazardous Materials: The storage of hazardous goods, materials or wastes will not be permitted in areas that adjoin residential or other sensitive land-uses, unless screened from view and there are suitable protections to avoid impacts on adjoining sites. 6) Materials: Full details of the materials likely to be stored on the site are to be provided to Council for assessment as part of the development application. 7) Loading/Unloading: Sufficient space should be provided on-site for the safe loading and unloading of wastes. This activity is not to be undertaken on any public place. <i>See image on next page.</i>



C5.2 Solid Waste Management

O1. Goods & waste storage areas are appropriately located, designed and screened (with fencing and/or landscaping) to minimise the visual impact of these areas from key public areas and streets.

O2. There is sufficient waste storage for the required types and volumes of solid waste.

O3. There is sufficient access and/or circulation space to waste storage areas for collection by waste vehicles.

- 1) **Waste Management Plan:** Any application that would generate significant volumes of waste during the demolition, construction and/or operation of the development should provide a Waste Management Plan that demonstrates how waste (general waste, recycling, and green waste) will be stored on-site and disposed of whilst minimising impacts on the natural environment and neighbouring land uses.
- 2) **Loading Areas:** Sufficient space must be provided on-site for the storage, loading and unloading of wastes based on standard waste generation rates, standard waste vehicle sizes and access/turning requirements, for the relevant business or industry.
- 3) **Screening:** Waste storage areas should be screened from public spaces in accordance with the controls in **C.5.1 Open Storage, Utility & Service Areas.**

C5.3 Landscaping

O1. Use of appropriate landscaping to provide a pleasant environment that complements the design of the buildings and provides buffers to neighbouring lots and the public domain.

O2. Landscaping should be provided in setback areas where it is necessary to:

- a) Retain existing significant trees;
- a) Screen the visual bulk of larger buildings;
- b) Soften the visual impact of large hardstand / car parking areas;
- c) Provide shaded open space for staff;
- d) Provide shade and amenity for parked cars, buildings, and open spaces; and
- e) Provide deep soil zones for water infiltration and stormwater management.

- 1) **Application requirements:** All new proposals for industrial development should be accompanied by a Landscaping Plan.
- 2) **Front setback for Industrial uses:** A 2-metre landscaping strip must be located at the front boundary of the site.
- 3) **Setbacks:** Front and side setbacks are to be landscaping to soften the appearance of buildings, storage, service and parking areas.
- 4) **Parking Areas for Commercial uses:** Except where space is extremely limited, all new off-street parking areas for commercial uses and most community uses should incorporate landscaping plantings that address the objectives of this control.

C5.4 Fencing

O1. Fencing must be designed and maintained:

- a) To meet the security needs of a development and its staff and customers;
- a) To maximise interaction (avoid barriers during operational hours) and promote casual surveillance between the development and key public spaces /the street;
- b) To minimise visual impact of fences on street character

- 1) **Zone E1 Local Centre:** Fencing of commercial or retail properties in Zone E1 Local Centre (Blayney) will generally not be permitted in front of the building line facing any street unless:
 - a) The building is setback from the street; and
 - b) The fence is justified for security reasons; and
 - c) The fence utilises transparent materials or apertures of minimum width 25mm; and
 - d) The fence does not exceed 1.8m in height; or
 - e) It is adaptive re-use of an existing dwelling/heritage item with an existing fence.
- 2) **Other Commercial Zones:** In all other zones, fencing that is forward of the building line or facing a public street:

and heritage items or conservation areas.	a) Should be constructed with a combination of solid and/or open/landscaped elements in a style that complements the building; b) Is not permitted to be solid fencing (including Colorbond sheets); c) May include chain link fencing, open mesh fencing or wrought iron/pool fencing; d) Must not be erected to a height greater than 2.4 metres. 3) Security Fencing: Fencing shall not be an electric fence or incorporate barbed wire due to the visual appearance and safety issues of these fence types. 4) Sight Distances: Fencing should preserve safe sight distances for all vehicle entry and exit locations, including those on adjoining properties, especially on corner lots. 5) Visual Impact: Fencing should incorporate the use of landscaping to reduce visual impact, particularly on large sites that have long street frontages.
C5.5 Advertising and Signage Developments proposing signage must comply with the controls contained in Part E – Other Land Uses of this DCP relating to Advertising and Signage.	
C5.6 External Lighting O1. To facilitate safety and security for each development. O2. To minimise impact on adjoining properties from light-spill or inappropriate lighting.	1) Adjoining Properties: Any external lighting of buildings or the site must avoid any significant impacts (e.g. light spill) onto adjoining properties including sensitive residential uses and vehicle and pedestrian safety in adjacent road reserves. 2) Other Controls: External lighting that could impact on adjoining properties must demonstrate compliance with: a) <i>AS/NZS 11583.1 Pedestrian Area (Category P) Lighting;</i> b) <i>AS4282 Control of Obtrusive Effects of Outdoor Lighting;</i> c) If on a classified road, any Transport for NSW Guidelines. 3) Limited Hours: External lighting may need to be designed to turn off outside the approved operating hours of the business or use (or in accordance with hours approved by Council) if any light spills onto adjoining properties and

	avoid movement sensitive lighting unless absolutely necessary.
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C6 Site Planning, Earthworks & Utilities

C6.1 Site Planning

- 1) To ensure that the design of any significant new development is based on a site analysis of any relevant opportunities and constraints of the site and (taking into account any other relevant controls in **BLEP2012** and this DCP):
 - a) Considers and responds to the topography, climate and natural environment;
 - b) Avoids, or if it cannot avoid, minimises or mitigates against natural hazards and land use conflicts;
 - c) Protects and enhances any heritage items or heritage conservation areas;
 - d) Integrates with the surrounding built form and landscape/streetscape character; and
 - e) Maintains reasonable residential amenity (for the site and adjacent dwellings).
- 2) **Site (Analysis) Plan:** A Site (Analysis) Plan must be lodged, and any issues addressed adequately in the Statement of Environmental Effects (Planning Report).

Note: In particular, consider any potential environmental opportunities and constraints under Part F – Environmental Management & Hazards.

C6.2 Earthworks

All development should seek to address the following:

- 1) **Site Planning:** To minimise cut and/or fill and potential erosion and sediment entering stormwater systems or watercourses by appropriate site planning, building orientation and design, taking into account the slope of the site, proximity to watercourses, and access and drainage requirements;
- 2) **Impacts:** To ensure that earthworks (for which development consent is required) will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items, or features of the surrounding land.
- 3) **Contamination:** To ensure that fill that is brought onto or leaves any site is uncontaminated and will not increase the risk or spread of contamination. Council may require a Soil Analysis Report and/or Contamination Review / Site History to ensure that only clean fill or virgin excavated natural material (VENM) is utilised on site or taken to another site.

Note: If the site is within a flood prone area, then there may be additional earthworks controls in Part F – Environmental Management & Hazards.

C6.3 Building near Utilities O1. All buildings and structures must be located and designed so they do not obstruct access to, or impact on the safe operation of, existing or proposed utilities such as sewer, stormwater, water, electricity, gas, and telecommunications (whether they are above ground or under-ground).	1) Building over Easement: Permanent buildings or structures must not be located over or in the vicinity of an easement without express written authorisation from the responsible utility authority. 2) Setbacks from Utilities: Where an easement does not exist, the structure must be located a minimum distance equivalent to the invert depth of the pipeline plus one (1) metre from the known utility location, and in accordance with the relevant utility authority requirements. <i>Note: Council recommends that applicants lodge a 'Dial Before You Dig' Application to ascertain the approximate location of all services on site and, where there is any chance that development will be near those services, identify those services accurately on a Survey Plan.</i>
C6.4 Connection to Utilities 1) Address the requirements of Clause 6.8 - <i>Essential Services</i> in BLEP2012. 2) All utilities must be installed and/or connected in accordance with Council's <i>Guidelines for Engineering Works</i> or the requirements of the relevant utility provider. 3) Where reticulated services are available, any new buildings must connect to those reticulated services unless the applicant can demonstrate why that connection would not be appropriate and/or propose an alternative system that is acceptable to Council.	
C6.5 Siting & Visibility of Utilities O1. The applicant must try to minimise the visual impact of any new utilities, connections, or associated structures if visible from public areas.	1) Underground: Utilities should be located underground (particularly in heritage conservation areas or main streets) or utilise existing poles (at the discretion of Council) unless other constraints make this unsuitable. 2) Screening: Utility boxes and cabinets (e.g. electricity substations, meter boxes etc.) on private land are integrated into the development and screened (where appropriate).

C6.6 Liquid Trade Waste

Development activities that generate and discharge liquid trade waste (excluding domestic waste from a hand basin, shower, bath, toilet or laundry) to a reticulated sewerage system (Blayney & Millthorpe) must obtain the relevant Liquid Trade Waste approval from Council. The industrial and commercial activity must comply at all times with the requirements of the Liquid Trade Waste Regulation Guidelines and any conditions of the Liquid Trade Waste Approval. Where there is no reticulated sewerage system there must be suitable methods for disposal.

C6.7 On-Site Sewage Management

Where reticulated / centralised sewage management systems are not available the applicant must provide an Effluent (Geo-technical) Report prepared by a suitably qualified geo-technical engineer that supports the design and location of any on-site system in accordance **Part F2.5 On-Site Effluent Disposal**. This includes existing systems that require enhancement or replacement.

C6.8 Water & Energy Efficiency

O1. To minimise water and energy use and maintain thermal efficiency through site planning, building design and integration with utilities and services.

- 1) **Energy Efficiency:** Where applicable, buildings may need to be compliant with the *National Construction Code* – Section J relating to energy efficiency. All new commercial buildings (or the commercial part of mixed-use development) are required to have a compliance report completed, generally at construction certificate stage, to demonstrate they comply with Section J. This may include:
 - a) Building Fabric
 - b) External Glazing
 - c) Building Sealing
 - d) Air Movement
 - e) Air-Conditioning and Ventilation Systems
 - f) Artificial Lighting and Power
 - g) Hot Water Supply
 - h) Access for Maintenance
- 2) **Water Efficiency:** Council encourages non-residential development to review ways to consume less water, install water-saving devices and look at ways of capturing and retaining rainwater for re-use for non-potable and irrigation requirements.

Part D

Subdivision & Roads



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D1 Introduction

D1.1 Application of this Part

This Part should be addressed whenever a development application includes a type of subdivision or boundary adjustment (see definitions below). There are three (3) main forms of subdivision and related land title in NSW. The form of title used will be dependent on the nature of the subdivision.

- 1) **Torrens Title Subdivision** is the traditional form of subdivision and is the most common form of subdivision in the Blayney Local Government Area. The Torrens title system is based on a plan of survey, which defines the boundaries of a parcel of land at the date upon which it was registered.
- 2) **Strata Subdivision** can subdivide buildings and land into separate lots capable of individual ownership, with additional areas of land designated as common property. This form of subdivision is most common with townhouses, residential flat buildings, duplex and semi-detached housing and multi-tenant commercial buildings.
- 3) **Community Title Subdivision** provides individual ownership of lots and a share in the association property. Association property is a lot in the scheme on which community facilities may be erected, including roads and driveways, swimming pools, common open space and the like.

Please note that **Boundary Adjustments** may need to address this Part if they are not exempt or complying subdivision types under *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008*. **Clause 4.2B of BLEP2012** facilitates boundary adjustments on lots below the minimum lot size.

This Part is broken down into Sections. The Sections that apply will depend on the type of land use proposed for the subdivision (and its zone) and whether new roads will be required.

- **Section D2 – Site Planning & General Subdivision Requirements** must be considered for all subdivisions.
- **Sections D3 to D6** are for specific subdivision types dependent on the land use or subdivision type.
- **Section D7** only applies where there is a new or substantially upgraded road required to access the subdivision.

D1.2 Other Parts of this DCP

Please note you may need to consider other Parts of this DCP including, but not limited to:

- a) **Part F – Environmental Management & Hazards;**
- b) **Part G – Heritage;** or
- c) Relevant Parts for each type of land use you are proposing.

D2 Site Planning & General Subdivision Requirements

Site Planning is important for all development but particularly so for subdivision as it sets many of the key parameters for any later use. Careful consideration of the site constraints and opportunities must be demonstrated to justify a proposed subdivision design and ensure it can accommodate a range of permissible future uses in the relevant zone.

Objectives / Performance Criteria

Acceptable Solutions

D2.1 Site Planning

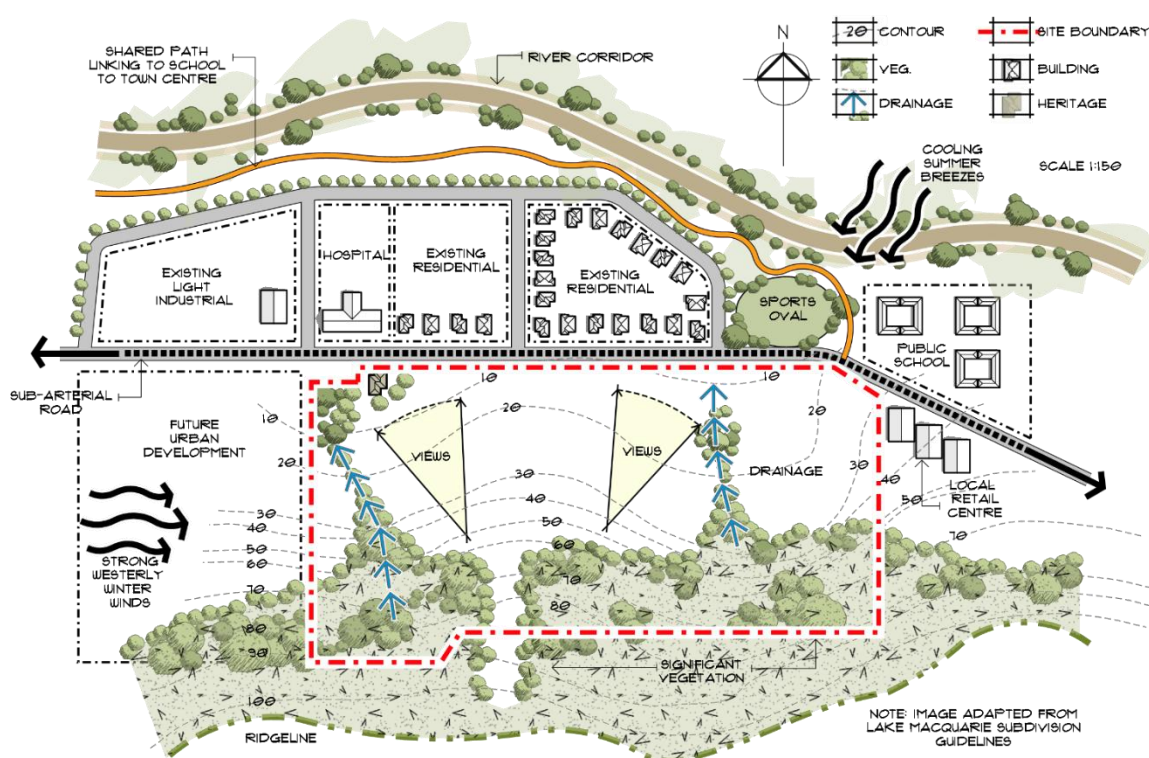
Any **Plan of Subdivision** must be supported by a detailed **Site (Analysis) Plan** that demonstrates how the proposed subdivision (and building envelopes for vacant land subdivision) responds to and addresses site context (opportunities and constraints) to:

- Respond to the topography and drainage characteristics of the site.
- Minimise impacts on the natural environment and protect environmentally sensitive areas.
- Avoid or minimise the impacts of natural hazards and stormwater/drainage.
- Avoid or minimise land use conflicts and provide suitable setbacks (and/or buffers) to adjacent or nearby sensitive land uses.
- Create a workable road and pedestrian/cycle network and connection to surrounding networks.
- Create building envelopes that are free of constraints with suitable access for each lot.

g) Integrate with the existing and/or desired subdivision pattern of the area.

g)h) Any new assets or open space which will be dedicated to Council are to be designed to limit ongoing operational impacts and financial costs to Council.

Applicants must address **Part F – Environmental Management & Hazards** (where relevant).



Objectives / Performance Criteria	Acceptable Solutions
D2.2 Topography & Earthworks O1. To ensure subdivision & road design responds to the site opportunities & constraints. O2. To minimise cut and fill from any new road, driveways/entrances, and any future building sites. O3. To ensure that earthworks will not have a detrimental impact on nearby watercourses or stormwater systems, neighbouring uses, or cultural or heritage items. O4. To ensure retaining walls are structurally sound and suitable for purpose. O5. To avoid contaminated fill being utilised on sites.	1) Where cut and/or fill is likely to be required for any lot created by the proposed subdivision to support the likely building envelope/use (earthworks as part of the subdivision or a later building stage) and is likely to be greater than 1m in depth or closer than 1m to an existing lot boundary then Council will require: a) Demonstration that the road and/or subdivision layout has responded to the site topography and seeks to minimise the need for cut and/or fill. b) Additional reports and/or certification to demonstrate the proposal avoids or minimises impacts on adjacent properties. 2) All retaining walls must comply with the <i>National Construction Code</i> (NCC). 3) Applicants must notify Council (as part of the application) if cut and/or fill is likely to result in the net export or import of fill from land other than the subject site and demonstrate the fill is not contaminated. Note: Earthworks on land identified within the Flood Planning Area may be limited by flood controls in Part F – Environmental Management and Hazards.
D2.3 Lot Size & Arrangement O1. To provide lot sizes and dimensions that respond to the site constraints and proposed land use requirements. O2. To avoid or minimise / mitigate against existing and future land use conflicts.	1) Whilst the minimum lot size for subdivision is set out in BLEP2012 this is a minimum size only and larger lot sizes may be required due to: a) Site constraints. b) Requirements for effluent disposal areas (if relevant). c) Addressing the objectives for lot size in BLEP2012. 2) Lot sizes, shapes and road frontages must allow for suitably sized building envelopes (or likely future buildings) associated with the intended land use to comply with the minimum building setbacks set out for the intended land use in this DCP and the NCC.

Objectives / Performance Criteria	Acceptable Solutions
	3) Subdivisions in or adjacent to urban zones (Zones R1, RU5, E1, E3, E4, and Zone R5 where the lot < 1ha in area) must: a) Maximise the number of regular shaped lots (i.e. lots that are rectangular) that are consistent with the historic subdivision pattern of most urban areas and less constrained for future development. b) Provide suitable road frontages to promote ease-of-access and servicing/utilities for each lot and allow buildings to address the street (where relevant). c) Provide depth to width ratios that accommodate vehicle access, manoeuvring, and a range of standard building types/layouts. <i>Note: Applicants are advised to consider the potential for future realignment or subdivision of lots (particularly corner lots, lots at zone boundaries, or lots on the fringes of the urban areas).</i>
D2.4 On-Site Effluent Management O1. To ensure that on-site effluent management can be accommodated on any proposed lot without affecting adjacent properties or the natural environment.	If a site is not required to be connected to a reticulated sewer system, then the applicant must demonstrate each lot is capable of supporting a suitable on-site effluent management system with an Effluent (Geo-technical) Report prepared by a suitably qualified geo-technical engineer in accordance with the requirements in Part F2.5 On-Site Effluent Disposal. <i>Note: Council may condition the requirement to register a building envelope and/or any effluent disposal area on the title, so it demonstrates adequate site planning and buffers and is protected from encroachments.</i>
D2.5 Access & Entrances O1. To provide all lots with safe, legal and practical vehicle access and manoeuvring. O2. To provide safe and suitable access and manoeuvring for emergency vehicles and larger vehicles for servicing (as required). O3. To provide safe & suitable pedestrian/cycle	1) Each allotment must have safe, legal access to a public road or Crown Road (duly formed or upgraded for the purpose and transferred to Council – See Part D7 New or Upgraded Public Roads. either through a direct frontage, a right-of-way arrangement, or by consolidation with an existing allotment that has such access. 2) New access points to classified roads (highways and state and regional roads) are not preferred unless there is no alternative access available and must be located and constructed in accordance NSW Government (Transport for NSW) requirements.

Objectives / Performance Criteria	Acceptable Solutions
access and facilities to encourage walking and/or cycling. O4. To promote safe and efficient road and footpath environments for motorists, public transport, cyclists and pedestrians.	3) Council may require (at its discretion based on traffic impact) a Traffic Impact Study that ensures all roads and access are designed and constructed: a) To meet the requirements of Council's <i>Guidelines for Engineering Works (as amended)</i> including but not limited to safe and adequate sight distances in both directions and separation from intersections. b) To provide entrances clear of obstructions, which may prevent drivers having a timely view of pedestrians and other vehicles. c) To avoid conflicts with existing utilities and street trees / significant vegetation. d) To take into consideration any requirements in the former RTA (2002) <i>Guidelines for Traffic Generating Development (as amended)</i> – Section 6.2 Access requirements. 4) For subdivisions involving the construction of public roads, pedestrian footpaths linking to the existing pedestrian network shall be provided adjacent to the public road on one side. 5) Pedestrian footpaths are generally not favoured for both sides of the new public road unless the developer and Council agree that it is appropriate in the circumstances. Note: Council will condition requirement(s) for construction of new accesses / entrances to every new lot prior to release of the Subdivision Certificate.
D2.6 Access - Rights of Way & Battle-Axe Lots O1. To minimise the number of lots created that do not have a substantial frontage to a public road. O2. To ensure any access ways are of sufficient width and driveway construction to minimise impacts on neighbouring lots and provide suitable vehicle access.	Council will only permit lot(s) that rely for access on an easement for right-of-way (or other restriction on title) or battle-axe handle where: 1) No public road access is adjacent to any proposed lot. 2) A maximum of: a) Three (3) lots will utilise any easement or battle-axe handle. b) Two (2) allotments are behind any allotment which has direct frontage to a public road. c) (Where three (3) or more lots are created) ten percent (10%) of lots in the subdivision are 'battle-axe' or right-of-way lots. 3) There is written approval from the affected lot owner (easement only); and 4) Such easement or battle-axe handle is a minimum width and driveway construction as set out in the relevant zone/land use section in this Part below.

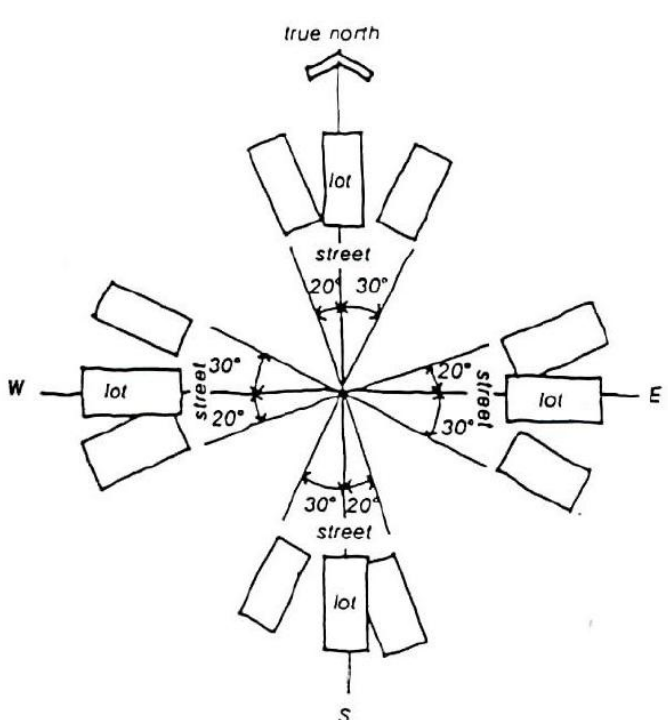
Objectives / Performance Criteria	Acceptable Solutions
	Note: If the land is bushfire prone, driveways / access may need to comply with the Rural Fire Service requirements in addition to the above dimensions. Note: This control does not affect strata or community title subdivision that relies on access through common property.
D2.7 Utilities/ Easements O1. To provide all essential utilities to the boundary of any new allotment suitable for the proposed use. O2. To ensure appropriate access to and safe operation of utilities. O3. To address any connection requirements of the relevant utility authorities. O4. To minimise the visual impact of any new utilities by undergrounding connections and integrating into the design (where possible). Note: Council will require the applicant to provide (as a condition of consent) copies of any correspondence with the relevant utility authority to demonstrate that the appropriate level of servicing is available for all lots (in accordance with the requirements of the relevant authority) prior to release of the subdivision certificate. Contact Council if you are unsure	1) Connection: Each lot in a proposed subdivision must be connected to the relevant utilities specified for the proposed land use in the relevant section of this Plan. 2) Plan: The Proposed Plan of Subdivision must show all existing or proposed easements on the land proposed for subdivision. 3) Protection: All lots should be designed so proposed (or likely) building envelopes or subdivision works: a) Are not located over or in the vicinity of an easement for any utility without express written authorisation from the responsible utility authority; or b) Where an easement does not exist, the building envelope must be located a minimum distance equivalent to the invert depth of the pipeline plus one (1) metre from the known utility location, and in accordance with utility authority requirements. Note: Council recommends that Applicants lodge a 'Dial Before You Dig' Application to ascertain the approximate location of all services on site and, where there is any chance that development will be near those services, identify those services accurately on a Survey Plan. Note: Connection to utilities (or confirmation from each relevant authority that the services are or can be made available at the boundary of each lot) will be conditioned by Council and may need to be constructed prior to release of the Subdivision Certificate. 4) Visibility: To avoid or minimise adverse visual impacts: a) All new utility wiring must be located underground (unless site constraints justify a suitable alternative at the discretion of Council) for: i) Any new subdivision in an urban area. ii) In heritage conservation areas. b) Above ground utility installations and cabinets: i) Are to be kept to a minimum in number and size. ii) Wherever possible, are to be located on existing poles; and

Objectives / Performance Criteria	Acceptable Solutions
<i>of the relevant provider for each utility / service.</i>	iii) If provided at ground level, must integrated with the proposed development and/or have appropriate landscaping/ screening.
D2.8 Staging O1. Larger subdivisions must consider staged subdivision release and ensure each stage is capable of being developed independently of later stages and has appropriate access and utilities.	1) Where a subdivision is proposed to be carried out in a number of stages or would result in a remnant parcel of vacant land, a Proposed Plan of Subdivision (for the entire subdivision) must clearly indicate: a) The entire land likely to be subdivided. b) The proposed access, road structure, and other vehicle and pedestrian/bicycle connections for the development. c) The boundaries of each stage of the subdivision. d) Any staging of essential roads, infrastructure and/or other essential utilities/services or communal spaces and buildings. 2) Each individual stage of a staged subdivision must: a) Not compromise suitable access to any other stage(s) of subdivision. b) Be capable of operating independently of the infrastructure of later stage(s). c) Have access to essential infrastructure / utilities, roads and pedestrian connections, and incorporate landscaping in accordance with the controls in this DCP. d) Provide a fully formed cul-de-sac (see Council's <i>Guidelines for Engineering Works (as amended)</i>) for any temporary terminating roads (that will later become through roads) so that the maximum sized design vehicle is only required to do a maximum three-point turn to exit the cul-de-sac. 3) Where there are multiple landowners for land that is proposed for subdivision then ownership boundaries must generally align with proposed lot boundaries and not prevent road access or infrastructure from being formed/connected for other parts of the subdivision.

D3 Residential Subdivision in Urban Areas

This section applies to applications for subdivision of land for the purposes of residential accommodation / dwellings in the following Zones:

- 1) Zone R1 General Residential (Town of Blayney and part of Millthorpe).
- 2) Zone RU5 Village (All other settlements).
- 3) Zone R5 Large Lot Residential where the existing or proposed lot is less than or equal to 1 hectare in area.

