

Part A:

Introduction to the Blayney

Development Control Plan 2017

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A1 Introduction to Blayney Development Control Plan 2017

A1.1 Name of this Plan

This Plan is called the *Blayney Shire Development Control Plan 2017* (DCP or Plan). The DCP has been prepared in accordance with Section 74C of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

A1.2 Date of Commencement of DCP

The DCP was originally adopted by Blayney Shire Council (Council) on the **Date Month** 2017 and came into operation on **Date Month** 2017.

A1.3 Land to which this DCP Applies

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

A1.4 Purpose of the DCP

This DCP supplements the *Blayney Local Environmental Plan 2012* (**BLEP2012**) by providing more detailed controls relating to specific types of development. The controls included in this DCP should be taken into account during the design phase of development and will be taken into consideration by Council as part of the assessment of Development Applications.

All controls are designed to aid the decision-making process and improve planning outcomes for the Blayney community. Together, **BLEP2012** and this DCP form the land use planning framework for the Blayney LGA.

A1.5 Relationship to other Planning Polices and Instruments

The DCP is to be read in conjunction with other legislation, State Planning Policies, environmental planning instruments, Council policies, codes and specifications that are relevant to specific aspects of a development proposal. In particular, you should read the DCP alongside the following documents:

- Council's *Development and Building Guide* and associated application forms;
- Council's *Guidelines for Engineering Works*; and
- Any other relevant endorsed / adopted Council Policies.

In the event of an inconsistency between this DCP and any other legislation, State Planning Policy, or environmental planning instrument applying to the same land, the provisions of the other state documents will prevail to the extent of the identified inconsistency. In assessing a Development Application, in addition to the provisions of this DCP, Council must also make an assessment of those matters specified for consideration under Section 79C of the *EP&A Act*.

This DCP supersedes all other Development Control Plans in existence prior to the adoption of this DCP by Council.

A1.6 Aims and Objectives of the DCP

The overarching aims of this DCP are:

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

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

A1.7 Structure of the DCP

The DCP has the following Parts:

PART A:	Introduction to the Blayney Shire Development Control Plan 2017
PART B:	Notification/Advertising
PART C:	Residential Development
PART D:	Commercial, Community and Industrial Development
PART E:	Other Land Uses
PART F:	Subdivision
PART G:	Environmental Management and Hazards
PART H:	Heritage Conservation

For any development proposal you may need to address more than one Part of this DCP depending on what development is proposed and the types of ancillary (or supporting) development, the site opportunities and constraints, and different notification and advertising requirements. You are encouraged to consult with Council for clarification as to which Parts or Sections in this DCP will apply to a particular development proposal.

The development controls contained within this DCP 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 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.

A1.8 Development Types

Prior to applying the controls this DCP for the proposed land use it is necessary to confirm the permissibility of the proposed land use in the relevant land use zone for the subject site. The Land Use Table of **BLEP2012** identifies the permissibility of development types within each land use zone. Please discuss this with Council if you are unsure about permissibility.

Development may be:

- Permitted without consent;
- Permitted with consent; or
- Prohibited.

A1.9 Information to be submitted with an Application

When submitting an application to Council, plans and supporting documentation are required to accompany an application. A *Development and Building Guide* and application forms are available on Council's website www.blayney.nsw.gov.au The Guide provides a step by step guide to preparing and lodging an application, including the minimum information required to accompany an application.

A1.10 Development Advice

One of the biggest causes of delay in the processing of Development Applications is the absence of appropriate or sufficient supporting information. One of the services Council offers to assist in avoiding these delays is the provision of development advice prior to the formal lodgement of your Development Application. The advice ensures that you are aware of the issues which need to be addressed with your Application.

A *Planning Inquiry Form* is available on Council's website www.blayney.nsw.gov.au Council will respond to your application in written form within days of receipt and a meeting with Council staff can be arranged if required to discuss the application further.

Development Advice is not designed to replace the normal assessment process undertaken in determining Development Application. Development Advice should not be taken as a guarantee of approval or refusal of your proposal.