Objective / Performance Criteria	Acceptable Solution
D3.1 Lot Size & Arrangements – General O1. To promote lot sizes, shapes and orientation that will maximise the number of lots with potential solar access to the future living spaces and private open spaces of new dwelling sites. O2. To ensure new subdivisions in or adjacent to existing urban areas complements the existing subdivision pattern and character of the existing urban area. O3. To require all lots have sufficient road frontage to allow driveway access whilst encouraging dwellings to have a frontage/address to the street.	In addition to the general requirements noted above: 1) Any urban residential subdivision must provide a Solar & Siting Plan that demonstrates how the lot layout and orientation will: a) Facilitate good solar orientation for future dwellings subject to site constraints (see diagram below); and b) Minimise overshadowing between future dwellings (e.g. by providing suitable lot widths that allow for up to a two-storey building and respond to topography).  The diagram shows a central point with four streets radiating outwards: North, South, East, and West. Each street has two lots on either side. The lots are oriented such that their frontages are perpendicular to the streets. Angles of 20° and 30° are marked between the lot boundaries and the street frontages, indicating the range of orientations that provide good solar access. A 'true north' arrow points upwards. <i>Lot orientation for solar access in temperate climates (AMCORD).</i> 2) All urban residential lots connected to reticulated sewer (excluding battle-axe lots and medium density housing) must have a minimum width of:

	a) 15m at the building line (see front setbacks in Part D – Residential Development) for a rectangular lot. b) 8m at the street frontage for a ‘fan’ or ‘radial’ shaped lot and 14m at a point setback 6m from any road frontage. 3) All urban residential lots that require on-site effluent management (excluding battle-axe handles and medium density housing) must have a minimum width of: a) 20m at the building line and effluent disposal area for a rectangular lot. b) 12m at the street frontage for a ‘fan’ or ‘radial’ shaped lot and 20m at a point setback 6m from any road frontage. <i>Note: Corner lots are often suited to future subdivision (subject to minimum lot size) so Council suggests corner lots should consider providing sufficient area to accommodate up to two (2) dwellings with independent access and utility connection points.</i>
D3.2 Access to Battle-Axe Lots (Limited Road Frontage) O1. To promote safe and efficient access to urban residential lots. O2. To provide sufficient driveway widths & design for battle-axe lots to minimise impacts on adjacent residential lots and accommodate traffic requirements.	The proposed subdivision of land can only result in the creation of a battle-axe allotment (or lot accessed by an easement/right-of-way) when: 1) Each battle-axe allotment has a minimum access handle width of: a) 3m for access to a single lot. b) 4.5m for combined access to two lots (with reciprocal easements for access and services); and 2) A minimum 2.4m wide sealed or concrete pavement is constructed for the full length of the access handle in accordance with Council’s <i>Guidelines for Engineering Works (as amended)</i> prior to release of the Subdivision Certificate; and 3) If the proposed battle-axe lot is intended to be used for more than a single dwelling and/or dual occupancy (i.e. it is for the purposes of medium density housing) then it may require a wider access handle and seal for two-way vehicle traffic and consider additional width to include setbacks and/or landscaping to minimise impacts on adjacent dwellings.

D4 Large Lot Residential & Rural Subdivision

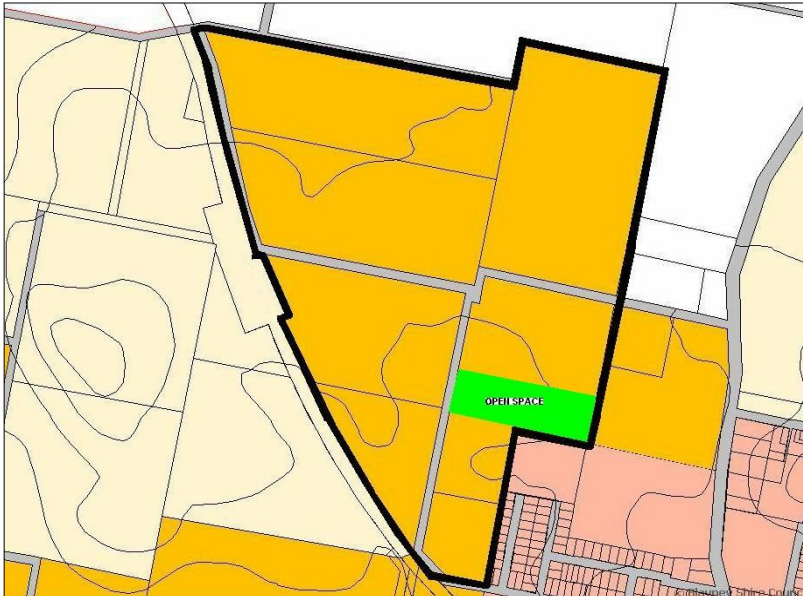
This section applies to applications for subdivision of land in the following rural and environmental Zones:

- 1) Zone RU1 Primary Production, Zone RU2 Rural Landscape, and Zone RU3 Forestry; and
- 2) Zone R5 Large Lot Residential where the existing or proposed lot is greater than 1 hectare in area.

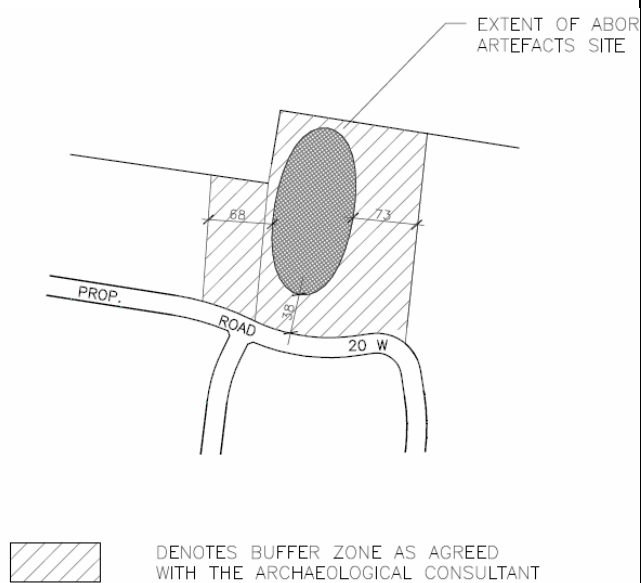
Objective / Performance Criteria	Acceptable Solution
D4.1 Access & Road Design O1. To provide safe and efficient access points to/from proposed lots to rural roads.	In addition to the general requirements noted above: 1) Access points must be grouped at existing or limited access points (wherever feasible) to ensure sight lines in accordance with Council's <i>Guidelines for Engineering Works</i> and minimise the traffic impact and risk of additional access points to the public road system. 2) Entrances or security gates must be setback from the edge of the existing / proposed road formation (to permit a small truck or car and trailer to park in the entrance without blocking the road) not less than the following distances: a) 15m; or b) If it is access to a classified road, a distance agreed with Transport for NSW. 3) <u>Access design shall be in accordance with Austroads Guide to Road Design Part 4 and Council's Guidelines for Engineering Works.</u> 4) <u>In this regard, upgrade of existing road networks should be prioritised (over new road construction) to prevent road duplication.</u>
D4.2 Access to Battle-Axe Lots (Limited Road Frontage) O1. To ensure battle-axe lots have sufficient access widths to cater for the intended traffic and minimise impacts on adjacent lots.	The proposed subdivision of land can only result in the creation of a battle-axe allotment when: 1) Each battle-axe allotment has a minimum access handle width of: a) 6.0m for access to a single lot. b) 8.0m for combined access for up to three (3) lots (with reciprocal easements for access and services); and 2) <u>A minimum 4.0m wide road is constructed for the full length of the access handle in accordance with Council's <i>Guidelines for Engineering Works (as amended)</i>.</u>

	<u>2)3) Access handles shall be designed to accommodate the manoeuvring of a 19 metre semi-trailer, in accordance with Austroads Guide to Road Design Part 4 and Council's Guidelines for Engineering Works.</u>
D4.3 Lots for the Purpose of Agriculture O1. To ensure that lots created for the purpose of agriculture below the minimum lot size are clearly noted for any existing or future land owner on title as having no dwelling potential and ensuring lot(s) created have legal access.	Note: Where a lot is created for the purposes of agriculture under Clause 4.2 Rural Subdivision of BLEP2012 and it is below the minimum lot size for the land shown on the Lot Size Maps in BLEP2012 then Council may require (as a condition of consent) a restriction or covenant to be registered on the title to that allotment that: 1) Restricts the use so only for the purposes of agriculture (i.e. a dwelling may not be approved on the site without removal of the covenant and meeting any relevant planning controls); 2) Where the lot does not have constructed legal access at the time of creation of the lot, to require the construction of such access prior to the transfer of title.

D4.4 North Millthorpe

<u>D4.4.1 Land to which Section applies</u>	This plan applies to certain land to the north of the village of Millthorpe shown in Figure 1. 
<u>D4.4.2 Indigenous Heritage</u>	Previous environmental assessment of the land identified that part of the land contained a potential archaeological deposit. The location of this area and its buffer zone is shown on the next page. Subdivision of this area shall only occur in consultation with a Council suitably qualified archaeology consultant. Such a consultant should have experience in the assessment of indigenous archaeological sites.

Buildings will generally not be permitted in this area. Open space or other purposes that do not impact on the heritage significance of the site will be allowed.



Location of potential archaeological deposit and buffer zone.

4.4.3 Waste Water

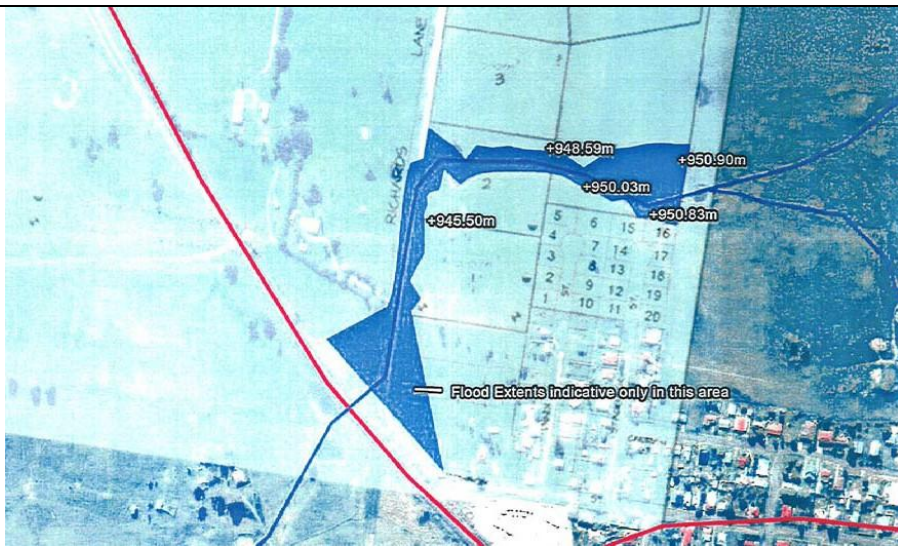
All allotments with an area of ≤ 2 hectares will be required to be connected to the Millthorpe Village sewer system.

4.4.4 Flooding (Stormwater Drainage)

Flood affected lands are shown in Figures 6 and 7. Subdivision of land must show all developable lots as capable of accommodating dwellings and ancillary structures outside of flood affected lands.



Flood affected lands, northern watercourse

	 Flood affected lands, southern watercourse
4.4.5 <u>Building Design Guidelines</u>	Refer to Part G - Heritage of this DCP for building design guidelines.

5 Commercial, Industrial or Community Subdivision

This section applies to applications for subdivision of land for the purposes of commercial, industrial or community uses in any zone in Blayney Local Government Area (LGA).

Objective / Performance Criteria	Acceptable Solution
D5.1 Lot Size & Arrangement O1. To encourage the development of well-designed community, commercial and industrial areas servicing the full range of business needs throughout the Shire. O2. To ensure sufficient lot sizes and road frontages to support the intended land uses, access requirements, off-street parking, and circulation/servicing needs without impacting significantly on adjacent sensitive land uses.	In addition to the general requirements noted above: 1) Lot sizes and shapes must have a sufficient size and road frontage to accommodate: a) Vehicular access including the largest design vehicle that will need to enter the site, and circulation space to enable it to leave the site in a forward direction. b) An indicative building envelope that meets the required setbacks. c) All ancillary development including ancillary structures and outdoor storage areas necessary for the normal functioning of the proposed land use located where they do not create significant visual impact from the public street; d) Off-street car parking and loading/unloading facilities (if required). 2) For commercial, industrial or community use(s) (other than a home business or home industry) a battle-axe lot will not be permitted unless: a) It complies with subsection (1) of this clause. b) It is for a use that will not require regular access by, or visibility for, members of the public. c) There is an access handle width that will minimise any significant impacts on adjacent properties. d) <i>Safety by Design</i> considerations are addressed (see Part C – Commercial, Community & Industrial Development).

D6 Community & Strata Title Subdivision

This section applies to any strata title or community title subdivision in Blayney Local Government Area (LGA). The strata subdivision of approved multi-dwelling housing or a building (other than a dual occupancy) may be complying development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Objective / Performance Criteria	Acceptable Solution								
D6.1 Minimum Allotment Size O1. To ensure that lots in a community title subdivision or strata subdivision are of sufficient size to ensure satisfactory (residential) amenity, meet <i>National Construction Code</i> requirements and provide fire separation, and minimise impacts on adjacent lots.	Each community or strata subdivision application must nominate a building envelope (or show the existing buildings) with the number of bedrooms that each lot will have (or has) and provide a minimum strata or community lot size for each dwelling in accordance with the following table: <table> <tr> <th>DWELLING SIZE</th><th>SITE AREA PER DWELLING</th></tr> <tr> <td>Studio / 1 Bedroom</td><td>240m²</td></tr> <tr> <td>2 Bedrooms</td><td>300m²</td></tr> <tr> <td>3+ Bedrooms</td><td>360m²</td></tr> </table>	DWELLING SIZE	SITE AREA PER DWELLING	Studio / 1 Bedroom	240m ²	2 Bedrooms	300m ²	3+ Bedrooms	360m ²
DWELLING SIZE	SITE AREA PER DWELLING								
Studio / 1 Bedroom	240m ²								
2 Bedrooms	300m ²								
3+ Bedrooms	360m ²								
D6.2 Medium Density Housing Controls	The applicant must demonstrate that the existing or proposed future dwellings and ancillary buildings and open space comply with the controls in Part B – Residential Development relating to Medium Density Housing.								
D6.3 Utilities O1. To ensure each dwelling is separately metered.	Each lot in a Strata Title or Community Title Subdivision must be connected to individual utilities and have separate water and electricity meters.								

D7 New or Upgraded Public Roads

PART D

This section applies to any subdivision application in Blayney Local Government Area (LGA) that seeks to create a new or significantly upgraded public road or an extension to an existing public road.

Whilst Council's *Guidelines for Engineering Works* covers most of the detailed design requirements, this section provides some additional controls for larger subdivisions/new roads to improve urban design and traffic/access outcomes.

Objective / Performance Criteria	Acceptable Solution
D7.1 Engineering Guidelines O1. To ensure any road design comply with relevant road and access guidelines adopted by Council.	New road design(s) for residential subdivisions must comply with Council's <i>Guidelines for Engineering Works</i> (as amended) which references other relevant publications including, but not limited to (as amended): 1) Roads & Traffic Authority (RTA – now Transport for NSW) (2002) Guide to Traffic Generating Development <u>Guide to Transport Impact Assessment (2024)</u>. 2) Roads & Traffic Authority (RTA – Transport for NSW) (1995) <i>Road Design Guide</i>. 3) Relevant Australian Standards. 4) AUSTROADS (1988) <i>Guide to Traffic Engineering Practice</i>. Note: References to some of these standards are made below but still apply even if not specifically referenced.
D7.2 Surrounding Road Patterns & Access Any subdivision design that includes new public road(s) must: O1. Integrate with the surrounding road network and other pedestrian/bicycle and open space connections and be sympathetic to settlements with strong grid pattern road systems. O2. Provide a subdivision pattern and road layout that enables adjacent	1) The applicant must demonstrate how the new road pattern integrates with the adjacent road network and promotes ease of navigation and way-finding for someone not familiar with the neighbourhood. 2) Where a grid road pattern is dominant in a settlement then that pattern (modified to suit the site and solar orientation, as required) is preferable except where steeper topography dictates a curvilinear road pattern to reduce cut and fill. 3) New roads should seek to provide 'through road' connections between surrounding roads and road heads where they exist adjacent to the proposed subdivision. 4) Where a subdivision is adjacent to land that has additional development potential (or is likely to in the future) and that adjacent land has limited access or only single road frontage

lands to be developed as urban growth occurs.	then Council may require the subdivision to provide an easement for future road access to the adjacent land. 5) Rear lanes (existing) will rarely be permitted to be the primary or sole access point to any new subdivision unless that lot has no alternative access point. Note: <i>There are many existing rear lanes in settlements across the Shire that may be able to be utilised for traffic movement as part of a new development. Most existing rear lanes are often only up to 6m wide and will generally only support one-way traffic. The applicant must also upgrade these lanes and demonstrate that impacts will be minimised or mitigated on adjacent properties.</i>
D7.3 Road Hierarchy & Design O1. To provide a logical road pattern / clear hierarchy of roads. O2. To provide suitable vehicle, pedestrian and cycle connections and navigation to key services and attractions (suited to the size and density of the subdivision and surrounding network/connections).	Note: <i>Council's Guidelines for Engineering Works (as amended) (Section 2.0 Roads) specifies the appropriate road hierarchy, road widths and road design based on number of lots served, design traffic speeds, vehicle sizes, and parking requirements including footpaths and cycleways.</i> Council may require (at its discretion based on traffic impact), a Traffic Impact Study that addresses: 1) How the road hierarchy will promote ease-of-navigation and connectivity for vehicles, pedestrians, and bicycles (where relevant); 2) The maximum vehicle sizes likely to utilise the road network during construction and future use. 3) The impact of any traffic generation from the proposed subdivision on the proposed and existing road network and pedestrian / cycle routes. 4) Appropriate turning paths for the largest vehicle sizes; and 5) The location, design and safety of any intersections or crossings.
Note: <i>Where several new roads are proposed then there should be a clear and logical road hierarchy based on (but not limited to):</i> 1) <i>The level of connectivity and ease-of-navigation for someone unfamiliar with the neighbourhood to the surrounding road network with connections to key public open spaces and/or community infrastructure.</i> 2) <i>Creating an attractive and legible environment with a clear character and identity that builds on existing views, vistas, existing vegetation, landmarks and places of heritage significance, and existing subdivision patterns.</i> 3) <i>The designed road speeds and safety of all users considering the traffic generation and densities likely along any new road and intersections/crossings.</i> 4) <i>Consideration of the size and turning radius of the largest vehicle that is likely to utilise that road including, but not limited to, school buses, garbage trucks, construction vehicles, and heavy vehicle traffic.</i> 5) <i>At new intersections or the T-intersection of any new roads, provision must be made (where Council requires it) for shoulder widening on both sides of the through road to allow for a school bus stopping area.</i> 6) <i>Street and lot layout must facilitate the provision of services in a manner that is efficient and minimises whole of life cycle costs for that infrastructure.</i>	

D7.4 Terminating Roads (Cul-de-sacs) O1. To minimise the use of cul-de-sacs, their length and number of lots serviced and ensure they cater for waste collection services.	Cul-de-sacs in or adjacent to an urban area (Zone R1, RU5, E1, E3, E4 or R5 (where lots are < 1 ha) must only be used where: 1) There are no other suitable alternatives; and 2) Each cul-de-sac does not service more than 25 lots; and 3) Each cul-de-sac is no longer than 150m from the nearest intersection. 4) Each cul-de-sac has a turning facility to cater for a 12.5m truck; and 5) Large vehicles (greater than 12.5m in length) will not need to rely on the cul-de-sac to turn around (i.e. cul-de-sacs will only be considered in commercial and industrial zones where there is on site turning capacity for every lot).
D7.5 Crown Roads O1. To ensure that Crown roads are appropriately dedicated and upgraded to service new development.	Note: Where it is intended to upgrade or construct a Crown Road to provide access to a new lot then: 1) The applicant must discuss the requirements with the relevant NSW State Government department (currently the Department of Industry, Crown Lands and Water Division); 2) All construction costs and maintenance relating to that road will be the responsibility of the owner of that land; 3) Any costs or applications associated with the dedication of the road will be the responsibility of the applicant/ owner of the land; 4) Where any Crown Road must be significantly upgraded then it may need to be acquired from the Crown, dedicated to Council, and then upgraded to Council's standards or, in the case where only one property uses the access, the party benefitting from the road should apply to close and purchase the Crown Road, or in accordance with current NSW Government policy.
D7.6 Safety and Surveillance O1. To ensure significant new roads consider <i>Safety by Design</i> principles.	Any subdivision that creates a new public road or extends an existing road by more than 50 metres must address the principles of <i>Safety by Design</i> Guidelines (see NSW Police website) including, but not limited to: 1) Appropriate locations and orientations of lots and building envelopes to maximise casual surveillance of the street. 2) Provision of appropriate lighting of public spaces and walkways. 3) Clear boundaries between public open space / streets, communal open space (if applicable) and private open spaces.

	4) Appropriate landscaping and fence design.
D7.7 Public Domain Landscaping & Street Trees New urban subdivisions must have street tree planting provided to soften the proposed future buildings and streetscape whilst accommodating required vehicle and pedestrian access and movement.	1) Avenue planting is to be provided to all new public roads (where requested by Council) or a suitable levy is paid to Council to carry out these works on the applicant's behalf. 2) In any urban zone, a minimum of: a) one (1) street tree per lot frontage (up to a 40m frontage); or b) one tree every 25m (for all lots with road frontages greater than 40m). must be provided (or levy paid) prior to release of the Subdivision Certificate. 3) Species are to be selected in discussion / agreement with Council's Parks & Recreation Supervisor (or another authorised officer).
D7.8 Naming of New Roads	
<i>Note: The naming of new roads is addressed in Council Policy entitled Guidelines for the naming of public roads and streets (2010 as amended). Completion of the road naming process, including gazettal of the new road names in the NSW Government Gazette, is the responsibility of the relevant roads' authority (Council for local roads / Roads & Maritime Services for classified roads). Council will need to make a resolution for the decision to rename and/or the determination of a new name after community consultation (see the Development Guide). The procedures for naming roads is regulated by Clause 162 of the Roads Act 1993 and Part 2, Division 2 of the Roads Regulation 2008 and also requires consideration by the Geographical Names Board.</i>	

Part E

Other Land Uses



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E.1 Introduction

E.1.1 Application of this Part

This part of the Plan applies to all land within the Blayney Local Government Area (Blayney LGA) and provides standards for other specific land uses or activities that may not be covered by the previous parts of this DCP.

E.1.2 Other Parts of this DCP

Whilst Council has attempted to consolidate most of the controls relating to other land uses in this Part, other Parts of this DCP may also apply depending on the type of development you are proposing and the site constraints including, but not limited to:

- 1) **Part B – Residential Development** (where you are also proposing some type of residential development).
- 2) **Part C – Commercial, Community and Industrial** (where you are also proposing some type of commercial, community or industrial development).
- 3) **Part D – Subdivision** (where you are also proposing some type of subdivision of your land);
- 4) **Part F – Environmental Management & Hazards** (dependent on-site constraints and potential impacts).
- 5) **Part G – Heritage** (where the site is a heritage item or is in a conservation area or near a heritage item).

E.2 Advertising and Signage

E.2.1 Application of this Section

This section applies to all advertisements and signage, except that which is exempt development under an environmental planning instrument that applies to it.

Note: In order to use this section please review:

- a) Section E.2.5 General Controls for Advertising and Signage – to see the types of signs permitted for each use or activity; and
- b) Section E.2.6 Types of Signs – to see additional controls for each sign type that is permitted.

E.2.2 Relationship to other Plans or Policies

Under *State Environmental Planning Policy (Industry and Employment) 2021* (SEPP Industry and Housing 2021), Council cannot grant development consent to an advertising sign or structure unless it is consistent with the aims of the Policy and satisfies the Policy is available at www.legislation.nsw.gov.au.

E.2.3 Signs that do not require Development Consent

The *State Environmental Planning Policy (Exempt and Complying Development Code) 2008* (SEPP Codes 2008) outlines signage that is exempt from the requirement of obtaining development consent. The Policy is available at www.legislation.nsw.gov.au. Proposals that do not satisfy the requirements of the SEPP Code are required to be subject of a Development Application (DA) seeking approval from Council.

E.2.4 Objectives

- 1) To provide guidelines for the design, erection and display of signage and advertising structures.
- 2) To ensure that signage is well designed, appropriately sized and positioned in a consistent manner.
- 3) To encourage relevant and appropriate signage which complements the character of the area and the site or building on which it is located.
- 4) To ensure that signs are structurally safe and well maintained.
- 5) To minimise visual clutter caused by the proliferation of signage and encourage the rationalisation of existing and proposed signage.
- 6) To ensure that signage does not compromise pedestrian, cyclist or vehicle safety.

E.2.5 General Controls for Advertising and Signage

Note: For exempt signage types refer to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Land Use	Advertising and Signage Types Permitted with Development Consent
Home Business, Home Industry or Home Occupation	1) One (1) business identification sign is permitted per property to be constructed or installed in relation to a home business, home industry or home occupation. 2) The sign must be no greater than 600mm by 900mm, except if a window sign, with a maximum coverage of 20% of the surface of the window in which is displayed or 6m², whichever is the lesser. 3) The sign must not be illuminated.
Commercial and Retail	1) A single business premises is permitted to have a maximum number of signs on each street frontage of the building (in accordance with the controls below) as follows: a) One under awning sign. b) One top hamper sign or flush wall sign. c) One fascia or awning fascia sign; and d) One A-Frame sign on the footpath. 2) Window signage maybe provided in addition to the list above as long as it does not take up a significant area of the street window or significantly reduce visibility between the inside of the shop and the street. 3) Each tenancy in a multiple tenancy on the same lot may have the same signage as set out in subclause (1) above as well as a single directory board /pylon sign naming the facility and listing some or all of the tenancies at or near the primary customer entrance.
Industrial	1) For each single occupant industrial site/building advertising signs will be permitted as follows: a) One (1) free standing advertisement within the 2-metre landscaped road setback; b) Two (2) advertisements integrated on the façade of the building (one per wall). 2) For each multiple occupant industrial site/ building advertising signs will be permitted as follows: a) One (1) index board near the customer entrance or within the 3m landscaped road setback; and b) One (1) advertisement integrated within the façade of each unit.

Land Use	Advertising and Signage Types Permitted with Development Consent
Highway Services and Service Station	Highway services or service stations are permitted the following signs: 1) Two (2) facia signs or flush wall signs. 2) One (1) pylon sign at the primary road frontage boundary where the building is setback from the road, with a maximum height of 7 metres; and 3) One (1) A-Frame sign on the footpath.
Rural and Environmental Zones	Advertising in rural and environmental zones (excluding Zone RU5 Village) is only permitted if there is: 1) One (1) sign per business; and 2) Each sign advertises a facility, activity or service located on the land or directs travelling public to a tourist facility/building/place of scientific, historical or scenic interest within the area.
Subdivision and Multi Dwelling Development	Where a subdivision creates more than 10 lots or where all the dwellings in a multi dwelling development has 10 dwelling or more the following signs are permitted: 1) One (1) sign located at the main entrance to the subdivision/multi dwelling development. 2) The sign is not more than 5m² in area; and 3) The sign is not more than 2m above ground level (existing).
Temporary Event Sign	1) One (1) banner and one other type of temporary sign facing on any road frontage is permitted. Each sign must: 2) Not have a surface area of more than 6m². 3) Be located wholly within the boundaries of the property or, if attached to a building, fence or wall, not project more than 100mm from the building, fence or wall. 4) Not be higher than 5m above ground level (existing). 5) Not be permanently fixed to a building, fence or wall. 6) If advertising a commercial or retail event, not be constructed or installed in a residential zone. 7) Not be illuminated. 8) Not be displayed earlier than 14 days before the event; and 9) Be removed within 2 days after the event.

E.2.6 Types of Signage

The following additional controls apply to specific types of signage:

E.2.6.1 Under Awning Sign

Under awning signage means a sign attached to the underside of an awning.

Under Awning sign(s) must:

- 1) Not exceed one (1) sign per property street frontage.
- 2) Be attached to the building in which the business identified in the sign is located.
- 3) Not be more than 1.5m² in area and not more than 2.5m² in length.
- 4) Be erected with the lower edge at least 2.6m above ground level (existing).
- 5) Not extend beyond the edge of the awning.



E.2.6.2 Above Awning Sign

Flush wall signage (attached to the wall of a building above awning level and not projecting more than 0.3 metres from the wall).

Projecting wall signage (attached to the wall of a building above awning level and projecting horizontally more than 0.3 metres from the wall)

Roof signage (erected on or above the roof, parapet or eaves of a building).

Above Awning Sign(s) must:

- 1) Be of a size that is consistent with the bulk and scale of the building and character of the streetscape.
- 2) Be located at first floor level where the building is more than one level.
- 3) Where shop top housing is located, not include above awning illuminated signage.



E.2.6.3 Temporary Content Sign or A-Frame Sign

Temporary content signs (external to building):

- 1) May be a flush wall permanent sign e.g. Blackboards which allow for temporary content such as weekly specials and deals.
- 2) May be moveable e.g. Display specials to diners at a restaurant but must not be located on the road reserve at any time.
- 3) Must have maximum dimensions of 900 x 620mm.

A-frame signs are more commonly known as sandwich board signs. A-Frame are free standing structures that are temporarily placed on the footpath outside the business to which they relate.

A-Frame sign(s) must:

- 1) Not exceed one (1) sign per commercial business.
- 2) Only contain content that relates directly to an activity carried out on or associated with the related business premises.
- 3) Be of safe and stable construction and must comply with the diagram below.
- 4) Only be placed during the normal hours of trade of the business to which they relate.
- 5) Not be illuminated.
- 6) Only be located on footpaths with a minimum footpath width of 3.0m; and
- 7) Be accompanied by a Section 68 application for the display of goods on Council's footpath and a public liability insurance policy that:
 - a) Is for a sum of not less than \$20 million.
 - b) Includes a cross-liability clause, in the sum of not less than \$20 million;
 - c) Specifically indemnifies Council against any public liability claims.
 - d) Is renewed annually; and
 - e) Is kept on the premises as proof of currency and produced on demand to any authorised Council officer.



E.2.6.4 Fascia Sign

Fascia signage means an advertisement that is attached to the fascia or return of an awning.

Fascia sign(s) must:

- 1) Not exceed one (1) sign per property.
- 2) Not project above or below the fascia to which it is attached; and
- 3) Be at least 600mm behind the alignment of any kerb within the adjacent road.

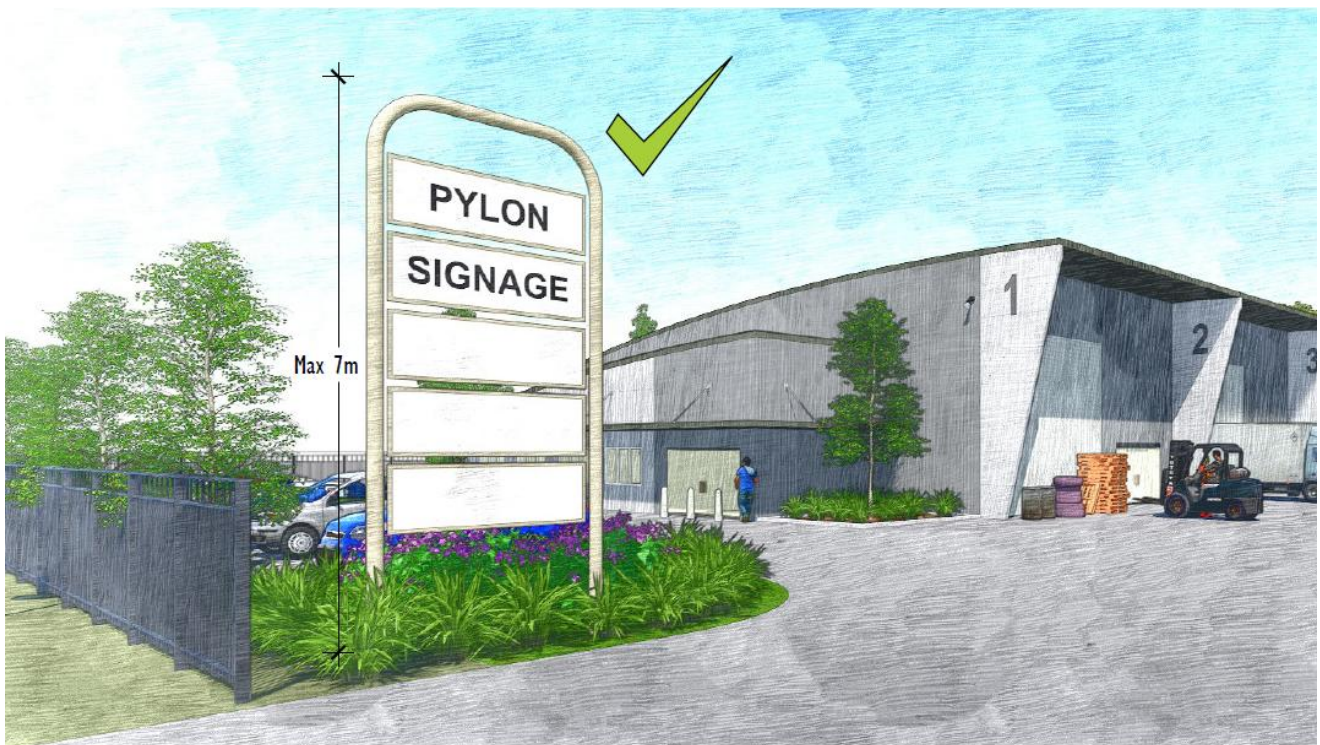


E.2.6.5 Pylon and Pole Sign

Pylon and pole signage means an advertising structure erected on a pylon of pole which is independent of any building or other structure.

Pole and/or pylon sign(s) must:

- 1) Not exceed one (1) sign per property street frontage.
- 2) Not be located within the main streets of Towns and Villages within the Blayney Local Government Area, except for Service Stations which may seek special permission from Council and Roads and Maritime Services (RMS).
- 3) Have a height that is consistent with the scale of surrounding buildings and is a maximum height of 7 metres.
- 4) Be designed to reflect the scale of the building to which it relates and the streetscape characteristics of the area.
- 5) Be contained wholly within the site and must not overhang any public space or land; and
- 6) Not be illuminated.



E.2.6.6 Top Hamper Sign

Top hamper signage means a sign attached above the doorway or display window of a building.

Top hamper sign(s) must:

- 1) Not exceed one (1) sign of this type for each ground floor tenancy; and
- 2) Not extend beyond any wall/boundary and/or below top of door / window head.



E.2.6.7 Portable Signs

Portable signage means signage that can be readily moved and includes portable flags, trailers and any similar device (not an A-Frame sign).

Portable sign(s) must:

- 1) Not be displayed on the footpath of any road or in any public place unless the premises of the relevant business or person has direct ground floor frontage and direct ground floor access to that road or public place.
- 2) Not unreasonably hinder or obstruct the access and use of the footpath or any road or of any public place; be removed from the road or public place each day at the close of business; and
- 3) If displayed on a trailer, it is not to be parked on any footpath, road related area, or road, whether attached to a vehicle or not, when the primary purpose for the placement of the trailer is for promotion or advertising.



E.2.6.8 Window Sign

Window signage means advertising that is displayed within a shopfront window.

Window signage must:

- 1) Not exceed a maximum coverage of 20% of the surface of the window in which is displayed or 6m², whichever is the lesser.
- 2) Be primarily for the purpose of business identification signage and may also include the hours of operation of the business.
- 3) Not be flashing (if illuminated); and
- 4) If it involves a sign advertising a home business, home industry or home occupation—not exceed one (1) sign per premises.



E.3 General Controls for all Other Land Uses

Whilst Council will consider all applications on their merits in any zone where the particular land use is permitted under **BLEP2012**, a development application must ensure that it complies with **Part C – Commercial, Community and Industrial, Sections D4 Access and Parking and D6 Site Planning, Earthworks and Utilities** and the other specific land uses or activities controls that are covered in **Section E of this DCP**.

E.4 Animal Boarding & Training Establishments

Animal boarding and training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses) and includes any associated riding schools or ancillary veterinary hospital, as outlined in BLEP2012.

E.4.1 Objectives

To ensure that all animal boarding or training establishments:

- 1) Consider site selection to minimise potential conflict with adjoining land uses.
- 2) Implement best practice with regards to design and management; and
- 3) Avoid and/or minimise the impacts on the natural environment and rural landscape.

Note: Refer to the NSW Department of Primary Industries document, *NSW Animal Welfare Code of Practice No.5 – Dogs and Cats in animal boarding establishments when preparing a Development Application*.

E.4.2 Controls

- 1) Noise levels from the premises are not to exceed 35dB(A) at the boundary of the property above the existing background levels (or otherwise in accordance with the *EPA NSW Industrial Noise Policy 2000*) and may require a certificate from a suitably qualified acoustic engineer.
- 2) No parts of the establishment will be permitted within 200 metres of the property boundary or 500m of the nearest dwelling house (or suitable distance being determined by a Noise Assessment Report).
- 3) The applicant must provide a business and management plan that addresses the relevant industry guidelines for the design of these facilities including mechanisms to manage noise etc.
- 4) Establishments must demonstrate there is an adequate water supply and adequate methods for disposal of solid and liquid wastes so these will not impact on adjacent properties or watercourses/ground-water systems.
- 6) Council may require a Sediment & Soil Erosion Plan if an establishment is located near a watercourse or environmentally sensitive area and is likely to result in significant topsoil disturbance from animals.

E.5 Tourist & Visitor Accommodation & Agritourism in Rural Zones

Tourist and visitor accommodation is defined in **BLEP2012** to include: 'bed and breakfast accommodation', 'farm stay accommodation' and 'backpacker's accommodation'. It does not include ecotourism facilities. This section only applies to these types of development in rural zones (Zone RU1 and RU2). In urban zones these types of development must comply with **Part C – Commercial, Community & Industrial Development**.

*Note: Refer to **BLEP2012** clause 5.4 for requirements in relation to the granting of development consent for miscellaneous permissible uses.*

Eco-tourist facility means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

*Note: Refer to **BLEP2012** clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.*

Agritourism is defined in **BLEP2012** to include: 'farm gate premises' or a 'farm experience premise'. This section only applies to these types of development in rural zones (Zone RU1 and RU2). In urban zones these types of development must comply with **Part C – Commercial, Community & Industrial Development**.

E.5.1 Objectives

- 1) To encourage tourist and visitor accommodation and tourist-oriented activities in areas that are appropriate for that site, whilst avoiding or mitigating against any potential land use conflicts with neighbouring properties, the natural environment and/or rural and residential amenity.
- 2) To ensure that facilities are designed and constructed so as to maintain rural character and amenity, productive agricultural use of land and environmental values.

E.5.2 Tourist & Visitor Accommodation in Rural Zones

Tourist and visitor accommodation:

- 1) Must be integrated with the agricultural use of the land and/or rural industries on the site.
- 2) Any proposed buildings must be sited within a 250-metre radius from the principal dwelling-house.
- 3) A building, structure, moveable dwelling or activity for farm experience premises or farm gate premises must be located:
 - i. a minimum of 250 metres from residential accommodation on adjacent land or on land that is separated from the landholding by a road
 - ii. a minimum of 50 metres from a property boundary or road
 - iii. a minimum of 50 metres from a waterway

- iv. a minimum of 250 metres from a boundary for land used for the purpose of forestry, intensive livestock agriculture, intensive plant agriculture, mines, extractive industries, railway lines or rural industries.
- 4) Must provide a Management Plan that address the operational and environmental for an eco-tourism facility, as per Clause 5.13 of **BLEP2012**.
- 5) Landscaping should be used to minimise the physical and visual dominance of development for animal and tourist accommodation, including any car parking and vehicle circulation areas, and should include plants native to the local area.

E.5.2.1 Agritourism in Rural Zones

Agritourism:

- 1) Must be integrated with the agricultural use of the land and/or rural industries on the site.
- 2) The building design and materials should complement and integrate with the existing landscape including scenic values.
- 3) A building, structure or activity for farm experience premises or farm gate premises must be located:
 - i. a minimum of 250 metres from residential accommodation on adjacent land or on land that is separated from the landholding by a road
 - ii. a minimum of 50 metres from a property boundary or road
 - iii. a minimum of 50 metres from a waterway
 - iv. a minimum of 250 metres from a boundary for land used for the purpose of forestry, intensive livestock agriculture, intensive plant agriculture, mines, extractive industries, railway lines or rural industries.
- 4) Amplified noise from farm gate premises and / or farm experience premises must be no more than 5dB above background noise at the property boundary of the closest residential dwelling.
- 5) Landscaping should be used to minimise the physical and visual dominance of development for farm gate premises or farm experience premises, including any car parking and vehicle circulation areas, and should include plants native to the local area.

E.6 Restaurants, Functions Centres in Rural Zones

BLEP 2012 defines:

Function centre as a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres but does not include an entertainment facility.

Restaurant or café as a building or place the principal purpose of which is the preparation and serving, in a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

E.6.1 Objectives

- 1) To enable restaurants, function centres to be developed in conjunction with agricultural uses and rural industry.

E.6.2 Controls

Restaurants, cafes and function centres:

- 1) Must be integrated with the agricultural use of the land and/or rural industries on the site.
- 2) Any proposed buildings must be sited within a 250-metre radius from the principal dwelling-house.
- 3) The building design and materials should complement and integrate with the existing landscape including scenic values.
- 4) Landscaping should be used to minimise the physical and visual dominance of development for restaurants and function centres, including any car parking and vehicle circulation areas, and should include plants native to the local area.

E.7 Roadside Stalls and Cellar Door Premises

Roadside stall means a place or temporary structure used for the retail sale of agricultural produce or hand-crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note. See Clause 5.4 of BLEP 2012 for controls relating to the gross floor area of roadside stalls.

*Note: This definition/section does **not** cover mobile stalls and sale of produce/goods on or adjacent to a public road. You may require a Section 68 application to Council for these uses.*

Cellar door premise as a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

E.7.1 Objectives

- 1) To allow produce grown locally to be marketed locally on or adjacent to agricultural holdings associated with produce growing.
- 2) To ensure that roadside stalls are located on private land so there is safe access and egress from the nearest public road and sufficient parking to avoid any significant conflicts with traffic on the public road.
- 3) The design of any roadside stall should be in keeping with the rural and landscape character of the area.

E.7.2 Controls

- 1) The building or place used for the roadside sales must be located on the holding from which the produce originates and sited wholly within its boundaries.
- 2) The building design for the roadside stall must be in keeping with the rural character.
- 3) All roadside stalls selling produce for human consumption must comply with the requirements of the *Australia New Zealand Food Standards Code* and must be kept clean and tidy at all times.
- 4) They must be located in a manner that allows safe turning in and out of the property.
- 5) All parking must be on-site (off road reserve).
- 6) Any proposed signage should be kept to a minimum and must comply with the requirements for Advertising & Signage in this DCP and (*SEPP Industry and Housing 2021*), one (1) designed advertising sign within the property boundary is deemed to provide effective identification of the roadside stall.
- 7) The requirements of the NSW for Transport must be complied with where the roadside stall is adjacent to or requires access from a classified road.

E.8 Intensive Agriculture

Intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following: (a) dairies (restricted), (b) feedlots, (c) piggeries, and (d) poultry farms, but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

Intensive plant agriculture means any of the following: (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops), (b) horticulture, (c) turf farming, (d) viticulture.

E.8.1 Objectives

- 1) To promote intensive agricultural development in appropriate locations.
- 2) To minimise potential impacts upon surrounding properties and the environment.

E.8.2 Controls

- 1) Relevant industry guidelines must be followed in the design of intensive agricultural developments and will form an important part of Council's assessment of proposed developments.
Note: Refer to the NSW Department of Primary Industries document, preparing a development application for intensive agriculture in NSW when preparing a Development Application (DA).
- 2) Separation of intensive agricultural developments from existing off-farm dwellings should be based upon potential land use conflict investigations including, noise, odour, spray drift etc. and must prepare a Site (Analysis) Plan in accordance with site planning in **Part C –Commercial, Community and Industrial Development**.
- 3) Applications for development likely to generate noise, odour or other environmental nuisance within the buffers to a sensitive land use (see Buffers in **Part F – Environmental Management & Hazards**) must be accompanied by an assessment report *prepared* by a suitably qualified practitioner considering the environmental standards of the Department of Environment and Conservation. Consideration must be given to amelioration techniques and the location of existing surrounding rural dwellings in regard to prevailing winds.

Note: It is also relevant to consider other NSW Government legislation and policies including, but not limited to:

- 1) *Environmental Planning & Assessment Act 1979* which sets out thresholds and regulations for 'designated development' which includes, amongst others, some forms of intensive agriculture.
- 2) *State Environmental Planning Policy (Primary Production) 2021* ('SEPP Primary Production') which sets out Subdivision for the development of rural lands, sets sizes for cattle feedlots or piggeries which require development consent.

In addition, the Department of Primary Industries (DPI) has created relevant guidelines for the agricultural component including, but not limited to:

- 1) *Preparing a development application for intensive agriculture in NSW.*
- 2) Factsheet (December 2011) *Preparing intensive plant agriculture development applications.*
- 3) *Assessing intensive plant agriculture developments.*

- 4) *Planning for turf farms.*
- 5) *Factsheet (October 2011) Land Use Conflict Risk Assessment (LUCRA) Guide.*
- 6) *Guidelines for the development of controlled environment horticulture.*
- 7) *Better site selection for meat poultry developments; and*
- 8) *Agricultural Impact Statement technical notes.*

E.9 Temporary Events

Temporary events are a form of 'development' and, as such, may require development consent in accordance with *State Environmental Planning Policy (Temporary Structures) 2007*, **BLEP2012** (Clause 2.8), & this DCP. They include the erection of a temporary structure (which includes a booth, tent or other temporary enclosure – whether or not part of the booth, tent or enclosure is permanent – and also includes a mobile structure) or require the use of a building as an entertainment venue.

E.9.1 Objectives

To ensure that temporary events:

- 1) Do not have an unacceptable impact to the community or to the local environment; and
- 2) Have adequate public safety, health, and security contingencies in place.

E.9.2 Temporary Event Application

If Council requires a development application for a temporary event, then a Temporary Event Application must address the following information (either in the Statement of Environmental Effects or in a separate report):

- 1) Site plan providing the location of all structures, to scale with distances to boundaries, and any other relevant items to the application.
- 2) Description and plans addressing the following:
 - a) Description of event.
 - b) Date and times of event opening and closing & daily schedules.
 - c) Any temporary buildings or structures.
 - d) Date and times of set up/removal.
 - e) Details of music, amplification or other potential noise emissions.
 - f) Details of food sold/served/provided, including premises setup.
 - g) Details of parking, including owner's permission if off-site.
 - h) Details of amenities e.g. toilets and sewerage management.
 - i) Details of waste management including general garbage and recycling.
 - j) Power & water supply.
- 3) An assessment of any potential environmental impacts that may arise from the event including, but not limited to, vegetation removal, pedestrian and vehicle impacts, noise and odours, lights & fireworks, erosion and sediment control, signage etc.
- 4) Risk Assessment including emergency and security protocols that may include (where relevant) illegal drug use and alcohol abuse, removal of event patrons, liquor licencing emergency medical attention, unruly social behaviour, evacuation contingencies, and bad weather contingencies etc.
- 5) Noise mitigation measures including an assessment of the nearest residences and the likely noise levels and other likely impacts at the boundary of the property holding the event.

- 6) Review of traffic issues or Traffic Assessment/Plan that review the provision of parking, road access for 2WD vehicles, dust suppression measures on public roads and at the venue, and emergency escape routes (e.g. in a bushfire situation);
- 7) Relevant insurance documents, for example, public liability.
- 8) Site plans for all food stalls.
- 9) For large tents, stages and platforms:
 - a) Internal layout plan to scale.
 - b) Details of compliance with *NCC* – particularly with regards to structural adequacy, egress and fire safety.
 - c) Documentation that specifies the live/dead loads that the temporary structure is designed to meet.
 - d) A list of any proposed fire safety measures to be provided in connection with the use of the temporary structure,
 - e) Documentation describing any accredited building product or system sought to be relied on for the purposes of Section 4.55 of the Act;
 - f) Copies of any compliance certificates to be relied on.
- 10) Consultation, if required, with key emergency services such as the NSW Ambulance Service, Rural Fires Service; NSW Police; Transport for NSW, electricity authority, etc. where these services may be used or form part of an emergency response for the event or where permits are required.
- 11) Other Approvals that may be required:
 - a) Road closures will require approval under Section 138 of the *Roads Act 1993* from Council.
 - b) Events involving sale of liquor require an approved licence from the Office of Liquor & Gaming NSW and may be subject to approval of NSW Policy and Council.
 - c) Events involving fireworks require approvals from NSW WorkSafe Authority.
 - d) Events involving Amusement Devices require separate approval under Section 68 of the *Local Government Act 1993* (that can be addressed at the same time as the Development Application).

E.10 Extractive Industries & Mining

This section should be read in conjunction with Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* with respect to Designated Development – Extractive Industries and *State Environmental Planning Policy (Resources and Energy) 2021*.

In the event that the proposed extractive industry is not determined as a major project by the Minister for Planning under *State Environmental Planning Policy (Resources and Energy) 2021*, the formal development consent for the proposal will be required to be obtained from Council, as the relevant consent authority. In the event that the proposal is classified as a Designated Development – Extractive Industries under Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*, the preparation of an Environmental Impact Statement (EIS) will be required instead of a normal Statement of Environmental Effects (SEE).

Extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunneling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming, as outlined in the **BLEP2012**.

Mining means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

- a) the construction, operation and decommissioning of associated works, and
- b) the rehabilitation of land affected by mining, as outlined in the **BLEP2012**.

E.10.1 Objectives

- 1) To ensure that development does not adversely impact on areas of landscaping and conservation value.
- 2) To ensure that development is designed to minimise risks associated with geotechnical hazards.
- 3) To provide an effective barrier between quarrying and mining operations and other sensitive land uses.
- 4) To maintain the character and amenity of existing rural land uses.
- 5) To facilitate mining and extractive industries in suitable locations that facilitate employment and the local economy.
- 6) To ensure development accords with best-practice operations and management.

E.10.2 Controls

- 1) The preparation of a traffic impact assessment report (i.e. prepared by a suitably qualified and experienced traffic engineer) will be required and must address the following (but is not limited to):
 - a) Estimated average and maximum hourly, daily and weekly truck movements, based upon the truck type and size proposed for the operation.
 - b) Proposed truck routes (for both laden and unladen trucks) and possible alternative routes or other alternative transport modes such a rail transport.
 - c) The physical condition of existing roads and / or bridges on the proposed truck routes to / from the site and any proposals to upgrade public or private roads to reduce dust and other impacts.
 - d) The traffic generation impact of both laden and unladen truck movements along the proposed truck routes to / from the site.
 - e) Potential road safety impacts upon other road users arising from the additional truck movements occurring along the proposed truck routes to / from the site; and
 - f) Assessment of sight distances for trucks entering / exiting the site and at other key intersections along the proposed truck routes to / from the site.
- 2) Applications for mining or extractive industry activities must address the following matters and identify proposed mitigation measures where adverse impacts are identified:
 - a) Efficient and safe movement of the extractive material from the source of supply to the end user.
 - b) Noise, dust and vibration abatement measures including any blasting or explosive use.
 - c) Visual impact assessment with particular reference to major roads, tourist routes / interest points and surrounding properties / structures.
 - d) Drainage implications including surface and groundwater impacts.
 - e) Rehabilitation of the site including materials, staging, source materials, re-contouring, replacement of topsoil, screen planting and vegetation.
 - f) Management techniques to address potential conflict with surrounding land uses and protection of environmental attributes; Any other assessment Council may require including heritage assessments, contaminated land assessments, ecological assessments and acid sulphate soil assessments.

E.11 Renewable Energy Development (Or Solar Farms and Wind Farms)

BLEP 2012 defines:

electricity generating works means a building or place used for the purpose of—

- (a) making or generating electricity, or
- (b) electricity storage.

The State Environmental Planning Policy (Transport & Infrastructure) 2021 defines:

Solar energy system means any of the following systems—

- (a) a photovoltaic electricity generating system used for the primary purpose of generating electricity for a land use—
 - (i) carried out on the land on which the system is located, or
 - (ii) carried out by the owner of the system on adjoining land,
- (b) a solar hot water system,
- (c) a solar air heating system.

Renewable Energy Projects that do not achieve the provisions of exempt or complying development under the State Environmental Planning Policy (Transport & Infrastructure) 2021 requires development consent. Depending on the scale, a proposal may also be Regionally Significant Development or State Significant Development.

This section acknowledges provisions developed in DCP's in other Local Government areas.

E.11.1 Objectives of this Section

- 1) To encourage renewable energy projects in areas that are appropriate for that site, whilst avoiding or mitigating against any potential land use conflicts with neighbouring properties, the natural environment and/or rural and residential amenity.
- 2) To ensure that facilities are designed and constructed so as to maintain rural character and amenity, productive agricultural use of land and environmental values.
- 3) To ensure that there is no unreasonable interference with the comfort or use of adjoining land.
- 4) To ensure that impacts on agricultural land is properly considered.
- 5) To ensure impacts on farming operations, both on the land subject of the proposal, and other operations in the vicinity are considered.
- 6) To ensure that adequate provisions are made to restore developed land at the end of the life of the development.

E.11.2 Controls

- 1) Lodgement: The application is supported by a Statement of

Environmental Effects (SoEE) or other relevant documents¹ that address all relevant legislation and applicable policies including the following matters:

- a) The location of the property, land contours, boundary dimensions and site area including:
 - i) Topographic map of 1:25,000 scale showing the location of the solar/wind farm;
 - ii) The route of transmission lines to the electricity grid;
 - iii) The service roads on and to the site; and
 - iv) The proximity to significant features such as main townships or villages, main roads, other solar farm developments, dwellings, environmentally and visually sensitive land, watercourses or drainage lines, crop and pasture land, forests, national parks, heritage items or conservation areas.
- b) A Site Plan or plans showing the position of the proposed solar panel arrays or wind turbines, inverters, battery storages and all construction facilities from site boundaries, the land contours, native vegetation to be removed or retained, the proposed vehicular access points, the location and uses of all existing and proposed buildings, power lines, sub-station and fences on the land. **(NB – Council does not support projects being within 1000 metres of residentially zoned land or projects greater than 2 MW in capacity being situated within 500 metres of each other)**
- c) A description of the proposed solar arrays or wind turbine(s) including all relevant design details such as number, dimensions, generation capacity, overall height once mounted, rotational information and materials / colour (including for solar arrays if mirror or lenses are proposed). This may also be supported by an Elevation Plan; or
- d) Management of temporary facilities, waste, numbers of contractors/employees, etc.
- e) Details of the proposed connection to the electricity reticulation network.
- f) A Land Use Conflict Risk Assessment (LUCRA) shall be prepared in accordance with the *Land Use Conflict Risk Assessment Guide* produced by the NSW Department of Primary
- g) A Noise Assessment demonstrating compliance with the NSW Noise Policy for Industry 2017, Noise Construction Guidelines and any other NSW Acts, Rules or Regulations applicable to solar or farm noise including during construction and decommissioning (e.g., DECC (2012) NSW Wind Farm Guidelines).
- h) A Visual Impact Assessment should assess:
 - i) the visual impact of the project including an assessment of the development on the scenic value and character of the locality; and
 - ii) how the proposal will maintain the unique local character of the area, all significant vistas and also examine local community values towards key elements which form the identity

¹ Developments that constitute Designated Development require the preparation of an Environmental Impact Statement

of the area being impacted by the proposal; and

iii) infrastructure should be located in low visual impact locations and interconnection cables/wiring and the like should be underground.

- i) A Construction Program and Environmental Management Plan incorporating the proposed staging of the project, erosion and sedimentation controls, heavy vehicle movements, site access including all service roads, substation, underground wiring, construction phase impacts including facilities, waste disposal, staff/contractor numbers etc., weed control, farm impacts and all other works.
- j) A Workforce Management Plan including workforce accommodation considerations are detailed in the application for the construction and operation phases of the project.
- k) A Traffic Assessment that details the impact of construction vehicles on the proposed route having regard to public safety especially school bus hours and citizens' peak hour travel to work. Detailed road condition reports will be required as part of any consent.
- l) A Flora & Fauna Assessment (where relevant) with specific mention of migratory species potentially impacted by the development. Where the development is in close proximity to known habitats of threatened species (Flora or Fauna), early consultation with the Office of Environment and Heritage is highly recommended.
- m) A Decommissioning & Site Restoration Plan should be included that provides measures to remediate the land in accordance with SEPP No 55 – Remediation of Land along with details of appropriate disposal methods for all infrastructure and disposal/recycling of materials.
- n) Details of Consultation with all State Agencies and how any feedback has been addressed (e.g., CASA for aviation safety, DPI Water for water impacts, OEH for flora and fauna impacts; AAA for aerial agriculture implications etc.).
- o) A Statement of Heritage Impact (where DCP Chapter G – Heritage applies).
- p) Additional information may be required depending upon the circumstances of the development proposal and level of detail, and accuracy provided within the development application.

2) Lodgement (for Solar Farms only):

- a) A Preliminary Risk Screening in accordance with SEPP No. 33 – Hazardous and Offensive Development shall be included, particularly if battery storage is proposed onsite. If the proposal is deemed “potentially hazardous”, a Preliminary Hazard Analysis (PHA) shall be prepared and submitted with mitigation measures to manage the risks including but not limited to spontaneous ignition, bushfire and electro-magnetic fields in accordance with relevant Australian Guidelines.

b) A Glint and Glare Assessment, including full details on night lighting shall be submitted with the DA.