A1.11 Variation to Controls

Council accepts that it is not possible to plan for all development scenarios. The controls in this DCP 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:

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- 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 impacts of the non-compliant proposal will not be significantly greater than a compliant proposal or may enhance the outcome.

A1.12 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 94 and Section 94A of the *EP&A Act* is the principle 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; or
- d) A combination of the above.

As an alternative to the payment of a Section 94 or Section 94A 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 94 or 94A 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.

A1.13 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. We have highlighted definitions and references in **BOLD font** so that these are clear.



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B1 Notification & Public Exhibition of Development Applications

B1.1 Application of this Part

This Part of the DCP applies to all land within the Blayney Local Government Area (LGA) except for applications that fall into one or more of the following categories:

- 1) Exempt development;
- 2) Complying development;
- 3) Designated Development;
- 4) State Significant Development;
- 5) Integrated Development; and
- 6) Section 68 applications.

The above categories of development have their own requirements for advertising in the *Environmental Planning & Assessment Act 1979* (EP&A Act), the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) and the *State Environmental Planning Policy (Exempt and Complying Development) 2008* (Codes SEPP) and alternate or additional arrangements may be made or apply.

B1.2 Objectives for Notification & Public Exhibition of Development Applications

- 1) To define development that is either notified or advertised development.
- 2) To outline the procedures for notified and advertised development.
- 3) To outline other relevant related procedures for Development Applications.
- 4) To ensure a consistent, transparent and effective development assessment process.
- 5) To provide an opportunity for public participation in the Development Application process.

B1.3 Definitions

Notified development is where Council writes to owners of properties identified as requiring notification, advising of a proposed development, using priority post by Australia Post.

Advertised development is where Council, in addition to writing to owners of properties identified as requiring notification, places a notice in a local newspaper advising of a proposed development.

B2 Notified Development

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B1.4 Development not requiring Notification

Council or its delegated officers may decide not to follow the notification procedure in this DCP if the proposed Development Application (DA) is compliant with all of the legislation and controls in **BLEP2012** and this DCP (where relevant) and is:

- 1) A single storey dwelling house;
- 2) An addition to a single storey dwelling house and minor external dwelling additions such as an open car port, pergola, or verandah;
- 3) Private swimming pool;
- 4) A detached garage or shed/outbuilding associated with a dwelling house that is behind the building line;
- 5) Any building on land within Zone RU1 Primary Production, Zone RU2 Rural Landscape or Zone RU3 Forestry where the land has an area greater than 5 hectares and/or the building is greater than 150 metres from a boundary with a different owner;
- 6) Subdivision creating less than 5 lots within Zones RU1 Primary Production, Zone RU2 Rural Landscape & RU3 Forestry;
- 7) Subdivision creating 1 additional lot only within Zones R1 General Residential, R5 Large Lot Residential, and RU5 Village;
- 8) A boundary adjustment;
- 9) Commercial development or light industry within Zones B2 Local Centre, B5 Business Development, B6 Enterprise Corridor, IN1 General Industrial and IN2 Light Industrial or on a lot that does not adjoin an existing dwelling or a residential zone;
- 10) Development considered to have nil or minor impacts on adjoining land owners; and
- 11) A development that relates to a Section 96 Modification that is a result of a condition imposed on an existing Development Application that has previously been notified in accordance with this DCP.

The above exemptions only apply if the proposed development is on a lot that is not a heritage item or adjacent to one.

All other development will require notification in accordance with this DCP.

B1.5 Who will be Notified?

For Development Applications requiring notification under this DCP, written notification of the proposed development may be provided to:

- 1) The owner(s) of land immediately adjoining to the side and rear boundaries of the subject site;
- 2) The owner(s) of land adjacent to the subject land, including land that is separated from the subject site by a road, pathway, driveway, waterway and railway or similar thoroughfare;
- 3) The owner(s) of any other land which may, in the opinion of Council or its delegated officers, be affected by the proposed development, having regard to any relevant matter for consideration under Section 79C of the EP&A Act; and
- 4) Any other relevant stakeholder including, utility providers and or government agencies.