3) Lodgement (for Wind Farms only):

a) The Noise Assessment (mentioned above) shall also detail proposed monitoring program(s) for full spectrum noise testing (including low frequency sound and infrasound) to validate predicted noise impacts on neighbouring properties. The impact of The Van Den Berg effect (i.e., the effects of the wind profile at night on wind turbine sound) is also to be specified.

b) An Electromagnetic Radiation Study including interference from the wind turbines and/or transmission lines. This should include impacts on human and animal health, emergency services, RFS, Police, Ambulance etc. and local television and radio reception and other local communications.

c) A Communications Study should identify the existing status of communications and detail the proposed method of dealing with potential communication interference. The development should not detract from the reception of radio, TV, internet or other communication methods. Where necessary, it may be required to install additional services (boosters/communication towers/ re-transmission towers etc.) to maintain such services in the vicinity of the development. Where this is determined to be necessary, the work and equipment shall be at the developers cost.

4) Design (Solar & Wind): The following are included as part of the design criteria and assessment of any related development application:

a) The development should be sited and carried out to minimise impacts on, or restrictions to grazing, farming, residential, tourism, business and forestry practices.

b) The development should be carried out in a way that minimises any physical adverse effects on adjoining land and the development site, including, but not limited to:

i) land degradation;

ii) native vegetation loss;

iii) alteration to drainage patterns;

iv) pollution of surface and ground water;

v) spread of noxious plants and animals; and

vi) bushfire hazard.

c) The applicant should assess the cumulative impact of the development having regard to solar energy or wind farms already built and those approved but not yet constructed within 10km of the Site. Council does not favour large expanses of land being covered with solar

energy or wind farms where there is significant cumulative impact. (NB – Council does not support projects being within 1000 metres of residentially zoned land or projects greater than 2 MW in capacity being situated within 500 metres of each other)

d) Proposed solar farms should consider the NSW Department of Planning and Environment Solar Energy Guidelines, NSW Noise Policy for Industry and any other NSW Acts, Rules or Regulations applicable to solar energy farms.

e) Proposed wind farms should comply with the NSW Wind farm Guidelines and any other NSW Acts, Rules or Regulations applicable to wind farm noise. Note that where noise levels are found to exceed those guidelines, Council shall require remediation work and may require the cessation or decommissioning of the turbines to reduce the noise impacts on sensitive receptors such as non-related dwellings.

5) Design (Solar Energy Farms):

a) Where the proposal is located within a 5km radius from main townships and villages, the proposal demonstrates that it will not impact on the scenic value and character of the locality. *(NB – Council does not support projects being within 1000 metres of residentially zoned land or projects greater than 2 MW in capacity being situated within 500 metres of each other)*

b) Solar Energy Farms should not be located within 200m of any dwelling not associated with the development or from any lot upon which a dwelling may be constructed unless they can demonstrate there are no significant impacts.

c) Solar Energy Farms should not be located within 100m from a formed Local Public Road or 200m from a Regional or State Road. A greater distance may be required by the road authority where visual impact mitigation is necessary.

d) Solar Energy Farms should not be located within 10m from a non-related property boundary; existing and proposed screenings may be used to minimise visual impacts to non-related properties. However, screening is not the only preferred method of minimising visual impact. Solar arrays shall be located in positions so as to have minimal visual impact on nearby properties, especially existing dwellings and lots on which dwellings may be constructed.

6) Design (Wind Farms):

a) Turbines shall not be located within 5km of any dwelling not associated with the development or from any lot upon which a dwelling may be constructed. The 5km setback proposes utilising a precautionary principle in addressing perceived visual, noise and health concerns;

b) Turbines shall not be located within a distance two times the height of the turbine (including the tip of the blade) from a formed public road. A greater distance may be required by the road authority;

c) Turbines shall not be located within a distance 2km from a non-related property boundary;

d) Existing and proposed screenings may be used to minimise visual impacts to non-related properties. However, due to the height of turbines, screening is not the preferred method of minimising visual impact. Turbines shall be located in positions so as to have minimal visual impact on nearby properties, especially existing dwellings and lots on which dwellings may be constructed;

e) Turbine locations are to be sensitive to existing related dwellings on the subject site. Noise and shadow flicker should be minimised and turbines should not be located in close proximity to existing dwellings;

f) Turbine locations shall not surround a non-related property. Turbines shall be located with the specified setbacks from property boundaries to minimise the visual impact of the development on adjacent and nearby non-related property. Cumulative impacts, having regard to existing turbines, turbines approved but yet to be constructed, those for which a Development Application has been lodged with a planning authority and those for which written licenses have been granted to a developer for wind farm assessment purposes should be assessed

Part F

Environmental Management

& Hazards



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F1 Introduction

A range of environmental constraints and opportunities exist and affect human activities and development across the Blayney Local Government Area (LGA). Any proposal should demonstrate how the development will address these opportunities and constraints to ensure that:

- a) The impact on key ecological systems and environmentally sensitive areas is minimised.
- b) The development will be protected from natural hazards and human-caused impacts; and
- c) The design responds to the environment and character of the site and surrounds.

Environmental hazards can include but are not limited to flooding and stormwater management, bushfire, contamination and naturally occurring asbestos, noise and vibration, odour and a need to provide buffers between sensitive and higher impact land uses.

Environmental management can include but is not limited to protection and enhancement of significant vegetation and biodiversity, riparian lands and watercourses, drinking water catchments, groundwater systems, and land and soil-related issues.

TO FIND OUT IF YOUR LAND IS AFFECTED BY THESE CLAUSES, please:

- a) Go to the NSW Planning Portal on the internet at www.planningportal.nsw.gov.au;
- b) Click on **FIND A PROPERTY** and insert the address of the relevant property.
- c) Find the Section entitled **PLANNING LAYERS ASSOCIATED WITH PROPERTY**.
- d) Click on the relevant layer in the following list and it will provide a short description of the layer as well as a map of the layer in the **PLANNING VIEWER**:
 - **FLOOD PLANNING**
 - **TERRESTRIAL BIODIVERSITY**
 - **RIPARIAN LANDS AND WATERCOURSES**
 - **GROUNDWATER VULNERABILITY**
 - **DRINKING WATER CATCHMENT**
 - **BUSHFIRE PRONE LANDS**

Please come to Council's offices if you wish to view these maps or seek written confirmation from Council officers.

F2 Buffers to Sensitive Land Uses

F2.1 Application of this Section

This Section applies to a proposed development in Blayney LGA where:

- 1) A **sensitive land use** is proposed within the buffer distances to an existing or likely **higher impact land use** or an industrial zone; or
- 2) A **higher impact land use** is proposed within the buffer distances to an existing or likely future **sensitive land use**,

in accordance with the recommended buffers set out this clause and/or **Clause 6.7 – Development within a designated buffer area** in **BLEP2012** (400m from a Waste Depot or Sewage Treatment Plant).

A '**higher impact land use**' may include, but is not limited to:

- a) Extractive industries and mining.
- b) Most industrial uses except light industry and high technology industry that by definition have no significant impacts.
- c) Commercial uses that may produce significant dust, noise, odour or traffic generation.
- d) Recreation uses that may produce significant dust, noise, odour or traffic generation.
- e) Intensive agricultural uses (taking into account the 'right to farm' – see below).
- f) Other uses that, at the discretion of Council, would be expected to produce significant impacts on a **sensitive land use** within 500m of that use.

'**Buffer**' or '**Buffer Area**' means an area of prescribed width between adjoining land uses or development that is created for the purpose of mitigating the impacts of one or more of those land uses, and in which the carrying out of certain development is restricted.

'**Sensitive land use**' is any land use where there are users that are likely to be significantly and regularly affected by emissions from other higher-impact land uses. It extends beyond residential land uses to include, for example, tourist and visitor accommodation, hospitals, aged care and seniors living, childcare facilities, playground and recreation areas, and some public buildings where a reasonable level of amenity (suitable for each use) must be protected.

F2.2 Objectives of this Section

- 1) To incorporate appropriate buffers or setbacks between **sensitive land uses** (or zones that may support those **sensitive land uses**) and **higher impact land uses** (or zones that may support those uses) to avoid or mitigate against that impact.
- 2) To promote economic certainty by ensuring that **higher impact land uses** are located so as to allow their ongoing operation and future expansion with minimal risk of constraints due to impacts on neighbouring **sensitive land uses**.

F2.3 Noise & Vibration

- 1) Where any proposed development is likely to:
 - a) Generate significant noise and/or vibration that may impact on existing **sensitive land uses** in reasonable proximity to the development site; or
 - b) Be significantly impacted by potential noise and/or vibration from an existing (or future expanded) development or infrastructure (including a state/regional road or railway line),

then the applicant may be required to lodge a **Noise (and/or Vibration) Assessment** (prepared by a suitably qualified acoustic consultant) that demonstrates how the proposed development has been located, designed, and/or managed to avoid or mitigate those impacts to/from the proposed development in accordance with the relevant guidelines.
- 2) The design or construction of building(s) or areas that may emit significant noise should consider:
 - a) Location, proximity, and buffers to protect **sensitive land uses**.
 - b) Terrain and amplification/direction of noise.
 - c) Background noise levels.
 - d) Enclosure of noisy area(s) and suitable acoustic insulation.
 - e) Avoidance of opening(s) of enclosed noisy area(s) towards **sensitive land uses** that may direct noise to a **sensitive land use**.
 - f) Suitable hours of operation and transport movement, loading/unloading etc.
 - g) Any other factor that would exacerbate likely noise.
- 3) Any **Noise (and/or Vibration) Assessment** relating to development near an existing state or regional road or railway line should address the requirements of *State Environmental Planning Policy (Transport and Infrastructure) 2021* and the *NSW Department of Planning (2008) Development near Rail Corridors and Busy Roads – Interim Guideline*.
- 4) Any **Noise Assessment** involving a noise source set out in the *Protection of the Environment Operations Act 1997* must address the requirements (where relevant) of the *NSW Noise Policy for Industry (2017)* (see <https://www.epa.nsw.gov.au/Your-environment/Noise/industrial-noise/Noise-Policy-for-Industry-%282017%29>).
- 5) Any **Noise (and/or Vibration) Assessment** relating to an industrial land use (particularly an existing industrial use) within **Zone E4 General Industrial or E3 Productivity Support Zone E1 Local Centre** should consider the economic importance of facilitating industrial and business development in those zones.

Note: The *Protection of the Environment Operations Act 1997* and *Regulations* provide limitations to emissions from development and the applicant may need to seek a separate approval under this legislation.

F2.4 Odour & Dust

*In addition to general odour and dust requirements, this clause seeks to clarify the application of **Clause 6.7 – Development within a designated buffer area in BLEP2012** that applies to development in proximity to an existing sewage treatment plant (STP) or waste depot.*

- 1) Where any proposed development is likely to:
 - a) Generate significant odour that may impact on existing **sensitive land uses** in reasonable proximity to the development site; or
 - b) Be significantly impacted by potential odour from an existing (or future expanded) development or infrastructure (including a state / regional road or railway line); or
 - c) Where any proposed development occurs on land identified as '**Sewage Treatment Plant and Waste Depot Buffer**' on the **Sewage Treatment Plant and Waste Depot Buffer Map** (i.e. within 400m of the boundary of these facilities),
 then Council may require the applicant to lodge an **Odour and/or Dust Assessment** (prepared by a suitably qualified consultant in accordance with Council's *Development and Building Guide*) that demonstrates how the proposed development has been located, designed, and/or managed to avoid or mitigate those impacts to/from the proposed development in accordance with the relevant guidelines.
- 2) The **Odour and/or Dust Assessment** should demonstrate how odour and/or dust will be managed on the proposed development site to avoid any adverse impact on the development and/or surrounding land uses (whichever is relevant). This should be prepared by a suitably qualified consultant in accordance with the relevant guidelines.
- 3) Vehicle entry, exits, loading, unloading and internal manoeuvring areas should be sealed or have a surface agreed with Council's engineers to minimise the emission of dust from trafficable surfaces for uses that have higher traffic generation or close proximity to **sensitive land uses**.

F2.5 On-Site Effluent Disposal

- 1) 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 (taking into account the proposed use and its likely liquid waste / effluent production) without impacting on development on the subject lot, neighbouring lots or surface or ground water systems, and don't require excessive vegetation removal.

On-site sewage management facilities must be either:

- a) Located on land at or above the Flood Planning Level (FPL); or
- b) Sited and designed (demonstrated in a Geotechnical (Effluent) Report) to withstand known or likely flooding conditions (including consideration of structural adequacy, avoidance of inundation and flushing/leaking of effluent into flowing flood waters).

Any on-site sewage systems that disperse only partly treated effluent to the natural environment (including standard septic absorption trench systems) are *generally* not permitted on land below the **Flood Planning Level (FPL)**. See **Part F4 – Flood** for more details.

- 2) 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:
 - a) The *Onsite Wastewater Management Guidelines 2025*.
 - b) *Australian Standard 1547 – On-site domestic wastewater management* (as amended); and
- 3) 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 *Development and Building Guide*, *Australian Standard AS1547*, and relevant NSW Government policy.
- 4) On lots with an area less than 2,000m² the nominated effluent disposal areas must allow for:
 - a) Suitable areas for dwellings and outbuildings, access, open space, and buffers to adjoining lots and watercourses; and
 - b) A 'reserve area' at least equivalent in size to the nominated effluent disposal area that is recommended for disposal in the supporting **Geo-technical (Effluent) Report**.

Note: The 'reserve area' is intended to allow a secondary disposal area to be constructed if the primary disposal area fails which is common in some villages.
- 5) Any water for reuse-use must be treated in accordance with the relevant NSW Health Guidelines and any other relevant Australian Standards using certified systems.

F2.6 Buffers to Sensitive Land Uses

Proposed development should consider the recommended buffers between potentially higher impact land uses and **sensitive land uses** set out in the tables below. Where the recommended buffers cannot be met then the applicant must demonstrate/address:

- 1) Why an alternative available site would not be more suitable for the proposed development.
- 2) What mechanisms will be utilised to minimise or mitigate any impacts to/from the proposed development.
- 3) How the proposed development will meet the objectives of this Section and the proposed land use.

LAND USE / SEPARATION (metres)	Residential & Urban Dev.	Rural Dwellings	Education Facilities	Rural Tourist Accommodation	Property Boundary
<i>These may be subject to further assessment in accordance with NSW Government Guidelines.</i>					
<i>Other buffers or setbacks may apply under other legislation or policies for items such as: Utilities; Airports; Rifle ranges; Bushfire protection; and Heritage.</i>					
Piggeries, feedlots, poultry sheds & waste storage					
> 500 Pigs/Cattle Feedlot	500	400	1000	400	100
≤ 500 Pigs/Cattle Feedlot/Poultry Farms	300	200	500	200	20
Dairies & Waste Utilisation Area(s)	500	250	250	250	20
Other intensive livestock operations	500	300	500	300	100
Intensive plant agriculture and horticulture (where significant spraying is used or it is sensitive to sprays)	50 if a vegetated buffer of minimum 30m is provided 100 if no vegetated buffer (notification as per <i>Pesticides Act</i>)				N/A
Rural industries (incl. sawmills & grain mills)	1000	500	500	500	50
Abattoirs	1000	800	1000	800	100
Potentially hazardous or offensive industry or hazardous storage establishment	1000	1000	1000	1000	100
Heavy industry (other than hazardous/offensive industry)	800	500	1000	500	N/A
Mining & extractive industries	500 or 1000 if it involves blasting				N/A

LAND USE / SEPARATION (metres)

These may be subject to further assessment in accordance with NSW Government Guidelines.

Other buffers or setbacks may apply under other legislation or policies for items such as: Utilities; Airports; Rifle ranges; Bushfire protection; and Heritage.

Animal Boarding & Training Establishments

Residential & Urban Dev.	Rural Dwellings	Education Facilities	Rural Tourist Accommodation	Property Boundary
500 to another off-site dwelling and 200 to a property boundary				N/A

Source: The above table is adapted/modified from the NSW Department of Primary Industries publication entitled 'Living and Working in Rural Areas – A handbook for managing land use conflict issues on the NSW North Coast' (www.dpi.nsw.gov.au) and provides guidelines for buffers for some **sensitive land uses** (top row) from some relevant primary & extractive industries, environmentally sensitive areas, and other land uses (left column) in metres (m).

F2.7 Buffers & Landscaping

Any buffers or setbacks should incorporate or be capable of incorporating sufficient landscaping / tree plantings (or other mechanism where appropriate) to minimise or mitigate any impacts from adjacent land uses without increasing the bushfire threat to any existing or proposed buildings.

Note: Blayney Shire Council acknowledges that one method for reducing land use conflict is to incorporate significant landscaping and trees into buffer areas to create a barrier to views, dust, and some other impacts (not including noise). The issues with landscaping include:

- It is difficult to specify landscaping that will actually provide a buffer for all impacts.
- Landscaping requires ongoing irrigation and maintenance to achieve the desired outcomes and Council is not well-placed to provide ongoing enforcement.
- Additional landscaping, in certain circumstances can increase bushfire risk to existing or proposed buildings.
- Changes in ownership or land use may require different landscaping approaches.

Where required, landscape plantings will form part of the conditions of consent by Council. However, by providing the required buffers/setbacks it allows for the individual owners to utilise landscaping to minimise or mitigate impacts.

F2.8 Agriculture & Right to Farm

Any **sensitive land uses**/development (or subdivision that supports those **sensitive land uses**) that has a boundary with rural zoned land, should seek to incorporate buffers or setbacks to that rural land to enable the rural land to be used for standard agricultural practices to the fullest agricultural potential of that land (taking into account the recommended buffers set out in the clause entitled '**Buffers to Sensitive Land Uses**' above).

Note: Blayney Shire Council recognises the importance of agriculture and primary production to the economy of the Shire and its rural community. For this reason, Council supports the 'right to farm' (in accordance with NSW Government Policy at www.dpi.nsw.gov.au) on rural land including existing agricultural practices or potential future increases in intensity of

agricultural practices. This means that agricultural activities MAY have priority over **sensitive land uses** as set out in that policy.

F3 Stormwater & Drainage

F3.1 Application of this Section

This Section applies to:

- a) All proposed development in **Blayney LGA** where **Clause 6.2 Stormwater Management in BLEP2012** applies (residential, business and industrial zones); and
- b) Any other areas where the proposed development would significantly modify hardstand, roof catchment or drainage areas and Council would require a **Soil & Water Management Plan**.

F3.2 Objectives of this Section

To ensure that stormwater and drainage systems:

- a) Address the objective of **Clause 6.2 Stormwater Management** of **BLEP2012**.
- b) Will not significantly alter and/or worsen pre-development stormwater patterns and flow regimes.
- c) Will convey stormwater to receiving waters with minimal damage, danger and nuisance.
- d) Maintain the water quality of receiving waters.
- e) Stabilise landform and control erosion.
- f) Maximise the potential for water infiltration and minimise overland flows.
- g) Protect proposed or likely building areas from erosion and stormwater damage; and
- h) Consider water retention/detention and re-use (where relevant).

F3.3 Stormwater Management

- 1) If a **Soil and Water Management Plan** is required, then it must demonstrate / address the matters set out below (where relevant).
- 2) For all areas (both urban and rural) development must ensure stormwater management:
 - a) Is in accordance with Council's Guidelines for Engineering Works (as amended).
 - b) Does not result in any concentration of flows to adjoining properties.
 - c) Is designed to optimise the interception, retention and removal of water-borne pollutants and sediment prior to their discharge to receiving waters.
- 3) For urban areas (**Zone R1, RU5, E1, E3, E4 and Zone R5 Large Lot Residential** attached to towns/villages where lots < 1 ha in area) development must ensure stormwater management:

- a) Is designed to flow to Council's stormwater system, inter-allotment drainage easement, or other legal point of discharge.
- b) Where there is likely to be significant site coverage by buildings and hardstand areas, that the post-development run-off from the development site:
 - i) will not exceed the run-off from the site during its pre-developed states.
 - ii) does not significantly alter pre-development stormwater patterns and flow regimes or cause unacceptable environmental damage in existing watercourses or receiving waters.
- c) For development of larger sites where the downstream hydraulic capacity of one or more components in a drainage system is inadequate for the design flow and/or where economically feasible, Council may require the design to incorporate some or all of the following:
 - i) Onsite stormwater retention and/or detention devices.
 - ii) Water quality treatment devices; and or
 - iii) Water re-use, to manage stormwater on the site and improve water quality outcomes when discharging to the natural environment in accordance with recognised *Water Sensitive Urban Design* principles.

Note: *Inter-allotment drainage easements will be required for all allotments with a cross-fall where any significant portion of the allotment drains through an adjoining allotment, or where the allotment drains away from the street. Permission from any adjoining lots for the proposed easement will be required.*

Note: *Council may condition the requirement to upgrade part or all of the site frontage to the street (at the developer's cost) to include kerb and gutter (appropriate to the location).*

F4 Flooding

F4.1 Application of this Section

This Section shall apply to all land within the Blayney Local Government Area (LGA) to which **Clause 6.15.21 Flood planning** of *Blayney Local Environmental Plan 2012* ('BLEP2012') applies.

Note: *If your land may be affected by flood related controls we highly recommend that you seek advice from a Planning or Hydraulic (Flood) Consultant and/or a Council Officer as it is a complex issue.*

Council offers Pre-Lodgement Meetings to provide advice before you spend significant money on preparing detailed development application(s) or consultant reports.

Council may also undertake additional local flood studies to improve the understanding of flood behaviour across the Shire. Where new Flood Studies or Floodplain Risk Management Plans are adopted by Council, or where draft studies provide the best available flood information, this DCP shall be taken to apply that information in the assessment of development applications and will be updated accordingly to incorporate any adopted recommendations or flood planning controls.

**NB: At the time of writing, a Local Flood study and update of the riverine flood model is in progress for Blayney township, which will inform future updates to the Blayney Floodplain Risk Management Study & Plan and this DCP once adopted by Council.*

F4.2 Objectives

The objectives of this plan are:

- a) To provide detailed flood related development controls for the assessment of applications on land affected by floods in accordance with **Clause 6.15.21 – Flood Planning** in **BLEP2012**, the adopted *Floodplain Risk Management Study & Plan* ('FRMS&P') (as amended) and any relevant NSW Government Flood Policy;
- b) To promote awareness of potential flood risks associated with the use and development of land (including mapping of flood risk) and inform the community of Council's flood policy;
- c) To manage flood risk through appropriate development controls for development at or below the relevant **Flood Planning Level (FPL)**;
- d) To avoid detrimentally increasing the potential flood affectation on other development or adjacent properties by modifying flood characteristics;
- e) To avoid unduly sterilising land where flood compatible uses are appropriate and an appropriate floor level to minimise flood impacts can be achieved;
- f) To ensure construction methods and materials on flood liable land are compatible with flooding and flood conveyance;

- g) To ensure new development does not impose significant additional burdens on, or risk to, SES or other emergency personnel during flood emergencies.

F4.3 Background

F4.3.1 Why do we need Controls for Flooding?

Flooding is one of a number of natural hazards present in Blayney Shire that affects both safety and property/infrastructure and therefore needs to be taken into account when assessing new development.

The potential for significant flood risk to human life and property damage as well as strains on emergency resources during a flood event suggests that, where possible, development of flood prone land should be avoided, minimised, or carefully managed. Whilst it is possible to implement flood risk mitigation works to protect existing development this is often costly and has significant environment impacts. Some parts of the Shire are in the upper catchments and have little warning when flood events occur.

Many in the community may have experienced historic flooding events. However, historic events may not necessarily indicate the level or extent of future flood events that may be larger than historical floods. Factors that affect flooding may also change over time, so it is important that flood mapping and/or understanding is updated regularly.

Council is not in a position to fund or undertake a flood study of the entire Local Government Area (LGA) but will regularly seek funding to conduct studies based on risk and need. Often the onus will be on individual land owners to demonstrate that flooding can be addressed in accordance with this Plan.

The controls in this Plan seek to provide additional detail to support the flood planning control(s) in **BLEP2012** and to ensure that there is guidance both for Council and the Community with flexibility (where appropriate) to facilitate appropriate development in the Shire.

F4.3.2 Blayney Floodplain Risk Management Study & Plan (2016) ('FRMS&P')

In accordance with the NSW Government requirements, Blayney Council and Jacobs (consultants) have prepared a *Floodplain Risk Management Study & Plan* ('FRMS&P') for the Town of Blayney and surrounds (only) (adopted in 2016) that builds on the 2015 Flood Study by Jacobs. [An addendum to the FRMS&P was provided by Storm Consulting in 2022.](#) The FRMS&P has defined the **flood planning area** (or area at or below the **flood planning level**). This DCP seeks to implement and respond to the recommendations of that FRMS&P (as amended) for the Town of Blayney but also to ensure consistent controls for flood affected lands throughout the Shire.

F4.3.3 Relationship to other Planning Policies & Instruments

This Plan is to be read alongside the relevant controls in **BLEP2012**, Council's *Guidelines for Engineering Works*, the *Floodplain Risk Management Study and Floodplain Risk Management Plan* (2016, as amended) as well as other NSW Legislation, State Policies and Guidelines applying to flood liable land including, but not limited to (as amended):

- a) *Environmental Planning & Assessment Act 1979* and associated Regulations;
- b) NSW Government (20~~23~~05) ~~*Floodplain Development*~~*Flood Risk Management Manual* ('~~FDM2005~~' or the 'Manual');
- c) NSW Government (20~~23~~05) *Flood Prone Lands Policy*;
- d) ~~NSW Government (2007) *Flood Planning Guideline*~~*Risk Management Toolkit*;
- e) ~~NSW Government (2021) Section 9.1 Ministerial Direction No.4.~~
- e) ~~NSW Government Guideline on Development Controls on Low Flood Risk Areas;~~
- f) ~~NSW Government (2009) Section 117 Ministerial Direction No.4.3 (Issued 1 July 2009).~~

F4.3.4 Exempt & Complying Development

This DCP does not affect the requirements for development of land using the rules under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* ('Code SEPP'). However, the relevant flood mapping may determine which lots are 'flood control lots' (i.e. lots to which flood related development controls apply for certain uses) for the purpose of the Code SEPP and may determine the minimum floor level for certain development types.

Complying development cannot occur in a floodway, flood storage area, flow path or high hazard or high-risk area. See Clause 3.~~536C~~ (~~General~~ Housing Code), Clause 3A.38A (Rural Housing Code), Clause 5A.~~6K30~~ (~~Commercial & Industrial~~ *and Business Buildings Code*) (~~New Buildings and Additions~~) Code, or any other relevant section of the SEPP (as amended).

F4.4 Key Definitions

Flooding is a complex issue and flood controls include a lot of specific words and definitions that affect when and how flood controls operate. Where specific flood definitions are used in this Plan we have tried to highlight them in **BOLD**. When you see one of these **BOLD** words we suggest you read the **Key Definition Section** for that term. If you do not understand the flood definitions or controls please ask a Council officer for assistance.

Only key definitions used in this DCP are set out below. For an expanded list of definitions refer to the Glossary within the NSW Government's *Floodplain Development Manual* and/or Council's adopted *Floodplain Risk Management Study & Plan* (on Council's website).

Flood – General Terms

- **Catchment** is the land area draining through the main stream, as well as tributary systems, to a particular site. It always relates to an area above a specific location.

- **Flood** is the term for a relatively high stream flow which overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and/or **local overland flooding** associated with major drainage before entering a watercourse, and/or coastal inundation resulting from super-elevated sea levels and/or waves overtopping coastline defences excluding tsunamis.
- **Flood liable land** is synonymous with **flood prone land** and **floodplain** i.e. area of land which is subject to inundation by floods up to and including the **probable maximum flood** ('PMF') event. Note that the term **flood liable land** covers the whole floodplain, not just that part below the **Flood Planning Level**.
- **Probable Maximum Flood (PMF)** means the largest flood that could conceivably occur at a particular location; usually estimated from probable maximum precipitation, where applicable, snow melt, coupled with the worst flood producing catchment conditions. The **PMF** defines the extent of **flood prone land** that is the floodplain. Generally, it is not physically or economically possible to provide complete protection against this event. The average recurrence interval (ARI) for the PMF for Blayney is approximately 1 in 10,000,000 years [FRMS&P Appendix C].

Types of Flooding

Different types of flooding may affect your land. Most people recognise mainstream flooding but land can also be affected by overland flooding along natural drainage channels.

- **Mainstream flooding** is the inundation of normally dry land occurring when water overflows the natural or artificial banks of a stream, river, estuary, lake or dam.
- **Local overland flooding** is inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.
- **Overland flow path** is the path floodwaters can follow as they are conveyed towards the main flow channel or if they leave the confines of the main flow channel.
- **Major Overland Flowpath:** The FRMS&P defines a number of **Major Overland Flowpaths** (MOF) through the Town of Blayney that convey significant volumes of water to key watercourses.
- **Local Drainage** issues are typically caused by direct surface runoff, surcharges and overflows from low points in kerbs, or overflows from the stormwater drainage system. They involve shallow depths with little danger to personal safety. In the FRMS&P a distinction was made between local drainage and **Major Overland Flow** (MOF) and local drainage issues are not included in the Flood Planning Area.

Note: Historically the Town of Blayney has focussed on **mainstream flooding** along the Belubula River and Abattoir Creek. However, the FRMS&P demonstrates that in the Town of Blayney estimated flood damage by **overland flooding** is significantly worse than **mainstream flooding** and the majority of costs associated with flood damage are likely to be from residential dwellings (90-95% in each flood event up to the 0.5% AEP flood). This does not discount the commercial or industrial impacts or impacts on

infrastructure but suggests that the focus of development control for flood-affected lots has the maximum impact for residential properties.

Chance of a Flood

- **Annual Exceedance Probability (AEP)** is the chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage. For example, a 1% AEP flood has a 1% chance of occurring in any one year.

Note: Sometimes you will see flood documents refer to the **Annual Recurrence Interval ('ARI')** or a 1 in a 100-year flood. This is similar to a 1% AEP flood but AEP is the preferred term. It is important to understand that a 1% AEP flood does **not** mean that only one flood of that level would occur every 100 years. Instead, it is the chance in any year of a flood of that level occurring. It is also important to note that historical floods **may not** have reached or exceeded the 1% AEP flood level.

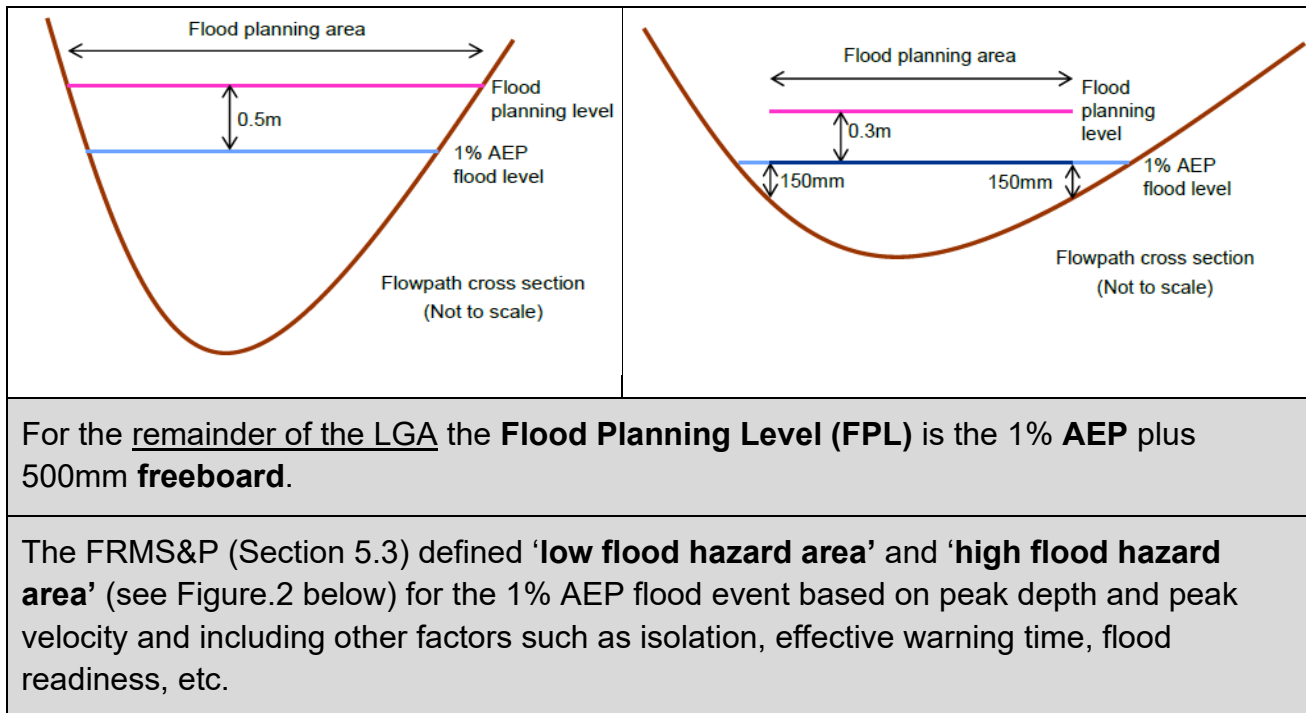
Flood Levels for Application of Planning Controls

- **Flood Planning Area (FPA)** is the area of land below the **Flood Planning Level ('FPL')** and thus subject to flood related development controls. The **FPA** is shown on the **Flood Planning Map** where Clause **6.15.21** of **BLEP2012** must be considered.
- **Flood Planning Levels (FPLs)** are the combinations of flood levels (derived from significant historical flood events or floods of specific **AEPs**) and freeboards selected for floodplain risk management purposes, as determined in management studies and incorporated in management plans.
- **Freeboard** provides reasonable certainty that the risk exposure selected in deciding on a particular flood chosen as the basis for the **FPL** is actually provided. It is a factor of safety typically used in relation to the setting of floor levels. **Freeboard** is included in the **FPL**.
- **Flood hazard** is the potential risk to life and property resulting from flooding. The level of hazard varies across the floodplain due to different flood conditions (such as depth, velocity, etc.).

In the Town of Blayney, the **Flood Planning Level (FPL)** is the 1% **AEP** plus either 500mm **freeboard** for **mainstream flooding** OR 300mm **freeboard** for **local overland flooding**.

MAINSTREAM FLOODING

OVERLAND FLOODING



General Terms

- **Australian Height Datum (AHD):** A common national surface level datum approximately corresponding to mean sea level.
- **Flood compatible materials:** Building materials that are resistant to damage when inundated by floodwaters.
- **Flood proofing:** A combination of measures incorporated in the design, construction and alteration of individual building and structures subject to flooding, to reduce or eliminate flood damages.
- **Gross floor area:** Is defined in **BLEP2012**.
- **Habitable room / floor area:** In a residential building a habitable room is a living or working area such as a lounge room, dining room, rumpus room, kitchen, bedroom or workroom. It does not include bathrooms or garages.
- **Reliable access:** The ability for people (pedestrians and vehicles) to safely access and evacuate an area defined as a maximum water depth of 300mm during certain flood events (see Matrix in Controls). Road type/construction must also be suitable for all weather 2WD access.
- **SES:** State Emergency Service of New South Wales.

F4.5 Development Categories

In the MATRIX of Development Controls in **Part G4F4.8.3** below it refers to different 'development categories'. Please ensure you consider which of these apply to your proposal. More than one category may apply. Please discuss with Council if you are unsure.

Subdivision

Subdivision includes the creation of new lots, consolidation of existing lots, or boundary adjustments between lots (see definition in Environmental Planning and Assessment Act 1979 (as amended)). There are two key categories of subdivision in the matrix below:

- a) Subdivision for '**sensitive development**' (see definition below), **residential accommodation** or **tourist and visitor accommodation** – these uses all have a residential component or are sensitive to flooding so it is more important to ensure building envelopes that are not affected by some floods;
- b) Subdivision for all other / non-residential uses (e.g. commercial, industrial subdivision) – these uses are more flexible with regards to addressing flooding.

New Residential Accommodation or Tourist and Visitor Accommodation

This Clause applies to any development defined in **BLEP2012** as '**residential accommodation**' that includes, but is not limited to dwelling houses, dual occupancies, multi-dwelling housing, boarding houses, seniors housing and residential flat buildings. (See next section for minor additions to / expansion of existing residential uses). Council may (at its discretion) also apply this control to permanent residential buildings for other quasi – residential types such as **tourist and visitor accommodation** including but not limited to bed and breakfasts or farm stays, hotels or motels, and serviced apartments and holiday lets (see **BLEP2012** for definitions).

Minor Additions to and Replacement of Existing Residential and Tourist and Visitor Accommodation

This category allows for minor additions (increase in floor area) to existing residential accommodation (or tourist and visitor accommodation) and replacement of residential accommodation where the existing floor level is below the **Flood Planning Level (FPL)** AND it is impractical or unreasonable to build up the additions to the FPL. Where there is no increase in floor areas and it is only alterations that do not affect flood behaviour then the flood controls do not apply.

Non-Residential Uses (including Commercial and Industrial Development)

This category is for non-residential uses. This may include land uses defined in **BLEP2012** as '**commercial premises**' (including business, office and retail premises), and industrial (heavy, general, or light industry or rural industry uses). Some community uses may use this category where they are not defined as sensitive or vulnerable (see below).

Sewerage Infrastructure

Sewerage infrastructure is a particular concern on flood prone lands because if the flood damages that infrastructure or an on-site sewage management system releases into flood waters then there is significant potential for contamination of the watercourse and environmental systems, the land affected by flooding, and risk to human health. Please see **Part EG2.5 On-Site Effluent Disposal** for the relevant controls.

Recreation, Outbuildings & Ancillary Development

This category includes buildings associated with recreational uses or ancillary or outbuildings associated with other uses. These will generally have a low impact on flooding as long as any sewage infrastructure or valuable goods/chemicals can be stored above the **Flood Planning Level (FPL)**. This category may include uses where flood risk to buildings or human life is less likely (e.g. non-habitable buildings associated with agriculture, forestry, extractive industries, recreation areas, plant nurseries, roadside stalls etc.).

'Sensitive' Development

'Sensitive' development includes 'vulnerable residential development', 'critical (emergency) facilities', 'critical utilities / infrastructure' or 'hazardous industries' where flooding has the potential to cause greater disruption, economic loss or injury/loss of life and these facilities need to be able to operate during all flood events. 'Sensitive' development includes a range of uses where:

- a) There is a need to continue to operate during and after flooding (e.g. emergency services and critical utility infrastructure);
- b) Users of that development may not be able to easily or independently move away from rising flood waters and this could place additional pressures on emergency services during a flood (e.g. aged care facilities / schools);
- c) The development stores goods/chemicals that could cause environmental damage if flooded; and
- d) The cost of flood damage is unacceptable to the community (e.g. schools / major infrastructure).

Council reserves the discretion to consider the merits of each application though, for example, this includes but is not limited to:

Vulnerable Residential Development & Critical Facilities

- Public buildings and places of assembly
- Aged Care, Hospices, Seniors Living, Group Homes, Housing for Aged or Disabled Persons
- Educational Establishments, Schools & Child Care Facilities
- Emergency Services facilities including Hospitals & medical / health facilities

Some larger forms of **tourist and visitor accommodation** (e.g. caravan parks or hotels/motels) may be **'sensitive development'** where larger numbers of users will have little knowledge of flood issues or responses and may require assistance to safely evacuate. For smaller developments such as B&Bs, farm stays and holiday-lets the residential controls are sufficient.

Critical Utilities & Hazardous Industries

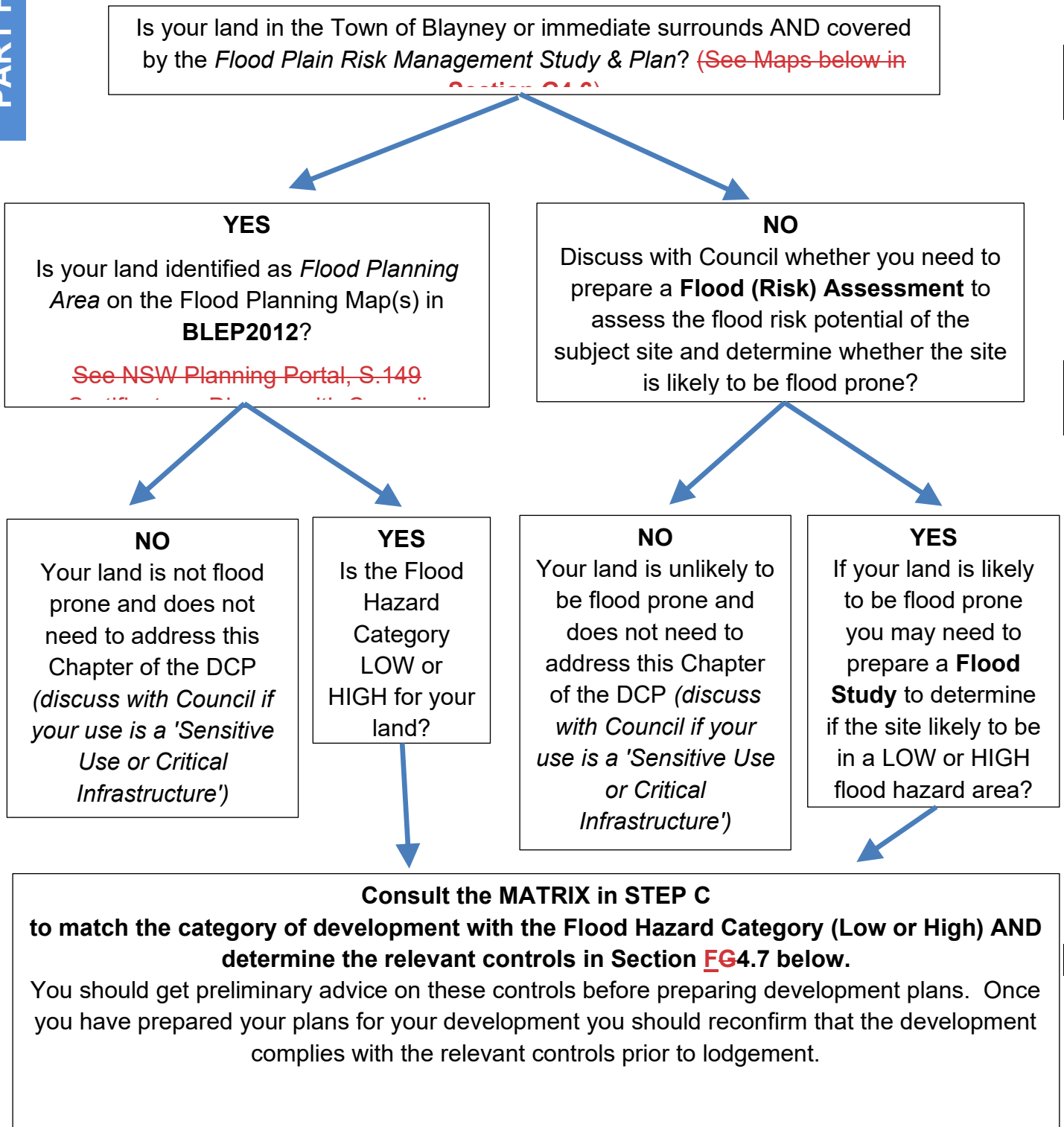
- Critical Utilities – Electricity substations, telecommunication facilities, sewerage treatment plants, water treatment plants

- Hazardous industry; Hazardous storage establishments or industries where flooding may result in significant contamination of watercourses/land during flooding.

F4.6 How to Use This Section

We have provided flow chart(s) below to assist in understanding when and how to use this Section. There are several key questions that need to be answered.

Note: *If your land is affected by flood related controls we highly recommend that you seek advice from a Planning or Hydraulic (Flood) Consultant and/or a Council Officer. Council offers Pre-Lodgement Meetings to provide advice before you spend significant money on preparing detailed development application(s) or consultant reports.*



F4.7 Does this Plan Apply to Your Site?

F4.7.1 Where is your Site?

Before seeking to apply the controls in this Plan to your Site it is necessary to ask the following questions:

a) WHERE IS YOUR SITE? WHAT IS ITS ADDRESS / TITLE (Lot & Deposited Plan Number)?

You can get these details from your rates notice from Council or from the NSW Planning Portal at www.planningportal.nsw.gov.au.

b) IS IT LIKELY TO BE AFFECTED BY FLOODING?

If your site is in the Town of Blayney or immediate surrounds then

GO TO SECTION ~~FG4.6.2~~ **BELOW**

to determine if your site is identified as being at or below the flood planning level.

If your site is outside the Town of Blayney and immediate surrounds then

GO TO SECTION ~~FG4.6.3~~ **BELOW**

to determine if your site is likely to be affected by flooding (at or below the flood planning level) and/or speak to Council.

F4.7.2 Town of Blayney & Immediate Surrounds

Identifying Land below the Flood Planning Level & Flood Hazard Category

If your site is in the Town of Blayney or immediate surrounds then you need to determine if the relevant site is within the **Flood Planning Area ('FPA')** on the **Flood Planning Map** in **BLEP2012** as follows:

- a) Look at ~~Figure.G1 at the end of this Section which is a copy of~~ the **Flood Planning Map** and see if your land is within the **Flood Planning Area**. This map is at a high scale so it may be difficult to tell if your land is close to the **Flood Planning Area** boundary; OR
- b) Go to the **NSW Planning Portal** at www.planningportal.nsw.gov.au.
 - Click on 'Find a Property' on the web page and enter the street address of the relevant site;
 - Select the site from the drop-down menu and it should bring up the 'Property Details';
 - Scroll down the 'Property Details' Section until you see the 'Planning Layers' heading;

- See if there is a 'Flood Planning' heading under the Planning Layers. If there is no heading then your property may not be within the Flood Planning Area but it is best to check with Council if you have any doubts);
 - Click on the circle next to 'Flood Planning' (if available) and the map above will change to show where the Flood Planning Area is in relation to your site. If 'Flood Planning' is not listed then your site is not affected by the Flood Planning Map; OR
- c) **Contact Council** if the above methods do not work for you or you have any doubts or questions. Verbal information from Council cannot be relied upon. The safest way to confirm if your land is within the Flood Planning Area is to seek a **Section 149-10.7 Certificate** ~~or a Flood Certificate~~ which will state if a site is affected by 'flood related development controls'.

If your land is NOT identified on the **Flood Planning Map** as being within a **Flood Planning Area** and you have confirmed with Council that there is unlikely to be a flood issue then you should note this in your application but do NOT need to address anything further).

Where your land IS identified on the **Flood Planning Map** as being within a **Flood Planning Area** then determine if ALL or only PART of the lot is affected and whether it would affect any part of the land where the proposed development will be located (or it can be moved to avoid the flood area).

What is the Flood Hazard Category in this Plan?

The **Flood Hazard Category** is important because different development activities can occur in different **flood hazard categories**. Please see the Key Definition Section for details. However, it is important to understand if your development is in a **HIGH HAZARD CATEGORY** or a **LOW HAZARD CATEGORY**. There are several ways for you to determine the flood hazard category for your site:

- ~~a) Review Figure G2 at the end of this Section.~~ If you are unable to clearly identify your land on ~~these maps~~ and the corresponding **flood hazard** category then please go to Council's offices and ask to see the maps on Council's computer system for your particular lot (free of charge) OR
- ~~b)a) You can purchase from Council a **Flood Certificate** that shows the flood hazard category and the known flood level based on the FRMS&P (Town of Blayney only); OR~~
- ~~e)b)~~ You may need to prepare a **Flood (Risk) Assessment** or **Flood Study** by a suitably qualified hydraulic (flood) consultant who can determine the flood hazard category (if there is any doubt or an applicant wishes to dispute the classification by Council).

F4.7.3 Other Parts of The Shire (No Flood Planning Map)

If your land is outside the area shown on the Flood Planning Map(s) then Council has NOT prepared a detailed **Flood Study** or mapping for those areas to define the **Flood Planning**

Level (FPL) or the **Flood Hazard Category**. Therefore, the applicant and Council must undertake a 'reasonable' level of assessment of the risk of flooding on the Site (See **Part G4F4.10 Application Requirements** for more details).

The risk of flooding must be considered wherever the land / development is in proximity to an existing watercourse, drainage corridor, or known overland flow path for water in heavy rainfall events or is known or suspected to be affected by flooding. It is the applicant's responsibility to determine if the site is at or below the **Flood Planning Level (FPL)** and is subject to the controls in **BLEP2012** and this Plan.

You should seek advice from Council PRIOR TO LODGING THE DEVELOPMENT APPLICATION and they will determine what method must be used to determine what land (or part of land where development is proposed) is at or below the **Flood Planning Level (FPL)** or the **Probable Maximum Flood (PMF)** using the most current information available to Council and may be derived and interpreted from any of or a combination of the following:

PRIOR TO LODGING THE DEVELOPMENT APPLICATION, the applicant (or their consultant) should provide to Council the following (See Part **G4F4.10** Application Requirements for more details):

- a) A Survey Plan from a Registered Surveyor;
- b) Development Plans showing details of the proposed development based on the Survey Plan;
- c) **A Flood (Risk) Assessment.**

COUNCIL will conduct a brief assessment of:

- a) Historic flood inundation records held by Council for the site and/or surrounding area as the highest known flood (though this often does not accurately represent the 1% Annual Exceedance Probability (AEP) or Flood Planning Level and is subjective only);
- b) Any (known) existing Flood Study or modelling undertaken for a site or for sites in the surrounding area that may provide an indication of flood levels in the area;
- c) Any indicative Flood potential shown on maps in the *Blayney Settlement Strategy* (or other relevant land use strategy adopted by Council);
- d) Any State Emergency Services or other relevant agency/authority mapping that may be available not just for flooding but also for dam break contingencies (e.g. Carcoar Dam).

IF COUNCIL has any reasonable reason to believe that the lot (or the part of the lot where development is proposed or would be needed for access) may be:

- a) affected by mainstream flooding or localised overland flows, and/or
- b) at or below the Flood Planning Level (FPL),**

then it may (at its discretion based on the risk of the proposal) require further assessment of flood potential including, but not limited to (See Part **G4F4.10** Application Requirements for more details):

A site-specific Flood (Risk) Assessment; or

A site-specific Flood Study.

F4.8 Development Controls

F4.8.1 Blayney Local Environmental Plan 2012: Clause **6.15.21** – Flood Planning

If your land/lot is identified as being within the **Flood Planning Area** on the **Flood Planning Map(s)** in **BLEP2012** (Town of Blayney ONLY in 2017) OR is other land that is **flood liable land** then you will need to address **Clause 6.15.21 – Flood Planning** in **BLEP2012** (as amended). This Plan provides additional guidelines to address that clause. If the requirements in **BLEP2012** are inconsistent with this DCP then **BLEP2012** prevails to the extent of any inconsistency.

F4.8.2 Change of Use

A change of use occurs when an approved use of a building is changed from one use to another use. Some flexibility is provided for commercial/industrial changes of use to facilitate re-use of existing buildings.

- 1) If a change of use is from a commercial/industrial/ other use to a residential use (or use with a residential component) then the requirements for residential accommodation in the matrix below apply.
- 2) If a change of use is from a non-residential use to another non-residential use then:
 - a) If there is no modification to the building footprint required as part of the change of use, existing floor levels need not be changed;
 - b) Otherwise, the requirements for non-residential uses (including alterations and additions) apply.

F4.8.3 MATRIX – Summary of Key Development Controls

This section applies to any development of land (listed in the matrix) that is at or below the **Flood Planning Level**.

- **Development Categories** (left column) are defined at the start of this Section.
- **Flood hazard categories** (low or high) are clearly defined in and around Blayney. In other parts of the Shire the **Flood (Risk) Assessment** and/or **Flood Study** will determine the hazard level.

- The controls (top row) are set out in detail below and align with the symbol in the table with the detailed provisions following the Matrix.

'DEVELOPMENT CATEGORY' (LEFT COLUMN) V'S RELEVANT CONTROL (TOP ROW)	HAZARD	FLOOD BEHAVIOUR	BUILDING ENVELOPE	LEVEL (FLOOR OR OTHER)	FLOOR AREA	FENCING	CONSTRUCTION REQUIREMENTS
NEW BUILDINGS OR ADDITIONS (Exp. Floor) FOR SENSITIVE DEVELOPMENT	LOW HAZARD	FB1	N/A	L1	F1	LF1	B1/ B2
<u>SUBDIVISION</u> – 'SENSITIVE DEVELOPMENT' / RESIDENTIAL & TOURIST/VISITOR ACCOMMODATION		FB1	X1	N/A	N/A	LF1	N/A
NEW RESIDENTIAL & TOURIST/VISITOR ACCOMMODATION & ADDITIONS (Expanded Floor)		FB1	N/A	L2/L3	F2	LF1	B2
<u>SUBDIVISION</u> – NON-RESIDENTIAL (E.G. COMMERCIAL / INDUSTRIAL)		FB1	X2	N/A	N/A	LF1	N/A
NEW NON-RESIDENTIAL OR ADDITIONS (Exp. Floor) (COMMERCIAL, INDUSTRIAL & OTHER)		FB1	N/A	L2/L4	F3	LF1	B2
RECREATIONAL, OUTBUILDINGS & FARM BUILDINGS		FB1	N/A	L2	F4	LF1	B2
ADDITIONS/ RE-USE OF EXISTING NON- RESIDENTIAL (COMMERCIAL, INDUSTRIAL & OTHER)	HIGH HAZARD	FB1	N/A	L2/L4	F3	LF1	B2
RECREATION, OUTBUILDINGS & FARM BUILDINGS		FB1	N/A	L2/L4	F4	LF1	B2
ALL OTHER		X	X	X	X	X	X

X Not permissible **N/A** Not applicable

F4.8.4 Flood Behaviour

FB1. All buildings, earthworks or retaining walls below the **Flood Planning Level (FPL)** should facilitate the flow of water through the site and/or not substantially modify flood behaviour or exacerbate flood impacts on adjacent properties compared to existing circumstances.

Note: Any works within 40m of a watercourse may be integrated development and require additional approvals. Council will not generally be supportive of works within 40m of a watercourse that could modify flood behaviour (e.g. fill and/or retaining walls).

F4.8.5 Subdivision / Building Envelope

X1. Subdivision for the purpose of new residential or tourist and visitor accommodation or 'sensitive development' must demonstrate that every lot created or resulting from the subdivision is capable of providing a suitable building envelope (for dwellings a minimum of 200m²) that is above the **Flood Planning Level (FPL)** with **reliable access** to each lot.

X2. Subdivision must demonstrate how the proposed building envelope(s) have taken into account the **Flood Planning Level (FPL)** and sought to avoid, minimise or mitigate building envelopes below the **FPL**.

Note: Council may require that the nominated dwelling envelope (and possibly on-site effluent disposal area – where relevant) is registered on the title of the property to limit any future dwelling approval to that defined area/ floor level. See **Part F – Subdivision** for more details.

F4.8.6 Minimum Level(s)

L1. **[‘Sensitive Development’]** Building(s) should have a level (floor and/or critical infrastructure) at or above the **Probable Maximum Flood (PMF)**. If this cannot be achieved the applicant must demonstrate that:

- a) The level is at or above the **Flood Planning Level (FPL)** (or at a level determined by Council);
- b) There are no suitable alternative sites for the facility / utility above the PMF and there are good reasons for siting the facility / infrastructure at this location other than land ownership/price;
- c) Efforts have been made to ensure the facility / infrastructure has been designed to be capable of operating during **PMF** events and there is **reliable access**.

L2. **[‘Habitable Rooms’]** Proposed floor levels of all habitable rooms (or rooms with connection to sewer infrastructure) must be equal or greater than the **FPL** (i.e. they must be above the **1% Annual Exceedance Probability (AEP)** plus 300/500mm **freeboard** as shown on the **Flood Planning Map**).

L3. **[Residential/Tourist/Visitor Accommodation Alterations & Additions]** Where an existing building is at or below the **FPL**, the floor level(s) of any alterations or additions of any expanded floor area must be:

- a) Equal or greater than the **1% AEP**; and
- b) No less than the level of the existing building; and
- c) Higher than the surrounding ground level to allow for drainage.

L4. **[Non-Residential]** Proposed floor levels should be:

- a) At or above the 1% AEP Level (excludes freeboard); or
- b) The applicant must demonstrate that strict adherence to the 1% AEP Level is unreasonable and/or impractical (e.g. there is a significant impact on the streetscape, accessibility, or operations of the facility) and the other relevant controls / objectives are met.

Council may require:

- a) A **Flood Evacuation Plan** (prior to occupation) that is made accessible to and part of the education of all employees/staff and regular contractors;
- b) Flood warning signs/depth indicators for external areas that may be inundated above 500mm and actively used (such as open car parking or storage areas).

F4.8.7 Floor Area

F1. **[Sensitive Development]** When an existing building is at or below the **Flood Planning Level (FPL)**, the maximum increase in floor area must not exceed 20% of **gross floor area**.

F2. **[Accommodation]** When an existing building is at or below the **Flood Planning Level (FPL)**, the maximum increase in floor area must not exceed 40m² or 20% of habitable floor area, whichever is lesser.

Note: This clause can only be applied once every 10 years for each individual allotment and/or building to ensure cumulative impacts are avoided/minimised.

F3. **[Non-Residential]** There must be suitable area(s) available for the permanent or temporary storage of hazardous materials and valuable goods above the **FPL** and this area must be either a minimum of 20% of the **gross floor area** of the building or as nominated by Council (if the use / activity requires a greater area due to the risks associated with its storage requirements).

F3. **[Recreation/Outbuildings]** There must be suitable area(s) available for the permanent or temporary storage of valuable goods and/or chemicals above the **FPL**.

F4.8.8 Fencing

LF1. Fencing, particularly in high hazard flood areas, has the potential to significantly impact on flood conveyance and behaviour and possibly affect neighbouring or downstream properties.

- 1) On any land below the **Flood Planning Level (FPL)** any proposed landscaping and/or fencing (and the materials to be used) must be shown on the plans accompanying a development application to allow Council to assess the likely effects of the fencing location and permeability on flood behaviour.
- 2) On any land below the FPL solid / impermeable fences with less than 50% openings (such as Colorbond, galvanised metal, timber or brush fences) that impede the flow of floodwaters or could redirect it to adjacent properties:
 - a) Are not desirable in Low Hazard Flood Areas and are prohibited in High Hazard Flood Areas; and
 - b) The applicant must demonstrate and specify that fencing panels must be capable of removal, panels can either be laid flat or horizontally hinged to swing open up minimum 1m high. Trees, landscaping and other structures are not to impede the ability of a hinged fence to open.

F4.8.9 Building Components & Methods

B1. The 'sensitive' or 'critical' component of a '**sensitive development**' at or below the **Probable Maximum Flood (PMF)** level should comply with the construction requirements in **Part G4F4.9** below.

Note: to ensure that damage suffered by these important buildings is lessened in a more severe flood and inhabitants can move back into their residences faster after flood waters have subsided.

B2. All structures/ building components at or below the **Flood Planning Level (FPL)** must comply with the construction requirements in **Part G4F4.9** below.

CONSTRUCTION REQUIREMENTS

F4.9 Construction Requirements & Flood Proofing

A suitably qualified consultant unless it is a dwelling house and it meets the 'deemed to satisfy' requirements below) must certify that:

- 1) The proposed structure can withstand the force of floodwater, debris and buoyancy (for calculation of debris forces assume a solid object of mass 250kg travelling at a velocity of 2.0 metres/second).
- 1) All building or construction uses **flood compatible materials** as per the table below or a suitable alternative is demonstrated to achieve a similar outcome.

TABLE OF CONSTRUCTION THAT IS 'DEEMED TO SATISFY' REQUIREMENTS

This table sets out some recommended flood compatible building materials and construction methods. Use of these materials/methods is deemed to satisfy this control. If alternate materials/methods are proposed then a suitably qualified consultant must verify that they would be flood compatible as per the NSW Government policy.

Note: *The use of these materials or methods does not guarantee compliance with the relevant provision of the Building Code of Australia and this must be separately confirmed.*

FLOOD COMPATIBLE MATERIALS

Flooring & Sub-Floor Structure	Pier and beam construction or suspended reinforced concrete slab is preferred where it can allow floodwaters to pass beneath the floor. Alternatively, concrete slab-on-ground monolith construction is permitted but clay filling is not permitted beneath this where this could be inundated.
Insulation	Foam or closed cell types.
Nails, Bolts, Hinges & Fittings	Galvanised Removable pin hinges

UTILITIES, EQUIPMENT & STORAGE

Electrical Main Power Supply	Subject to the approval of the relevant power authority, incoming electricity mains, service equipment and meters shall be located above the Flood Planning Level . Means shall be available to easily disconnect the building from the main power supply or all connections are to be automatically isolated in the event of flood waters having the potential to gain access to exposed electrical circuits (internal/external of the building).
Electrical & Wiring	All wiring, power outlets, switches, etc., should, to the maximum extent possible, be located above the Flood Planning Level . All electrical wiring installed at or below the FPL should be suitable for continuous submergence in water and should contain no fibrous components. Only submersible-type splices should be used at or below the Flood Planning Level . All conduits located below the relevant flood level should be so installed that they will be self-draining if subjected to flooding
Equipment	All equipment installed below or partially below the Flood Planning Level should be capable of disconnection by a single plug and socket assembly. Should any electrical device and/or part of the wiring be flooded it should

	be thoroughly cleaned or replaced and checked by an approved electrical contractor before reconnection.
Heating Equipment & Fuel Storage	Heating and air-conditioning systems should be installed above the Flood Planning Level. If located below the FPL, heating systems using gas or oil as a fuel should have a manually operated valve located in the fuel supply line to enable fuel cut-off. Heating equipment and fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks should be vented to an elevation of 500 millimetres above the Flood Planning Level. All ductwork located below the FPL should be provided with openings for drainage and cleaning or self-draining on a suitable grade. Where duct work must pass through a water-tight wall or floor below the relevant FPL a closure assembly operated from above the FPL should protect the duct-work / room.

F4.10 Application Requirements

In addition to the minimum information required when submitting a Development Application (DA), the following additional information may be requested by Council if your land is (or deemed to potentially be) at or below the **Flood Planning Level (FPL)**, particularly if your land is outside the Town of Blayney or adopted Flood Planning Map(s) and further studies are required to assess the **Flood Planning Level (FPL)** and/or **Flood Hazard** of your land/development site or these levels are unclear or disputed.

Please confirm all lodgement requirements with Council as early as possible in the preparation of your development application or at a pre-lodgement meeting **PRIOR TO FINALISING YOUR DEVELOPMENT APPLICATION**. If you make some of the information below available to Council early in the development / design process then Council can provide informed advice for your development.

1. FLOOD (RISK) ASSESSMENT

A **Flood (Risk) Assessment** (prepared by a suitably qualified consultant) is intended to provide an overview of the known information about the flood potential of the site / development area and any ways that risk could be avoided or mitigated. It provides a document for Council's initial assessment to determine whether there is satisfactory information to approve the development OR Council's finding that a **Flood Study** is required.

A Flood (Risk) Assessment should address:

- Catchment:** The development site's location in the relevant water catchment and the location of all watercourses and/or drainage corridor(s) on or near the Site including the

order of watercourse through the site in accordance with NSW Government (Office of Water) classification / topographical maps;

- b) **Watercourse(s):** Proximity of the proposed development area or building footprint(s) to nearby watercourses or drainage corridors and the difference(s) in level (existing and proposed) to the top of bank of those watercourses;
- c) **Flood Level:** Estimated Flood Levels:
 - i. A review of historic flood inundation records held by Council (or others) for the site and/or surrounding area as the highest known flood (though this often does not accurately represent the 1% **Annual Exceedance Probability (AEP)** or **Flood Planning Level (FPL)** and is subjective only); or
 - ii. A review of any (known) existing **Flood Study** or modelling undertaken for site(s) in the surrounding area that may provide an indication of the 1% **AEP** flood level or **FPL** on or near the Site (speak to Council to see if this information is publicly available); or
 - iii. An engineering assessment indicating the likely natural cross-sectional flow in the 1% **AEP** flood event along any relevant watercourse and the estimated design flow and velocity of those watercourses during that event;
- d) **Subdivision:** For subdivision, plan(s) that confirm realistic proposed building envelopes necessary to develop the land for its intended purpose:
 - i. For commercial subdivision, it is desirable that all envelopes are above the **FPL** and, if not, the applicant must indicate the likely use of those buildings and any impacts that use could have if the buildings/use were to be flooded (e.g. Whether the lot(s) are likely to involve chemicals or materials that would pose a risk to human health and the environment if they were to be affected by a flood);
 - ii. For residential or tourist and visitor accommodation subdivision, any proposed dwelling envelopes (minimum 200m²) MUST be at or above the **FPL**;
- e) **Floor Level:** For building development, plan(s) that confirm the land use category of development (in accordance with this Plan) including the proposed finished floor level (and existing floor levels where they are to be retained) of habitable and non-habitable structures (shown on Plans, Sections & Elevations where applicable) in relation to the **FPL** (residential) and/or **1% AEP** (non-residential) levels;
- f) **Utilities:** Confirms whether the proposed development / lot(s) are serviced with reticulated water and sewer (and will have a liquid trade waste agreement) or require on-site management and the location of any sensitive infrastructure or utilities;
- g) **Flood Behaviour:** Assesses the impact of the proposed development on the levels, conveyance and behaviour of floods as part of any likely cumulative development of the site and the surrounding area below the **FPL**. This may involve site-specific modelling;
- h) **Alternatives:** Considers alternative sites, modifications to the site, alternative layouts, or methods of construction to avoid or minimise the impact of or on flooding of the development and downstream properties;

- i) **Risks:** Addresses any specific risks posed by the development or its users to personal safety of occupants, risks to/from property damage; or potential to contaminate waters/lands including (where relevant) potential mitigation measures (e.g. hazardous goods above flood levels, the preparation of evacuation plans, appropriate signage etc.);
- j) **Certification (Floor Levels):** Certifies that the floor level and design of the proposed dwelling / building meets the controls in this Plan and any other relevant NSW flood policies or legislation and that the proposed development will not increase the flood hazard or risk to other properties as a result of the development up to the 1% AEP flood event.

2. FLOOD STUDY

Alternatively, Council may (at their discretion) require a **Flood Study** (prepared by a suitably qualified hydraulic engineer ~~in accordance with the requirements of the Floodplain Development Manual (as amended) and relevant NSW Government policy~~).

A **Flood Study** may be required where, for example, there is inadequate knowledge of the flood level or flood hazard category, particularly for larger developments and subdivisions that would substantially increase development intensity of flood prone lands, or those with higher risks due to the occupants or uses of the land.

In addition to meeting the requirements for a Preliminary **Flood (Risk) Assessment** (see above), the **Flood Study** would, need to address any requirements in the ~~NSW Floodplain Development Manual~~ *Flood risk management manual-Manual* including, but not limited to:

- a) Utilise recognised hydraulic modelling software to model the flow of water in the catchment for the Site;
- b) Determine the Mannings 'roughness' coefficient for flows based on existing/proposed vegetation;
- c) Determine the 1% **AEP** level (and 1% **AEP** plus **freeboard**) for the Site (and possibly the **Probable Maximum Flood**);
- d) Determine what impacts, if any the 1% **AEP** flood event would have on any proposed development including ancillary works such as earthworks, fencing, sewerage systems etc.;
- e) Demonstrate that there will be no adverse impact on surrounding properties or downstream of the site as a result of the development.

3. EFFLUENT (GEO-TECHNICAL) REPORT

A **Geotechnical (Effluent) Report** is required for an on-site effluent management system for any site in accordance with **Part G2.5 On-Site Effluent Disposal**. If the Site is affected by flooding it also needs to address whether:

- a) Any part(s) of that system or its connections to the building are at or below the **Flood Planning Level (FPL)** or known historic flood levels on the site;
- b) The recommended effluent management system based on the geology/soils or the site and its flood characteristics; and
- c) The means of protection and/or containment of the system in the event of inundation to avoid or minimise the chance of polluting waters or land.

4. STRUCTURAL PLANS OR CERTIFICATION

Structural Plans or Certification (prepared by a qualified structural engineer) where any part of a proposed building or earthworks will be at or below the **Flood Planning Level (FPL)** that addresses the requirements of the *Floodplain Development Manual*, including but not limited to:

- a) The construction methods to raise the floor levels above the required floor levels and details of any piers/footings;
- b) Any additional fill or retaining walls at or below the **Flood Planning Area (FPA)**;
- c) The proposed structure(s) is/are able to safely withstand the force of flowing floodwaters, including debris (assuming a solid object of mass 250kg travelling at a velocity of 2.0m/sec) and buoyancy;
- d) The use of **flood compatible materials** below the **Flood Planning Level (FPL)** and their compliance with the structural soundness and construction requirements in this DCP or alternative materials/methods that will achieve a similar outcome (i.e. to minimise the likelihood of damage in a flood event).

5. FLOOD EVACUATION PLAN

A **Flood Evacuation Plan** may be required where there are:

- a) Sensitive users of a development;
- b) Users with limited knowledge of the flood risks of a Site;
- c) Large developments or sites with complex access issues where reliable (flood free) access may be compromised; or
- d) Where it would place a significant burden on emergency services to assist in evacuating a Site.

A **Flood Evacuation Plan** should demonstrate it has been prepared in consultation with the local State Emergency Services (SES).

F5 Bushfire

F5.1 Application of this Section

This section applies to all land that is mapped as bushfire prone land within Blayney LGA on the **Bushfire Prone Land Map(s)** (as amended or replaced).

To find out if your land is affected by these clauses, please go to the NSW Planning Portal on the internet at www.planningportal.nsw.gov.au, as described in the Introduction to this Part. Please also visit the Rural Fire Service website (www.rfs.nsw.gov.au) for additional resources.

*A bushfire prone area is an area of land that can support a bush fire or is likely to be subject to bush fire attack. Bush fire prone areas are identified on a **Bushfire Prone Lands Map**. The map identifies bush fire hazards and associated buffer zones within a local government area.*

*There may also be instances where land is not identified as bushfire prone on the **Bushfire Prone Land Map** but a bushfire risk is still present so development may need to consider appropriate locations, design and construction to manage bushfire risk.*

F5.2 Objectives of this Section

- 1) To meet the statutory requirements for bushfire protection in NSW.
- 2) To prevent the loss of life and property due to bushfire by providing for development compatible with bushfire hazard.
- 3) To ensure risks associated with bush fire are appropriately and effectively managed while having due regard to development potential, on-site amenity and protection of the environment.
- 4) To ensure bush fire risk is managed in connection with the preservation of the ecological values of the site and adjoining lands.

F5.3 Development on Bushfire Prone Land

Where a proposed development is on land identified as bush fire prone on the **Bushfire Prone Land Map**, the design and management of any proposed development on that bushfire prone land must comply with:

- 1) NSW Rural Fire Service (2019) *Planning for Bush Fire Protection* (as amended or replaced); and
- 2) *Australian Standard AS3959 – 2009 Construction of Buildings in Bush Fire Prone Areas* (for any Construction Certificate application). A suitably qualified person must provide a schedule of compliance with the applicable construction standards. This schedule will form part of the approval documentation and the applicant will be required to comply with it during the course of construction.

- 3) Any development application involving the erection of a dwelling house or alterations and additions to an existing dwelling house on bush fire prone land must address the requirements contained in the NSW Rural Fire Service (RFS) publication titled “*Building in Bush Fire Prone Areas Single Dwelling Applicants Kit*” found on the RFS website (www.rfs.nsw.gov.au).

F6 Land Contamination

F6.1 Application of this Section

This section applies to all land within the Blayney LGA. This Section directly relates to requirements under the *Contaminated Land Management Act 1997* (& regulations) and *State Environmental Planning Policy (Resilience and Hazards) 2021* ('SEPP Resilience and Hazards') that provides procedures to deal with the assessment of known or potentially contaminated land, the remediation of contaminated land, and development that may contaminate land.

Council has prepared a Contaminated Land Policy (in accordance with the Central West Councils Environment & Waterways Alliance and Contamination Land Policy template) that sets out in detail the legislative and policy requirements for assessing contamination including triggers for a preliminary site investigation and remediation requirements. Appendix A of that Policy contains a list of potentially contaminating land uses that should be considered as part of any preliminary investigation.

F6.2 Objectives of this Section

- 1) Enable Council to more adequately identify, record and manage known and potentially contaminated land in accordance with legislative and state policy requirements.
- 2) Consider the historical uses of sites to understand potential risks from potentially contaminating land uses.
- 3) Ensure development sites have a suitable soil/water quality for their intended use and that any proposed development of an identified contaminated site will not result in any unacceptable levels of risk to human health or the environment.
- 4) Remediate contaminated sites to a suitable level for their intended purpose and protection of the natural environment.
- 5) Comply with Council's *Contaminated Land Policy* and any relevant NSW Government guidelines.
- 6) Avoid or minimise the risk of future contamination of sites from proposed development. Where any proposed development and its operation involves significant quantities of chemical or petroleum use or storage or harmful materials or waste products (in any form) on the site, the applicant must demonstrate how the proposed development:
 - a) Will manage and safely contain any chemicals, materials or wastes on the site and/or during their disposal or transport to/from the site in accordance with the relevant regulations.
 - b) Is designed to minimise or mitigate the risk of contamination to land, surface and ground water, or ecological systems both during normal operations and in the event the normal systems fail.

- c) Addresses relevant clauses in BLEP2012 including (where relevant), but not limited to:
- i. **Clause 6.4 – Groundwater vulnerability.**
 - ii. **Clause 6.5 – Drinking water catchments.**
 - iii. **Clause 6.6 – Riparian land and watercourses.**

F7 Biodiversity Management

F7.1 Application to this Section

The information and controls contained in Part of the DCP detail and provide clarification relating to the application of biodiversity legislation in NSW and more specifically within the Blayney Shire LGA.

Part F of the DCP applies to land within the Blayney Shire Local Government Area, and specifically to development that requires consent under Part 4 of the Environmental Planning Assessment Act 1979, and which proposes to directly or indirectly impact native vegetation or is in proximity of an area that contains native vegetation.

Part F does not declare any particular vegetation as vegetation to which the State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies under Chapter 2 of that policy.

F7.2 Introduction

Biodiversity is the variety and variability of all life forms on earth. It encompasses multiple levels of classification, including genes, species, and ecosystems. Due in part to millions of years of geographic isolation, the biodiversity of Australia is unique, and many species of plant and animals are found only in Australia and nowhere else in the world. Despite this rich and unique biodiversity, since European colonisation Australia has experienced the largest documented decline in biodiversity of any continent.

The processes that have driven this decline, such as habitat loss and fragmentation, climate change, the spread of invasive species, and inappropriate fire regimes, continue to accelerate. Under rapidly changing and unprecedented conditions, protecting and managing Blayney Shire's natural areas and unique biodiversity has become crucial. Part F of the DCP aims to detail and clarify the application of NSW biodiversity legislation for the purposes of development assessment. In this regard, the NSW Biodiversity Conservation Act 2016 establishes a framework to avoid, minimise and offset the impacts of local development and land use changes on native biodiversity.

F7.3 Relationship to other Legislation

F7.3.1 Blayney Local Environmental Plan 2012

Part F of the DCP supports the aims and provisions of the BLEP2012 that relate to the conservation and management of the natural environment. Clause 6.3 of the LEP, in particular, requires special consideration to be given to developments involving land that is mapped as having terrestrial biodiversity.

Environmental Planning and Assessment Act 1979 (EPA Act)

Part F of the DCP addresses the objectives of the Environmental Planning and Assessment Act 1979 (EP&A Act) that relate to the conservation and management of the natural environment. In particular, it addresses the following objects of the EP&A Act:

- a) 1.3(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- b) 1.3(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- c) 1.3(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.
- d) This section of the DCP also addresses matters that the consent authority will take into account when considering the following "matters for consideration" under the EP&A Act:
- e) 4.15(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- f) 4.15(1)(c) the suitability of the site for the development,
- g) 4.15(1)(e) the public interest.

F7.3.2 Relationship to Biodiversity Conservation Act 2016 (BC Act)

Part F of the DCP addresses the purpose of the Biodiversity Conservation Act 2016 (BC Act) relating to the impacts of local development and land use changes on native biodiversity. The overarching purpose of the Act is to apply the principles of ecologically sustainable development. More specifically, the following purposes of the BC Act are relevant:

- a) 1.3(a) to conserve biodiversity at bioregional and State scales,
- b) 1.3(b) to maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change and provide for the needs of future generations, and
- c) 1.3(c) to improve, share and use knowledge, including local and traditional Aboriginal ecological knowledge about biodiversity conservation,
- d) 1.3(d) to support biodiversity conservation in the context of a changing climate,
- e) 1.3(h) to support conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature,
- f) 1.3(k) to establish a framework to avoid, minimise and offset the impacts of proposed development and land use change on biodiversity,
- g) 1.3(l) to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change, for calculating measures to offset those impacts and for assessing improvements in biodiversity values,
- h) 1.3(m) to establish market-based conservation mechanisms through which the biodiversity impacts of development and land use change can be offset at landscape and site scales.

Part 7 of the BC Act, together with the Biodiversity Conservation Regulation 2017 (BC Regulation) and some aspects of the Local Land Services Act 2013 (LLS Act), outline the

framework for assessment and approval of biodiversity impacts associated with certain proposals that require development consent. Subject to the provisions of the BC Act, such developments are ultimately determined under the EP&A Act.

Part 6 of the BC Act introduces the Biodiversity Offsets Scheme (BOS). A development to which the BOS applies requires the preparation and submission of a Biodiversity Development Assessment Report (BDAR) to accompany the application. Where a BDAR is required, it must be prepared by an 'accredited assessor' in accordance with the Biodiversity Assessment Method (BAM) established under the BC Act. Accredited assessors are ecologists accredited by the NSW Department of Planning, Industry and Environment to carry out the BAM and prepare BDARs.

Both the BAM and BC Act are based on a hierarchical framework which requires the proponent to design proposed development such that it avoids and minimises biodiversity impacts before proposing biodiversity offsets. If the avoid and minimise measures proposed are considered acceptable by the consent authority, any resulting biodiversity offsets must be delivered in accordance with the BOS and the proponent cannot commence construction until the offset obligation is met.

Council's main role as the consent authority under Part 7 of the BC Act (amongst other things) is to determine:

- a) if measures proposed to avoid and minimise biodiversity impacts are acceptable (BC Act s7.13).
- b) if the development will result in a serious or irreversible impact on biodiversity values (BC Act, s7.16).
- c) that any residual impacts are offset (or otherwise addressed) in accordance with the BC Act (s7.13).

F7.3.3 Relationship to 10/50 Vegetation Clearing Code of Practice

The 10/50 Vegetation Clearing Scheme allows people to clear certain vegetation near their homes to improve protection from bush fires.

The 10/50 Code permits landowners in the 10/50 Vegetation Clearing Entitlement Area to clear, on their own land, vegetation that is adjacent to an external wall of a building:

- containing habitable rooms that comprises or is part of residential accommodation or a high-risk facility.
- that comprises or is part of a farm shed.

To determine whether a property is located within a Vegetation Clearing Entitlement Area, reference should be made to the online assessment tool available on the NSW RFS website www.rfs.nsw.gov.au

Vegetation clearing that is carried out in accordance with the 10/50 Code is considered to be authorised clearing under NSW Legislation.

For Development Applications to which Part F of this DCP applies, and for the purposes of determining whether that development exceeds the Biodiversity Offsets Scheme threshold,

the 10/50 clearing entitlement should not and will not be excluded from the calculation of the development footprint.

F7.4 Biodiversity Pathways

Given the potential operation of both the EP&A Act and the BC Act, there are two main assessment pathways which determine the level of biodiversity assessment and information required to support a development application (see Fig 1).

The assessment pathway depends on whether the proposed development triggers entry into the BOS according to the BC Act (see Tables 1, 2 and 3).

Figure 1 – Biodiversity Assessment Pathways

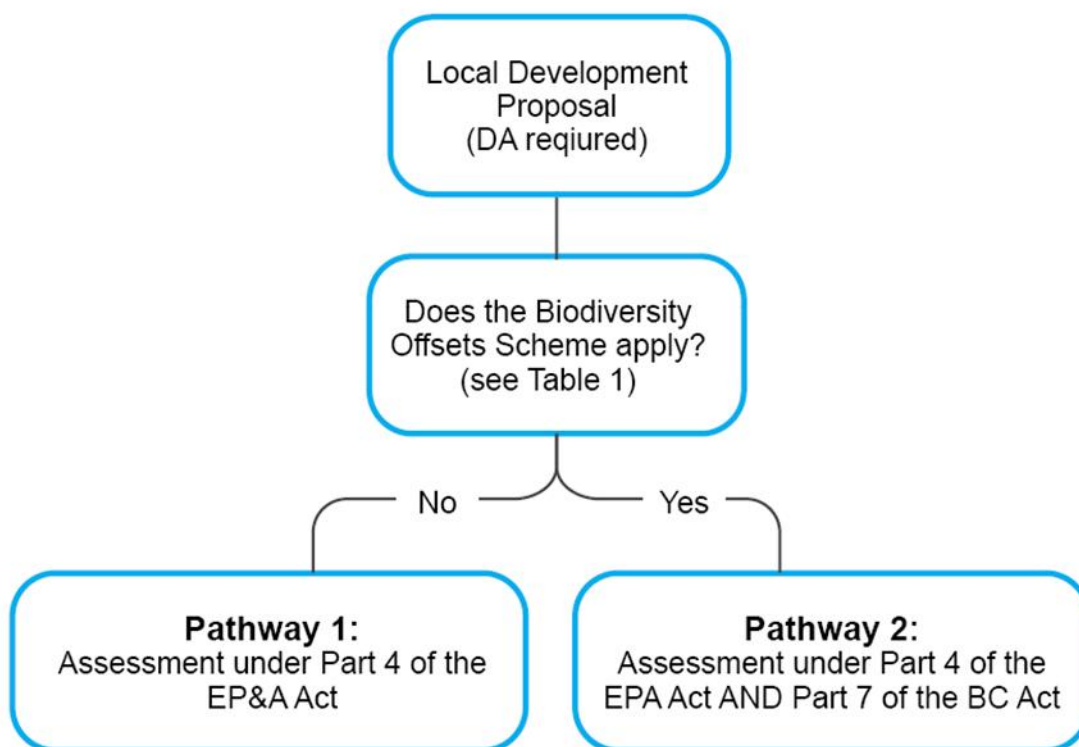


Table 1 - Does the BOS apply to the proposed development?

	Description of proposed activity	Legislative Reference
The Biodiversity Offset Scheme does apply to:	Proposed clearing of native vegetation (see Table 2) that would exceed the BOS area clearing threshold ¹	BC Act: s7.2(1)(b), s7.4(1) BC Regulation: s7.1(1)(a), s7.2
	Proposed clearing of native vegetation (see Table 2) or other action prescribed by clause 6.1 of the BC Regulation on land identified on the Biodiversity Values Map ¹	BC Act: s7.2(1)(b), s7.4(1) BC Regulation: s7.1(1)(b), s6.1, s7.3
	Proposed development that is likely to significantly affect threatened species or ecological communities according to the test of significance	BC Act: s7.2(1)(a), s7.3
	Proposed development to be carried out within a declared area of outstanding biodiversity value	BC Act: s7.2(1)(c)
The Biodiversity Offset Scheme does not apply to:	Proposed clearing of native vegetation on Category 1-Exempt land ²	BC Act: s7.4 LLS Act: s60H
	Proposed development on biodiversity certified land	BC Act: s7.6
¹ See: https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/entry-requirements ² See: https://www.lls.nsw.gov.au/help-and-advice/land-management-in-nsw/archive/land-categorisation-and-the-land-management-framework		

The area threshold varies depending on the minimum lot size (under **Blayney LEP 2012**) applying to the land. For ease of references purposes, the thresholds are described in Table 2 below.

Table 2 - Clearing thresholds

Minimum Lot Size	Threshold for clearing, above which the offsets scheme applies
Less than 1 ha	0.25 ha or more
1 ha to less than 40 ha	0.5 ha or more
40 ha to less than 1000 ha	1 ha or more
1000ha or more	2 ha or more

Table 3 - What is clearing of native vegetation? (for the purposes of development requiring consent under Part 4 of the EP&A Act only)

	Description of proposed activity	Legislative Reference
“Native vegetation” refers to:	Trees (including any sapling), shrubs, understorey plants, groundcover and plants occurring in a wetland that were established in NSW prior to European colonisation	LLS Act: s60B(1), s60B(2)
	Dead or non-native vegetation identified within Category 2- Regulated land ²	LLS Act: s60B(3)
	Marine vegetation including mangroves and seagrasses	LLS Act: s60B(4)
“Native vegetation” does not include:	Marine vegetation including mangroves and seagrasses	LLS Act: s60B(4)
“Clearing” of native vegetation means:	Means any one or more of the following -	LLS Act: s60C

Description of proposed activity	Legislative Reference
(a) cutting down, felling, uprooting, thinning or otherwise removing native vegetation, (b) killing, destroying, poisoning, ringbarking or burning native vegetation.	
Includes all clearing proposed in association with a development, including for construction of roads and other infrastructure, bushfire protection requirements, services installation, etc.	LLS Act: s60C
Includes all clearing required or likely to be required for the purposes of a subdivision	BC Regulation s7.1(3)
¹ See: https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/entry-requirements ² See: https://www.lls.nsw.gov.au/help-and-advice/land-management-in-nsw/archive/land-categorisation-and-the-land-management-framework	

F7.5 Development Applications

F7.5.1 Statutory Considerations

When determining an application for development consent involving impacts on biodiversity, Council must consider various legislation and policies. These include:

- Environmental impacts on the natural environment under Section 4.15 of the Environmental Planning and Assessment Act 1979.
- Development that is “likely to significantly affect threatened species” as set out in the Biodiversity Conservation Act 2016.
- Potential impacts under other biodiversity legislation such as the NSW Fisheries Management Act 1994 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.
- Specific Council LEP Clauses that relate to the protection and management of the natural environment.
- Vegetation clearing or other works within 40m of a watercourse as defined under the Water Management Act 2000.

Proposed development should also be consistent with any relevant strategies, plans or policies prepared and adopted by State, Commonwealth or Local authorities such as:

- Central West and Orana Regional Plan 2036.
- Blayney Local Strategic Planning Statement.

F7.5.2 Approvals required by other Agencies

In some instances, further approvals may be required by other agencies before development can be undertaken. For example:

- Development in bushfire prone areas (Rural Fire Service).
- Works within 40m of the bed or banks of a waterway (Department of Primary Industries – National Resources Access Regulator).

F7.5.3 Biodiversity Assessment Objectives

- To ensure that any biodiversity values that may be impacted by the proposed development are identified.
- To ensure that any potential impacts on biodiversity are avoided, minimised, and/or offset.
- To inform the decision-making process in a timely and efficient manner.

F7.5.4 Development Application requirements

The following information is required to accompany development applications that have the potential to impact biodiversity.

For development that does not exceed the BOS threshold:

- a) Information demonstrating the conclusion that the proposal does not exceed the BOS threshold.
- b) A response to the threatened species test of significance set out under s7.3(1) of the BC Act.
- c) Consideration of Clause 6.6 of the **BLEP2012**.

For development to which the BOS applies according to the triggers described in Table 1:

- a) A Biodiversity Development Assessment Report (BDAR) prepared by an assessor who is accredited by DPIE to carry out the Biodiversity Assessment Method (BAM).

~~F7.6 Working Examples~~

~~F7.6.1 Rural Dwelling Proposal~~

~~A landowner is proposing to construct a new dwelling on his / her rural property holding, which is zoned RU1 Primary Production under BLEP2012.~~

~~The location of the proposed dwelling is mapped as Bushfire Prone Land in accordance with the mapping certified by the NSW Rural Fire Service.~~

To comply with the requirements of the 'Planning for Bushfire Protection Guidelines' the landowner has calculated that it will be necessary to clear 1,500m² of native vegetation in order to create an Asset Protection Zone around the proposed dwelling site.

The landowner wants to know what approvals she will need in order to ensure she is complying with 'Planning for Bushfire Protection' and the requirements of this Development Control Plan.

Figure 2 represents the Biodiversity Assessment Pathway for the rural dwelling proposal.

F7.6.2 Residential Subdivision Proposal

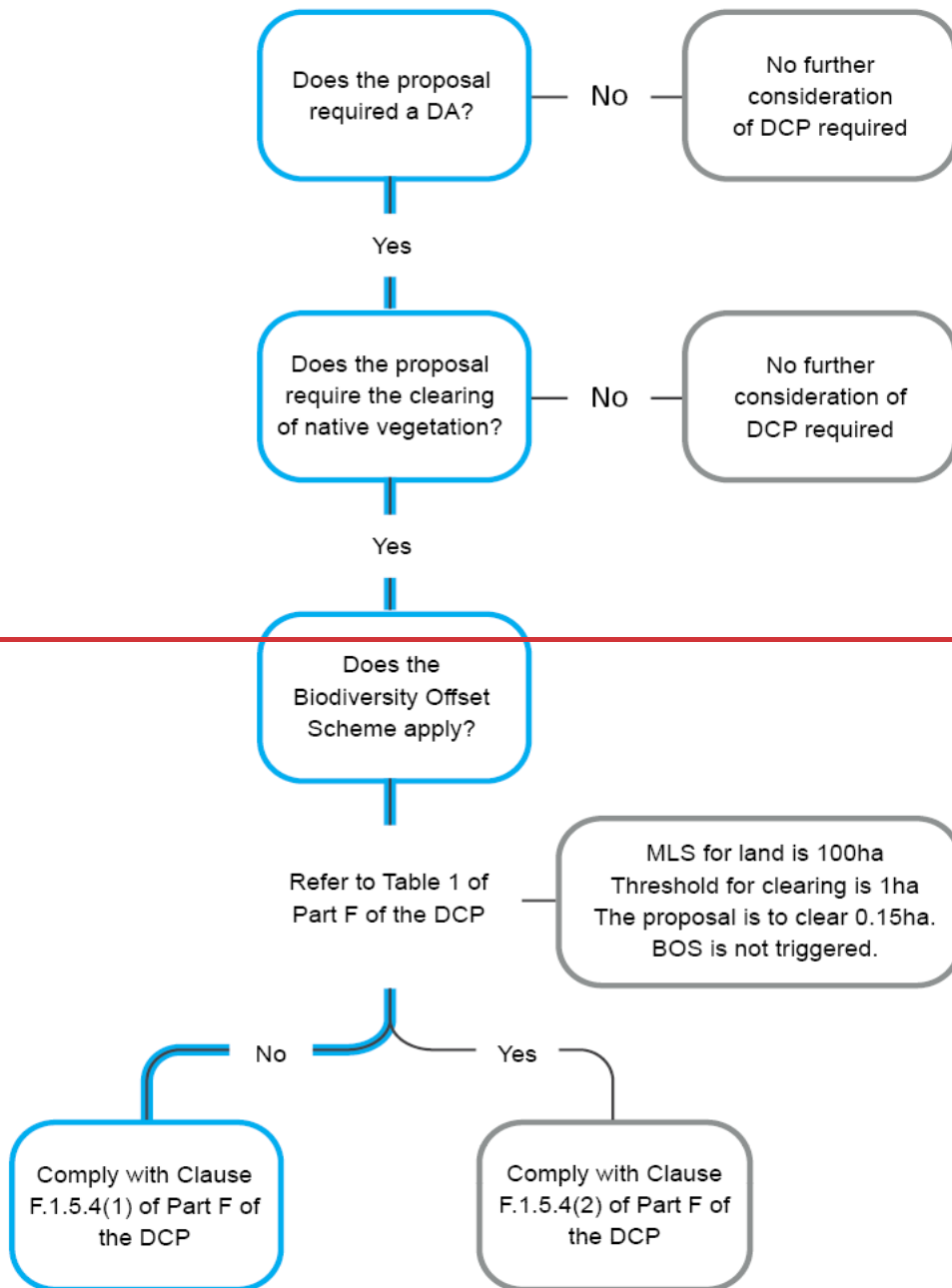
A developer has purchased a property on the fringe of the Blayney Township and is preparing a Development Application to Council for the subdivision of the land into multiple residential lots.

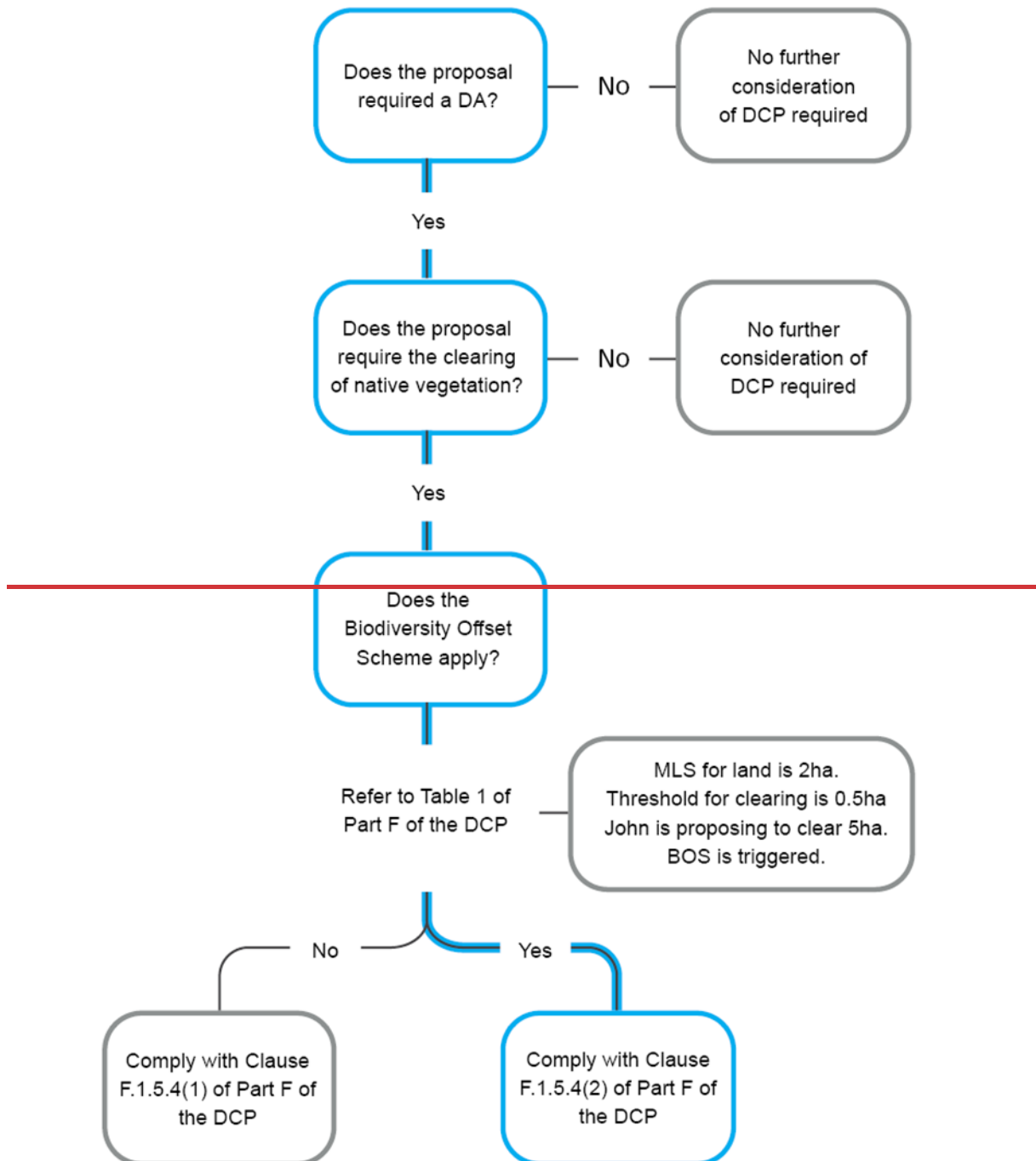
The minimum lot size for the land is 2 hectares, so the subdivision proposal will be for the creation of 10 new allotments. Approximately 5 hectares of the land is covered in native vegetation and will need to be removed to accommodate the proposed subdivision design.

The developer wants to know what approvals will be needed in order to ensure the proposal complies with the requirements of this Development Control Plan.

Figure 3 represents the Biodiversity Assessment Pathway for the subdivision proposal.

Figure 2 – Working Example – Rural Dwelling Proposal



~~Figure 3 – Working Example – Residential Subdivision Proposal~~

F8 Riparian Land and Waters

F8.1 Application of this Section

Section G7 applies to development that is proposed on land to which Clause 6.6 of the **BLEP2012** applies, being land that:

- a) Is identified as ‘**Riparian land and waterways**’ on the **Riparian Land and Waterways Map** in **BLEP2012**, and
- b) All land that is within 40 metres of the top of the bank of each watercourse on land identified as ‘**Riparian land and waterways**’ on the **Riparian Land and Waterways Map** in **BLEP2012**
- c) Other developments / land uses that, in Council’s opinion, are in proximity to a significant watercourse and may have potential to affect riparian lands or watercourses through development processes that could impact surface or groundwater system.

F8.2 Objectives of this Section

- 1) To address the objectives of **Clause 6.6 Riparian land and watercourses** of **BLEP2012**.
- 2) To ensure that new development does not adversely impact on important environmental functions of riparian lands and water including stability and erosion control, water quality, habitat preservation and flood management.

F8.3 Development Controls

- 1) New development is designed and sited to avoid the placement of new buildings, structures and access within 40m of the top of the bank of each watercourse identified as **Riparian land and waterways** on the **Riparian Land and Waterways Map** in **BLEP2012**.
- 2) The clearing of vegetation is prohibited within 40m of the top of the bank of each watercourse identified as **Riparian land and waterways**’ on the **Riparian Land and Waterways Map** in **BLEP2012**.

Note: vegetation clearing is also subject to the provision of Part F of the DCP.

- 2) Where there is significant vegetation that should be retained and enhanced or there are existing ecological links, riparian corridors or drainage corridors on the land or adjoining land that would be enhanced by landscape planting – Council may require the fencing of the riparian corridors to prevent stock access and/or planting of additional vegetation in accordance with recommendations from a suitably qualified consultant.

- 3) Council may require additional studies, reports or plans (prepared by suitably qualified consultants) that demonstrate the proposed development will not have a significant adverse impact on surface or groundwater systems and may enhance and protect these systems. This may include:
- a) Geotechnical and on-site effluent management plans/studies.
 - b) Hydrological and groundwater analysis.
 - c) Processes and systems designed to prevent on-site chemicals or waste materials from adverse impacts on surface or ground-water systems (including back-up systems if standard processes fail).
 - d) Stormwater and drainage plan to direct surface water away from development.
 - e) Flora and fauna reports or vegetation management plans or landscaping plans.
 - f) Any other reports required to assess the risk and determine appropriate management strategies.

F9 Drinking Water Catchments & Ground Water Vulnerability

F9.1 Application of this Section

This clause seeks to provide some guidance on when and how Council will require an applicant to address:

- a) **Clause 6.4 – Groundwater vulnerability** in **BLEP2012** and applies to land identified as 'Groundwater vulnerable' on the **Natural Resource – Groundwater Vulnerability Map(s)**; and
- b) **Clause 6.5 – Drinking water catchments** in **BLEP2012** and applies to land identified as 'Drinking water catchment' on the **Drinking Water Catchment Map(s)**.

To find out if your land is affected by these clauses, please go to the NSW Planning Portal on the internet at www.planningportal.nsw.gov.au, as described in the Introduction to this Part.

F9.2 Application Requirements

Note: It is not intended that low-impact developments (particularly in existing urban areas) are required to prepare a detailed response to these clause(s), except through the provision of an on-site effluent report, erosion & sediment control plan, or other geo-technical report (where relevant). However, larger projects or those with potentially higher impacts to the drinking water supply system must address these clause(s) in greater detail.

- 1) When a development is proposed on land identified as:
 - a) 'Drinking water catchment' on the **Drinking Water Catchment Map** in **BLEP2012**;
or
 - b) 'Groundwater vulnerable' on the **Natural Resource – Groundwater Vulnerability Map(s)**,

then the applicant is only required to address the relevant clause in **BLEP2012** in detail for the following land uses / development proposals that are permissible in the relevant zone:

- Intensive agriculture.
- Rural industries and other industries with on-site storage or use of hazardous chemicals or significant petro-chemicals.
- Animal boarding and training establishments and veterinary hospitals.
- Larger scale tourist accommodation and eco-tourist facilities requiring on-site sewage management.
- Open cut mining and extractive industries.
- New cemeteries.
- Other developments / land uses that, in Council's discretion, would have potential for on-site storage of significant volumes of hazardous liquids or chemicals or the

production of wastes that could contaminate surface or ground water systems that feed into the drinking water supply.

Note: Operations that store small quantities of fuel, oils or other machinery lubricants for rural or non-commercial use(s) would not be considered as posing a high risk of contamination. However, some higher impact facilities (e.g. service stations, liquid fuel depots and some other depots) will need to be discussed with Council. Compliance with specific regulations (e.g. Protection of the Environment Operations Regulations) for service stations and other liquid fuel depots may provide sufficient protection.

- 2) Council may require additional studies, reports or plans (prepared by suitably qualified consultant) that demonstrate the proposed development will not have a significant adverse impact on surface or groundwater systems in the drinking water catchment and this may include:
- a) Geotechnical studies.
 - b) Hydrological and groundwater analysis.
 - c) Processes and systems designed to prevent on-site chemicals or waste materials from adverse impacts on surface or ground-water systems (including back-up systems if standard processes fail).
 - d) Stormwater and drainage plan to direct surface water away from development.
 - e) Any other reports required to assess the risk and determine appropriate management strategies.

F10 Land & Soils

F10.1 Application of this Section

This Section applies wherever site investigations or state or local government mapping indicates there may be geological, soil classification/types or salinity that may affect the proposed development or where the proposed development may impact on the natural environment.

Issues that may affect parts of Blayney Shire include but are not limited to: karst (limestone formations and caves); naturally-occurring asbestos; salt-affected lands or salinity; steep lands and lands with (potential for) significant erosion; rocky outcrops; and poorer quality or depth soils that may limit agricultural uses.

Any NSW Government publicly accessible mapping and/or known affected areas through site analysis and previous reporting will be used to determine the presence of these issues.

F10.2 Objectives of this Section

- 1) Encourage proposed development to be appropriately sited and/or designed to address site constraints from geological or soil related issues.
- 2) Ensure that the natural environment is suitably protected from inappropriate development locations and/or construction methods that impact regionally significant geological formations (e.g. karst/limestone).
- 3) Ensure that the quality of stormwater run-off from development of sites with a geological or soil-related issue does not impact on the natural environment and receiving waters in terms of soil erosion, sedimentation, water and groundwater pollution, and other impacts.
- 4) To maximise the amount of existing significant vegetation retained on a site during construction and operation of the development to minimise soil erosion and sedimentation of watercourses.

F10.3 Naturally Occurring Asbestos

Asbestos is a naturally occurring mineral. This section deals with naturally occurring asbestos (NOA) found in certain geological deposits (as opposed to asbestos utilised in industrial and building products). It is important to acknowledge that this mapping is based both on sites where NOA is known to occur and areas with potential for NOA based on known geology at depths of less than 10m below the natural surface.

The potential presence of naturally occurring asbestos ('NOA') has been mapped by the NSW Government across NSW and broken down into broad areas of low, medium or high potential regions. Go to the NSW EPA website at <http://www.epa.nsw.gov.au/clm/natural-asbestos.htm> and click on the link for 'Naturally occurring asbestos in NSW' maps

For more information, please see the website for the:

- a) *NSW Environment Protection Authority (EPA) website above, including the following Fact Sheets:*
 - *Factsheet 1 – Recreation in areas of naturally occurring asbestos.*
 - *Factsheet 2 – Residing in areas of naturally occurring asbestos.*
 - *Factsheet 3 – Farming in areas of naturally occurring asbestos.*
- b) *Local Government NSW - relating to the Model Asbestos Policy (2015) as amended (<https://www.lgnsw.org.au/policy/asbestos-model-policy>).*

- 1) If your land is identified on an NSW Government map as having low, medium, or high potential for naturally-occurring asbestos (NOA) then Council may require that a suitably qualified geo-technical consultant conducts a site visit and sampling to confirm whether there is (likely to be) any NOA on or near the area where development works are proposed. This must review whether the proposed development will result in any substantial earthworks or disturbance of soil or rock in the affected areas which must be shown on a **Site Plan, Earthworks Plan, or a Soil and Water Management Plan.**
- 2) Chapter 8 of the *Work Health and Safety Regulations 2017* (as amended) addresses Asbestos. If NOA is identified, and it is likely to be affected by the proposed works, then Clause 432 of that Regulation requires that a site-specific **Asbestos Management Plan** is prepared in accordance with the regulations and the *Model Asbestos Policy for NSW Councils (2015)* (as amended).

F10.4 Erosion & Sedimentation

Erosion of land through poor land management and development practices can result in significant sedimentation and water quality issues in watercourses and drainage corridors.

- 1) Council will assess the relative risk of certain developments causing erosion and sedimentation in accordance with the requirements of the 'Blue Book' (*Managing Urban Stormwater: Soils and Construction*) by Landcom, Fourth Edition (2004) (as amended) including, but not limited to: assessment of site constraints and opportunities; management of soils/earthworks; vegetation retention and enhancement; management of water; sediment and waste control; and site access, stabilisation and maintenance.
- 2) Council may place conditions of consent on development to comply with the requirements of the 'Blue Book' in accordance with the risk of erosion and/or sediment leaving the site in the following order of risk (low to high):
 - a) Implement sediment & erosion control measures during construction.
 - b) Lodge with Council (for approval) an **Erosion & Sediment Control Plan.**
 - c) Lodge with Council (for approval) a more detailed **Soil & Water Management Plan.**

F10.5 Other Geological or Soil-Related Issues

In addition to the requirements for Erosion & Sedimentation above, where there is evidence of any geological or soil-related issue(s) that may impact on the suitability of a site for development, its proximity to adjacent development, and/or the method of construction then:

- 1) The **Statement of Environmental Effects** and any relevant plan(s) must give consideration to the impacts of the geological or soil related issue and document how the proposed development will address those issues and minimise or mitigate any risk;
- 2) The extent of any impact(s) on the geology or soil should be shown clearly on any **Site (Analysis) Plan, Earthworks Plan, Soil and Water Management Plan** and/or **Engineering/Structural Plan(s)**.
- 3) Council may require a suitably qualified engineer to:
 - a) Provide a **Geo-Technical Report** that analyses the geology, soils and possibly the hydrology (water) of the site to determine the risk(s) and how the proposed development should respond; and/or
 - b) Provide **Engineering / Structural Plan(s)** to ensure appropriate structure and stability of development.
- 4) Council may require a **Soil & Water Management Plan** and/or **Erosion & Sediment Control Plan** to manage water, salinity and soils/sediment on-site and demonstrate no impacts on adjacent properties or watercourses / drainage channels in accordance with **Part F9.4 Sediment & Erosion Control**.

Part G

Heritage Conservation



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G1 Introduction

G1.1 Application of this Part

Part G of the DCP applies to development on land that is:

- a) Identified as a heritage item or located in a heritage conservation area listed in Schedule 5 of the *Blayney Local Environmental Plan 2012 (BLEP2012)* or in the State Heritage Register;
- b) In proximity to an identified heritage item that may impact on the heritage significance of a heritage item;
- c) Identified as, or in proximity to, other locally or regionally significant building or place that is not listed in Schedule 5 of the **BLEP2012** or in the State Heritage Register at the discretion of Council staff; or
- d) Identified as, or in proximity to, items of Aboriginal cultural and archaeological significance that are not listed in **BLEP2012** for protection and cultural sensitivity.

The requirements, objectives and controls in Part G apply **in addition** to the heritage conservation requirements of the **BLEP 2012** and the development requirements of other relevant parts of this DCP (refer H.1.3).

G1.2 Objectives for Heritage Conservation

- 1) To conserve the heritage significance of the built and natural environments within the Blayney Shire.
- 2) To ensure that heritage in the Blayney Shire is managed in accordance with the Principles and Articles of the Burra Charter for the assessment of significance of heritage places and the traditions associated with them.
- 3) To implement the objectives and controls contained within **BLEP 2012** and any other relevant heritage legislation.
- 4) To ensure new development is sympathetic to identified heritage values.
- 5) To ensure the retention and enhancement of heritage items as well as contributory items within Heritage Conservation Areas applying to land in the Blayney Shire.
- 6) To provide planning and design guidelines for developments associated with heritage items, within the vicinity of heritage items, or within heritage conservation areas.

G1.3 Other Parts of this DCP

Whilst Council has attempted to consolidate most of the controls relating to heritage development in this Part, other Parts of this DCP may also apply depending on the type of development you are proposing and the site constraints including, but not limited to:

- 1) **Part D – Subdivision** (where you are also proposing some type of subdivision of your land);
- 2) **Part E – Other Land Uses** (where you are also proposing other land uses not included in the Part of the DCP) and
- 3) **Part F – Environmental Management & Hazards** (dependent on-site constraints and potential impacts).

G1.4 Variations to Controls

Council may consent to a Development Application involving departure from a control contained within this DCP but only where Council has considered a written request from the applicant that seeks to justify the departure (in accordance with **Clause A1.11 Variation to Controls** of this DCP) by demonstrating that:

- 1) Compliance with the particular control within this DCP is unreasonable or unnecessary in the circumstance of the case; and
- 2) The objectives of the particular control are met or sufficiently addressed; and
- 3) There are sufficient environmental planning grounds to justify the departure from the particular control within this DCP; and
- 4) The impact of the non-compliant proposal will not be significantly greater than a compliant proposal, and that it may enhance the outcome.

G1.5 Advisory Matters

G1.5.1 Blayney Shire Heritage Advisory Service

Applicants are advised to contact Blayney Shire Council to discuss any of the following projects with Council's Heritage Advisor:

- 1) Maintenance works to a heritage item or to a property located within a heritage conservation area.
- 2) Works involving the proposed alterations to or demolition of a heritage item, or a property located within a heritage conservation area.

- 3) Works likely to affect an Aboriginal object,
- 4) Works likely to affect an Aboriginal place of heritage significance,
- 5) Works likely to affect an Archeological site.

Where major work is contemplated, applicants are strongly advised to obtain professional assistance from a recognised expert in heritage conservation. A list of suitably qualified heritage consultants is available from the NSW Department of Planning and Environment.

G.1.5.2 Burra Charter

Development affecting a heritage item or property within a heritage conservation area is assessed having regard to the principles and practices contained in the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (the Burra Charter). The Charter is widely adopted as the standard guidelines for heritage conservation in Australia and sets out a standard of practice for those who provide advice, make decisions about or undertake works to places of cultural significance, including owners, managers and custodians.

G.1.5.3 Aboriginal Places of Heritage Significance

Aboriginal objects and places of heritage significance provide evidence relating to Aboriginal habitation of an area and are of special cultural significance to Aboriginal people because of their spiritual, ceremonial, historic, social or educational values.

Aboriginal objects and places of heritage significance are protected under the NSW National Parks and Wildlife Act 1974.

Aboriginal objects and places of significance located in Blayney Shire are not listed in the **BLEP 2012** due to the sensitive nature of these sites, consistent with common practice in NSW for protecting Aboriginal cultural heritage.

Development consent is required to disturb or excavate land containing Aboriginal objects or an Aboriginal place of heritage significance.

Under **BLEP 2012** Clause 5.10(8) Aboriginal Places of Heritage Significance, Council must:

- 1) Consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place; and
- 2) Notify the local Aboriginal communities (in such a way as Council thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.

Council may require a Development Application to be supported by information obtained through a search of the Aboriginal Heritage Information Management System (**AHIMS**) to see if an Aboriginal

object or place has been declared on a parcel of land (though this search is not determinative of the presence of Aboriginal items).

It is an offence to harm or desecrate an Aboriginal object or place of heritage significance. Works likely to impact on Aboriginal object or place of heritage significance are only permitted where an Aboriginal heritage impact permit has been issued by the NSW Department of Environment and Heritage.

Further information on permits relating to Aboriginal objects and places is available at www.environment.nsw.gov.au

G.1.5.4 Archaeological sites (Non-Indigenous)

Archaeological sites provide physical evidence of the past and can include objects and artefacts from the lives of previous generations, such as tools and household items, as well as remains of early buildings and structures.

There are currently no archaeological sites listed in Schedule 5 of the **BLEP 2012**. Archaeological sites or relics that have local or state significance are protected under the NSW Heritage Act 1977.

Development consent is required for disturbing or excavating an archaeological site while knowing or suspecting that the work may result in a relic being discovered, exposed, moved, damaged or destroyed. Council may request an archaeological assessment to confirm the likelihood and potential significance of relics on the site and recommend appropriate action in the context of the proposed development.

When intending to disturb or excavate land where such archaeological relics have been identified or are considered likely to occur, it is the responsibility of the property owner to seek relevant approvals, including an excavation permit or an exception under section 139 and section 140 of the Heritage Act 1977.

BLEP 2012 Clause 5.10(7) Archaeological Sites outlines consultation requirements with respect to carrying out development on an archaeological site. Before granting consent to any development on land on which an archaeological site is identified, Council must notify the NSW Heritage Council of its intention to grant consent and take into consideration any response from the NSW Heritage Council.

G.1.5.5 State Heritage Items

Heritage items of State Significance in Schedule 5 of the **BLEP 2012** are also listed on the NSW State Heritage Register. The NSW Heritage Council is the consent authority for any development proposal affecting State Heritage Items, or for any site covered by an Interim Heritage Order under the NSW Heritage Act 1977.

Consent from the NSW Heritage Council requires either the submission of an Integrated DA, or a prior Section 60 application under the NSW Heritage Act 1977. Applicants are advised to consult with either Council or the Heritage Branch of the NSW Department of Planning and Environment, in relation to works affecting State Heritage Items.

G.1.5.6 Consent Requirements

Development requiring consent

A Development Application is required for the carrying out of most development that relates to a heritage item, Aboriginal place of heritage significance or archaeological site and or in a Heritage Conservation Area.

Refer to Clause 5.10(2) of the **BLEP 2012** which identifies the specific circumstances where development consent is required for works involving a heritage item or land within a **HCA**.

Development not requiring consent

Maintenance and repair works

Maintenance and repair works are encouraged for heritage items and properties in heritage conservation areas and generally do not require development consent from Council if they are of a minor nature and would not adversely affect the heritage significance of the item or heritage conservation area.

Maintenance and repairs can include non-structural external works such as:

- Replacing broken windows, fly screens etc
- Minor repairs to roofing, brickwork, timberwork and metal work
- Repainting surfaces which are already painted (Council may be able to assist with suggesting sympathetic colour schemes) including timberwork and metalwork.

Maintenance and repairs can also include non-structural internal works such as:

- Patching, painting and decoration to the interior to the house and installation of joinery items
- Repairing timber floors
- Plumbing and gas fitting work
- Electrical work and communications cabling
- Installation of insulation.

BLEP 2012, Clause 5.10(3) contains some exemptions where development consent is not required if in the opinion of Blayney Shire Council the proposed development is of a minor nature or consists of maintenance and would not adversely affect heritage significance.

Applicants must notify Council prior to undertaking any maintenance or repair work to determine whether development consent is required. A written response must be received from Blayney Shire Council prior to the commencement of works.

Exempt Development

Under the State Environmental Planning Policy Exempt and Complying Development Codes 2008 (The Codes SEPP) some categories of minor internal works are permitted as Exempt Development for buildings within heritage conservation areas, but not for heritage items.

Exempt Development refers to works that have minimal environmental impact and therefore does not require Council's consent. If works comply with The Codes SEPP, there is no need to also submit apply to Blayney Council for a Clause 5.10(3) exemption.

The Codes SEPP does not permit external building alterations to heritage items or properties located within heritage conservation areas. Further information on the Codes SEPP, refer to [NSW Legislation Website](#).

G.1.5.7 Documents to be submitted with a Development Application

Blayney Shire Council may require a Heritage Management Document (HMD) to be prepared and submitted in support of a Development Application that involves:

- 1) Land on which a heritage item is situated,
- 2) Land within a heritage conservation area,
- 3) Land within the vicinity of a heritage item or a heritage conservation area.

A HMD is a report containing a heritage assessment of the significance of a place / item and an impact assessment of any proposal on the heritage significance of that place / item.

In determining whether a **HMD** is required to be submitted in support of a Development Application, Council will consider the following criteria:

- 1) Heritage significance of the site. If the site is listed on a heritage register or is known to have heritage significance, a **HMD** is more likely to be required in order to assess potential impacts on heritage values.
- 2) Proposed development type and scale. Larger or more significant developments are more likely to require a **HMD** to assess their potential impacts on heritage values.

- 3) Proximity to heritage items of conservation areas. The closer a site is located to heritage-listed items or conservation area, the more likely that a **HMD** may be required to assess potential impacts on the surrounding heritage context.
- 4) Nature of proposed works. Certain types of works such as alterations, additions or demolitions are more likely to trigger the need for a **HMD** to be prepared to assess potential impacts on heritage values.
- 5) Planning controls and policies. Proposals that are not able to demonstrate consistency with the BLEP 2012 or this DCP are more likely to require a **HMD** to assess potential impacts on heritage values.
- 6) Public interest. If there is a significant community interest or concern regarding potential impact of the proposed development on heritage values, Council's may require a **HMD** to ensure transport assessment and decision making.

Where required, Council will accept a **HMD** being provided in any of the following approved forms:

- 1) As a separate report submitted with the Development Application, prepared in accordance with the (most current version of) 'Guidelines for preparing a statement of heritage impact' prepared by NSW Department of Planning and Environment.
- 2) As an assessment that is incorporated into the preparation of a Statement of Environmental Effects, provided that assessment is completed in accordance with the (most current version of) 'Guidelines for preparing a statement of heritage impact' prepared by NSW Department of Planning and Environment.

Applicants are encouraged to contact Councils Planning and Environmental Services Department for further advice if required.

G1.6 Conservation Incentives

Conservation incentives for heritage items are designed to encourage the preservation and maintenance of heritage properties by providing financial or regulatory benefits to property owners. Conservation incentives aim to offset the costs associated with heritage conservation and incentivise owners to undertake necessary maintenance and restoration works.

BLEP2012 Clause 5.10(10) - Conservation Incentives enables Blayney Shire Council to approve development relating to a heritage item or the site of a heritage item that would otherwise be prohibited in the zone.

Development Applications made pursuant to Clause 5.10(10) of BLEP 2012 must be supported by a **HMD** prepared in accordance with G2.3 of this DCP.

In addition to the abovementioned clause, Council offers the following incentives to encourage conservation work:

- a) Free Heritage Advisor service.
- b) Local Heritage Assistance Fund, which operates annually and offers small grants to local property owners undertaking minor conservation works (or other works agreed to by Council) on heritage properties in the Blayney Shire. The fund is jointly funded by Blayney Shire Council and the NSW Government and is subject to Council obtaining funding from the NSW Heritage Office.

Applicants are encouraged to contact Councils Planning and Environmental Services Department for further advice.

G2 Development involving Heritage Items

G2.1 Development Requiring Consent

A Development Application is required for the carrying out of most development that relates to a heritage item, Aboriginal place of heritage significance or archaeological site and or in a Heritage Conservation Area (HCA).

G2.2 Development Not Requiring Consent

There are circumstances where development consent is not required for certain works, such as:

1) The **BLEP2012**, Clause 5.10(3) contains some exemptions where development consent is not required. If unsure, please contact Council's Planning and Environmental Services Department.

2) *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP Code)* provides some forms of development that do not require development consent from Council. If unsure, please contact Council's Planning and Environmental Services Department. The **SEPP Code** is available at www.legislation.nsw.gov.au.

G2.3 Demolition of heritage properties

- 1) The demolition (or partial demolition) of a building that is identified as a heritage item in **BLEP 2012**, or which contributes to the significance of a heritage item in **BLEP 2012**, is permitted only where it can be demonstrated through a **HMD** that:
 - a) the item is not reasonably capable of conservation,
 - b) the demolition of the item is necessary having regard to the structural condition of the building, as certified by an appropriately qualified person with heritage experience,
 - c) all options have been considered for retention of significant heritage elements,
 - d) all options have been considered for the adaptive re-use / conservation of the building,
 - e) all options have been considered using the conservation incentives identified in H2.7 of this DCP.
- 2) The demolition of an outbuilding associated with a heritage item in **BLEP 2012** will not be permitted unless it can demonstrate through a **HMD** that the demolition would not adversely impact on the significance of the heritage item.
- 3) Prior to the commencement of any work, a photographic / archival record of the building(s) to be demolished must be completed in accordance with current NSW Heritage Office Guidelines and submitted to Blayney Shire Council.

G2.4 Subdivision of heritage properties

- 1) Subdivision proposals involving a heritage item or recognised archaeological site should demonstrate through a HMD that an adequate curtilage of the heritage item is retained. In determining the size of the curtilage around the heritage item, the proposal must demonstrate that the following matters have been considered:
 - a) Significance. Identification of the elements contributing to the heritage significance, conservation, and interpretation of the item.
 - b) Context. Identification of how the items relates to its surroundings, streetscape and landscape.
- 2) Subdivision proposals involving land that includes a heritage item or recognised archaeological site must demonstrate through a HMD that future development on proposed lots will not adversely impact on views to or from the item that contribute positively to heritage values.
- 3) Subdivision proposals involving land that includes a heritage item should:
 - a) Be designed to preserve the traditional links and connections between the heritage item and its setting, including significant buildings, gardens, outbuildings and views, and
 - b) Be designed to ensure that significant secondary elements to a main residence, such as outbuildings, gardens or view corridors, are not divided or alienated by the subdivision, and
 - c) Consider the aesthetic quality of the setting of the item and the likelihood of adverse impacts on heritage values occurring by new fencing.

G2.5 Adaptive reuse of heritage properties

Explanation

Adaptive reuse refers to the practice of repurposing an existing heritage building for new functions whilst preserving their historical, architectural or cultural significance. Adaptive reuse can be crucial in ensuring the continued relevance and conservation of valued heritage assets.

Controls

- 1) The adaptive reuse of a heritage building should demonstrate through a **HMD** that:
 - a) Important architectural qualities and features are retained where possible, particularly features that contribute to streetscape and heritage significance.
 - b) Adverse impacts on heritage significance are avoided.
 - c) A balance is achieved between preserving historical features and giving the building a new purpose.

- d) Historical meanings and association with place are acknowledged and respected.
- 2) The adaptive reuse of a heritage building must comply with the National Construction Code (NCC) and other relevant legislation and Australian Standards.
- 3) Where traditional uses become redundant and adaptive reuse is considered, the new use should be compatible with the original use of internal and external spaces.

G2.6 General controls for heritage properties

G.2.6.1 Character

- 1) Original facades should be retained and conserved without significant alteration unless it be demonstrated through a **HMD** that significant deterioration has occurred and repair is not practical.
- 2) Original features of a heritage building that are visible from the street should be retained and conserved without significant alteration unless it be demonstrated through a **HMD** that significant deterioration has occurred and repair is not practical.
- 3) Character is preserved through the use of appropriate and traditional building techniques and construction methods when repair, replacement, maintenance and conservation works are carried out on heritage buildings.
- 4) Alterations and additions to heritage buildings that are visible from the street should be sympathetic to the building's original and significant features.
- 5) Alterations and additions should not significantly alter the appearance of principal and significant facades, except to remove detracting, intrusive and / or non-original elements.
- 6) Council encourages and may require the reconstruction of missing elements including but not limited to original balconies and verandahs, fences, chimneys, joinery and shopfront detailing where these elements would positively contribute to the character of a heritage building or streetscape.

G.2.6.2 Siting

- 1) Significant additions should be located behind the building, to the rear of the original building section and generally to the rear of the property with the aim of being visually recessive against the heritage building.

G.2.6.3 Form

- 1) The use of pavilion building forms that are separate from the principal building form are encouraged where significant additions are proposed.
- 2) New building forms, roof forms and layouts are to be sympathetic and visually subservient in scale, form and detailing to the existing building where visible from the public domain.
- 3) Roof forms of alterations and additions to heritage buildings are to be consistent and compatible with the form, pitch (generally not less than 25 degrees) and detailing of the primary roof which is to remain the dominant build element.
- 4) Existing and original roofs are not to be re-pitched to accommodate attic development, unless it can be demonstrated through a HMD that adverse impacts on heritage significance can be avoided or minimised to an acceptable level.

G.2.6.4 Bulk and scale

- 1) New building work is designed to respect the scale, form, massing and style of the existing building and should not visually dominate the original building or streetscape.
- 2) Development of an inconsistent scale to the heritage item is allowable only if it can be demonstrated through a **HMD** that the new development will not detract from the aesthetic quality and important views of the heritage item and the streetscape.

G.2.6.5 Materials and colours

- 1) Original materials of heritage items should not be replaced with different materials or materials of different colour, unless it can be demonstrated that the material / colour choice will not detract from the heritage significance of the heritage item and / or the streetscape.
- 2) Non – original materials of heritage items that are being replaced should be replaced with materials that match or complement the original as closely as possible.
- 3) Colour schemes are to reflect the period and detail of the property. Generally, Council will not support:
 - a) Zincalume roof sheeting for heritage buildings.
 - b) Roof or wall sheeting in dark colours such as Colourbond Monument.
- 4) Painting or rendering face brickwork, stonework and unpainted galvanised iron is generally not supported.

- 5) Original render is generally not permitted. Buildings with original render over brickwork were not intended to have exposed brickwork as the bricks are usually of lesser quality and can weather rapidly due to their age and porosity.

G.2.6.6 Landscape

- 1) Original or early garden layouts that contribute to the significance of the heritage item should be retained and enhanced.
- 2) When selecting suitable trees and species, the following must be considered:
 - a) the varieties that already exist in the area and in the original garden;
 - b) the size and location of the tree when mature; and
 - c) the potential of the chosen species to interfere with services, retaining walls and other structures, and the amenity of adjoining properties.
- 3) A detailed landscape plan is provided in support of Development Applications involving work which is likely to significantly affect gardens, landscaping, curtilage and / or setting of heritage items and properties.
- 4) Original garden settings, remnants of gardens and individual plantings are retained, particular where visible from the public domain or noted within an approved **HMD**.
- 5) Where mature trees or landscape elements require removal to enable new development, compensatory replanting of trees and landscape of equivalent landscape function is to be provided.

G2.7 Specific building elements / types

G.2.7.1 Doors and windows

- 1) Original window and door openings are important elements and should generally be retained.
- 2) Where original windows and doors in important elevations have been removed and replacement of the joinery is proposed, the original windows or doors should be reconstructed or replaced in sympathy.
- 3) New windows and door openings in important elevations must be carefully located to retain the original relationship of solids and voids and of proportions, materials and details similar to existing windows and door openings in the building.

- 4) New windows and doors visible from the street must be located to complement the original design of the building and of proportions and details to complement the original character of the building.

G.2.7.2 Fences, walls and gates

- 1) Fencing and gates that are existing (and not unsafe) should not be demolished/removed unless justified.
- 2) New fencing and gates should be of a similar style and scale that is consistent with the style of the building and the streetscape.
- 3) Fencing forward of the building line constructed of solid materials such as masonry should not be greater than 900mm in height above the adjacent public footpath level, unless it is an original wall.
- 4) Fencing forward of the building line constructed of timber pickets, metal pickets or wrought metal panels or a combination of masonry (with significant transparency) should not be greater than 1.2 metres in height above the adjacent public footpath level, unless it is an original wall or fence, or replacing an original wall or fence.
- 5) Original masonry should not be painted, unless the original was or existing masonry is painted.
- 6) Colorbond or other sheet fencing is not appropriate for any boundary fence relating to heritage properties.

G.2.7.3 Outbuildings, carports and garages

- 1) Outbuildings should be low profile and designed so that they do not impact on important views of heritage items and are not greater in height or bulk than the heritage item.
- 2) Formal parking or garaging is not permitted in that area of the site of a heritage building which forms part of the front building setback.
- 3) Detached garages are required to be positioned in the rear yard space where this practically achievable. Council will only allow the placement of detached garages in side yard spaces where it can demonstrated that the design and external materials are compatible with and sympathetic to the positive values and features of the heritage building.
- 4) Driveways are not permitted to be surfaced with bright white, stamped or patterned concrete.

G.2.7.4 Ancillary building components

- 1) Solar panels are not generally permitted to the front roof planes or where highly visible from the public domain.

- 2) Solar panels must not result in intrusive change to significant roof fabric or form.
- 3) Solar water heater storage tanks, ventilators, wind generators, air conditioning units, satellite dishes and antennae and the like should not be visible on the main elevation of a building or attached to chimneys where they will be obvious. Services and equipment should be installed to the rear, within the roof space or flush with the rear roof cladding and at the same pitch. They are to be of modest size and not prominent from the street or adjoining properties.
- 4) External conduits must be bundled and concealed by matching the colour of the external surfaces of the building.
- 5) Rainwater tanks should be:
 - a) located in the rear yard of heritage items.
 - b) low profile and designed so that they do not impact on important views of heritage items and are not greater in height or bulk than the heritage item.

G.2.7.5 Advertising and signage

- 1) Any early signage should not be removed, but retained and actively preserved, wherever possible, including signage related to original shopfronts or remnants of painted signs on the side walls of building.
- 2) New signs should be discrete and complementary to the historical significance of the building and streetscape and not visually dominate the area of building walls.
- 3) New signs should be placed in locations, which would have traditionally been used for advertising purposes, where possible and appropriate.
- 4) The size of the sign and its contents/design (colour scheme, letters, number and symbols) must complement the scale of the building to which they relate and its streetscape.
- 5) The following signs are not permitted:
 - a) advertising affixed to trees, light poles or other structure not for the purposes of advertising structure; and
 - b) signs mounted above the awning or verandah of a building.
- 6) Signage on commercial buildings is to be confined to:
 - a) An under-awning sign of an appropriate size and design;
 - b) A window sign in the ground floor shop front of an appropriate size and design;
 - c) A façade sign contained within a purpose designed panel of the building façade;
 - d) The façade of the building must not be painted in corporate colours;

- e) A fence sign, free standing sign or A – Frame sign of an appropriate size and design.
- 7) The architectural details of a building are not to be obscured by commercial signage.

G3 Development in the Vicinity of Heritage Items

Explanation

The protection of sites of heritage significance can extend beyond the lot boundaries of the heritage item, particularly where an item has a wide visibility or particular view corridor. There is also potential for impacts upon heritage properties through construction works on adjoining sites, including vibration, excavation and destabilisation. The historic curtilage or setting of an item is considered for development in the vicinity of heritage items of heritage conservation areas to ensure that significant views, settings and the structural stability of the item or **HCA** are suitably retained and protected.

G3.1 General development controls

G.3.1.1 Character / form

- 1) Where a heritage item is part of a streetscape of buildings of consistent and dominant style, form and / or character, new development in the vicinity of the heritage items should be designed to be sympathetic with those heritage values.

G.3.1.2 Siting

- 1) The setbacks of new development from any street should be equal to or greater than that of the heritage item and the streetscape.
- 2) Important views to or from a heritage item should not be unreasonably obscured by poorly sited and designed development.
- 3) Development in the vicinity of a heritage item should be designed to minimise the impact on the setting of the item by providing an adequate curtilage to the item to allow its interpretation.

G.3.1.3 Bulk and scale

- 1) Development should not be of such bulk or height that it visually dominates the heritage item or streetscape.

G.3.1.4 Materials and colours

- 1) Materials and colours for development in the vicinity of a heritage item shall be selected to avoid stark contrast with the adjacent development where this would result in the visual importance of the heritage item being adversely impacted.

G.3.1.5 Landscape

- 1) Development in the vicinity of a heritage item should be designed to minimise the impact on the setting of the item by retaining original or significant landscaping associated with the heritage item where the landscaping is recognised in the heritage listing or an approved **HMD**.

G4 Development within Heritage Conservation Areas

G4.1 Demolition in a HCA

- 1) The demolition (or partial demolition) of a building that is within a **HCA** in BLEP 2012 is permitted provided it can be demonstrated through a **HMD** that:
 - a) Restoration of the building component to be demolished is not reasonable, and
 - b) Where partial demolition is proposed, the removal / replacement of the building component will not adversely impact the heritage significance of the **HCA**
 - c) Where whole demolition is proposed, plans have been made for an appropriately designed infill building that will not adversely impact the heritage significance of the **HCA**.
- 2) The demolition of an outbuilding associated with a heritage item in **BLEP 2012** will not be permitted unless it can demonstrated through a **HMD** that the demolition would not adversely impact on the significance of the heritage item.

G4.2 Subdivision in an HCA

- 1) Subdivision proposals, including site consolidation should not create inconsistencies with original and established subdivision patterns of the streetscape within a **HCA**.
- 2) Subdivision proposals involving land that includes a heritage item or recognised archaeological site must demonstrate through a **HMD** that future development on proposed lots will not adversely impact on views to or from the item that contribute positively to heritage values.
- 3) Subdivision proposals involving land that within a **HCA** should:
 - a) Be designed to preserve the traditional links and connections between the property and its setting, including significant buildings, gardens, outbuildings and views, and
 - b) Ensure that the ability to appreciate the significance, setting and views connected to a heritage streetscape is not adversely impacted by the creation of new lots and potential for intrusive building forms on those lots.
 - c) Consider the aesthetic quality of the setting of the **HCA** and the likelihood of adverse impacts on heritage values occurring by new fencing.

G4.3 General controls for HCAs

G.4.3.1 Character

- 1) Additions and alterations to existing buildings that contribute to the character of a **HCA** should not detract from the original form of the existing building as viewed within the streetscape.
- 2) The treatment of the street façade of new development in a **HCA** should relate to existing nearby buildings that contribute to the **HCA**.

G.4.3.2 Siting

- 1) New development that obscures important views within a **HCA** should not be permitted.
- 2) The front setbacks of new development (including alterations and additions) in a **HCA** should be an average of adjacent or nearby development or consistent within the streetscape.
- 3) No new structures should be built forward of the established main street building line.

G.4.3.3 Form

- 1) The roof forms of new development (including alterations and additions to an existing building) in a **HCA** are to be compatible and consistent with the form, pitch (generally not less than 25 degrees) and detailing of original roof forms of existing nearby buildings that contribute to the streetscape in the **HCA**.

G.4.3.4 Bulk and scale

- 1) The scale of new development within an **HCA** should relate to the scale of the adjacent or nearest heritage building and streetscape.
- 2) Development of a larger scale is allowable only if it can be demonstrated that the new development will not adversely impact on the character and views of the **HCA**.

G.4.3.5 Materials and colours

- 1) Original materials of existing heritage buildings in an **HCA** should not be replaced with different materials or with materials of different colours unless justified and approved by Blayney Council.
- 2) Non – original materials of existing heritage buildings in an **HCA** that are being replaced should be replaced with materials that complement the original material as closely as possible.
- 3) Materials for new development in an **HCA** should not contrast with the original materials of the dominant contributory buildings in the **HCA**. Generally, Council will not support:
 - d) Zinalume roof sheeting for heritage buildings.
 - e) Roof or wall sheeting in dark colours such as Colourbond Monument.

- 4) Colour schemes for existing and new development in conservation areas should have a relationship with traditional colour schemes for the dominant style of development found in the **HCA** in consultation with Council.
- 5) The use of fluorescent paint and primary colours on buildings in a **HCA** is not permitted.

G.4.3.6 Landscape

- 1) Original or early garden layouts that contribute to the significance of a **HCA** should be retained and enhanced.
- 2) When selecting suitable trees and species, the following must be considered:
 - a) the varieties that already exist in the **HCA**, and
 - b) the size and location of the tree when mature, and
 - c) the potential of the chosen species to interfere with services, retaining walls and other structures, and the amenity of adjoining properties.
- 3) A detailed landscape plan is provided in support of Development Applications involving work which is likely to significantly affect gardens, landscaping, curtilage and / or setting of significant streetscapes / properties in a **HCA**.

G4.4 Specific Building Elements / Types

G.4.4.1 Doors and windows

- 1) Original door and window openings visible from the streetscape on existing heritage buildings should not be altered, unless justified.
- 2) Original door and window joinery visible from the streetscape on existing heritage buildings should not be altered, unless justified.
- 3) New door and window openings on existing heritage buildings that are visible from the streetscape should be of proportions and details that relate to existing door and window openings.

G.4.4.2 Fencing, walls and gates

- 1) New fencing and gates for existing and proposed buildings should be designed to complement the style of the building and dominate character of the **HCA**.
- 2) Fencing constructed of solid material such as masonry forward of the building line should not be greater than 900mm in height above the adjacent public footpath level, unless justified.
- 3) Original masonry fencing should not be painted.

G.4.4.3 Outbuildings, carports and garages

- 1) Formal parking / garaging is not permitted in that area of the site within a **HCA** which forms part of the front building setback, except in the following circumstances:
 - a) The structure does not encroach any property boundary, and
 - b) The structure is not enclosed, and
 - c) The structure is single storey only, and
 - d) The structure is architecturally designed to be consistent in form, style, scale and detailing with the positive heritage values and features of the principal building and / or **HCA**, and
 - e) It can be demonstrated that the building design will not adversely impact on a heritage streetscape or the **HCA** generally, and
 - f) It can be demonstrated that there are no other practical alternatives for the placement of the building behind the building line and a new driveway is not required for access, and
- 2) Detached and enclosed garages are required to be positioned in the rear yard space where this practically achievable. Council will only allow the placement of detached garages in side yard spaces where it can demonstrated that the design and external materials are compatible with and sympathetic to the positive values and features of the **HCA**.
- 3) Driveways are not permitted to be surfaced with bright white, stamped or patterned concrete.
- 4) Garage doors to new dwellings in a **HCA** should:
 - a) Be recessive to the primary building form, and
 - b) Not be wider than 50% of the buildings street elevation unless it can demonstrate through design and material choice that adverse impacts on a heritage streetscape can be avoided.

G.4.4.4 Ancillary building components

- 1) Solar panels are not generally permitted to the front roof planes or where highly visible from the public domain.
- 2) Solar panels must not result in intrusive change to significant roof fabric or form.
- 3) Solar water heater storage tanks, ventilators, wind generators, air conditioning units, satellite dishes and antennae and the like should not be visible on the main elevation of a building or attached to chimneys where they will be obvious. Services and equipment should be installed to the rear, within the roof space or flush with the rear roof cladding and at the same pitch. They are to be of modest size and not prominent from the street or adjoining properties.
- 4) External conduits must be bundled and concealed by matching the colour of the external surfaces of the building.

G.4.4.5 Advertising and signage

- 1) Any early signage should not be removed, but retained and actively preserved, wherever possible, including signage related to original shopfronts or remnants of painted signs on the side walls of building.
- 2) New signs should be discrete and complementary to the historical significance of the building and streetscape and not visually dominate the area of building walls.
- 3) New signs should be placed in locations, which would have traditionally been used for advertising purposes, where possible and appropriate.
- 4) The size of the sign and its contents/design (colour scheme, letters, number and symbols) must complement the scale of the building to which they relate and its streetscape.
- 5) The following signs are not permitted, advertising affixed to trees, light poles or other structure not for the purposes of advertising structure, signs mounted above the awning or veranda of a building.
- 6) Signage on commercial buildings is to be confined to:
 - a) An under-awning sign of an appropriate size and design;
 - b) A window sign in the ground floor shop front of an appropriate size and design.
 - c) A façade sign contained within a purpose designed panel of the building façade.
 - d) The façade of the building shall not be painted in corporate colours.
 - e) A fence sign, free standing sign or A – Frame sign of an appropriate size and design.
- 7) The architectural details of a building are not to be obscured by commercial signage.

G.4.4.6 Caravans / moveable dwellings / tiny homes

- 1) The placement of a caravan / moveable dwelling / tiny home is not permitted in that area of the site within an **HCA** which forms part of the front building setback.
- 2) The placement of a caravan / moveable dwelling / tiny home in an area of the site within a **HCA** that is visible to the public streetscape is not permitted, except where it can be demonstrated that:
 - a) The structure does not encroach any property boundary, and
 - b) Service connections are installed in accordance with the requirements and necessary approvals of relevant service authorities, and
 - c) The structure is single storey only, and
 - d) The structure does not require a new driveway to be constructed, and

- e) The structure is architecturally designed to be sympathetic in form, style, scale and detailing with the positive heritage values and features of the principal building and / or **HCA**, and
- f) It can be demonstrated that the building design will not adversely impact on a heritage streetscape or the **HCA** generally, and
- g) The location and position of the structure does not generate adverse impacts on the amenity of an adjoining property.

G5 Definitions

Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Aboriginal place of heritage significance means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

Adaptive reuse of buildings is a process that changes a place that is no longer suitable or required for its original purpose to a place that can be used for a new purpose.

Aboriginal Heritage Information Management System (AHIMS) contains information and records about Aboriginal objects that have been reported to the Director General of the Department of Premier and Cabinet. It also contains information about Aboriginal Places which have been declared by the Minister for the Environment to have special significance with respect to Aboriginal culture. AHIMS refers to these recorded Aboriginal objects and declared Aboriginal Places as 'Aboriginal sites'

Archaeological site means a place that contains one or more relics. This evidence may include objects and artefacts of everyday life such as crockery, bottles, tools and the remains of early buildings and structures.

Curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

Heritage item means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5 of the **Blayney Local Environmental Plan 2012 (BLEP2012)**.

Heritage conservation area means an area of land that has significant streetscape character and are of value due to the collective nature of buildings and elements in that area. The location and nature are described in Schedule 5, Part 2 of **BLEP2012**

Heritage management document means:

- 1) a heritage conservation management plan, or
- 2) a heritage impact statement, or
- 3) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Council expects that any Heritage Management Document would be prepared in accordance with the Guidelines for Preparing a Statement of Heritage Impact prepared by the NSW Department of Planning and Environment 2023 (or most current version).

Heritage impact statement means A heritage impact statement (HIS) describes and evaluates the likely impact of a proposal.

Local significance, items of local heritage significance result from previous Heritage Studies, the National Trust listings, the Blayney Shire Community Based Heritage Study and local community groups and are identified in Schedule 5, Part 1 of **BLEP 2012**.

National significance, heritage items of national significance are items having significance beyond the State level and are considered under the *Australian Heritage Council Act 2003*. The Act affects property owned by the Commonwealth Government and its Agencies.

Outbuildings means an ancillary building that is not including an attached garage or carport.

Relic is defined in the Heritage Act as any artefact, object or material evidence which relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and which is of State or local heritage significance.

State significance, state significant items are identified in the State Heritage Register and Heritage Office under the *NSW Heritage Act 1977*.