B1.6 Information to be included with Notification Letters

For Development Applications requiring notification to land owners under this DCP the following information shall be included in the written notification letter to any person(s) entitled to be notified:

- 1) Council's Development Application Number;
- 2) The address, lot and deposited plan numbers of the land on which development is proposed to be carried out;
- 3) A brief description of the proposed development;
- 4) The name of the applicant;
- 5) The invitation to make a written submission, details of where the application can be inspected and the time within written submissions must be received by Council;
- 6) Advice that the substance of written submissions may be included in a report to Council;
- 7) Advice that Council is subject to the *Government Information (Public Access) Act 2009* and that copies of written submissions may be made available to any persons entitled to lodge an application under this legislation (copies will withhold the identity of the submission maker); and
- 8) All notification letters may be accompanied by site and elevation plans and the Statement of Environmental Effects that are lodged with the Development Application. **Note:** *Floor plans or internal plan layout will not be provided.*

B1.7 Notification Period

For Development Applications requiring notification under this DCP, a notification period of not less than fourteen (14) days (including weekends and public holidays) shall be provided by Council commencing from the day following the date of the notification letter.

The period for notification and exhibition of Development Applications may be extended up to 28 days during traditional holiday periods (e.g. December and January).

B2 Advertised Development

B2.1 What Development will be Advertised?

In addition to any requirements for advertising under state or federal legislation, the following kinds of development may be advertised:

- 1) Demolition of a building identified as a heritage item in Schedule 5 of **BLEP2012**;
- 2) Use of a heritage item for a purpose prohibited within the zone, as provided by clause 5.10(10) of **BLEP2012**;
- 3) Major Council projects to be of significant community interest;
- 4) Subdivision creating 20 or more allotments;
- 5) Non-residential uses in or adjacent to Zones R1 General Residential, R5 Large Lot Residential, or RU5 Village or development for the purpose of: multi dwelling housing; residential flat buildings; seniors housing; hostels; boarding houses; group homes;

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- 6) Development that is likely to impact on surrounding properties including intensive livestock agriculture; heavy industries; heavy industrial storage establishments; sawmill or log processing industries; stock & sale yards; sex services premises; or restricted premises; and
- 7) Any development identified by Council staff that should be advertised in the public interest.

B2.2 Public Exhibition Period

Where a Development Application is required to be placed on public exhibition under this part of the DCP, the Application shall be made available for inspection for a period of not less than fourteen (14) days, public holidays and weekends included, commencing from the date on which the public exhibition notice was first placed in the Local Newspaper.

The period for notification and exhibition of Development Applications may be extended up to 28 days during traditional holiday periods (e.g. December and January).

B2.3 Information to be Publicly Exhibited

For Development Applications requiring public exhibition under this DCP the following information shall be included in the public exhibition notice:

- 1) Council's Development Application Number;
- 2) The address, lot and deposited plan numbers of the land on which development is proposed to be carried out;
- 3) A brief description of the proposed development;
- 4) The name of the applicant;
- 5) The invitation to make a written submission, details of where the application can be inspected and the time within written submissions must be received by Council;

During the public exhibited period, Council must make available for inspection the following extracts of the Development Application to any interested persons. This information shall include:

- 1) **Site Plan** and **Elevation Plans** that are lodged with the Application (*Note: No floor plans/internal layouts to be provided*);
- 2) The **Statement of Environmental Effects** that is lodged with the Application; and
- 3) Any other documents that are relevant.

B2.4 Making of Submissions during the Notification and Advertising Period

Submissions in respect of a Development Application that is notified or advertised under this DCP must be received by Council within the period designated or alternatively within such additional period as may be determined by Council or its delegated officers.

A submission may be made by any person whether or not that person has been or is entitled to be given notification of the proposed development under this DCP.

Submissions must be made in writing and must clearly indicate the following:

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- 1) Name and address of the person making the submission, including phone and email address. Anonymous submissions will not be considered; and
- 2) The submission should relate directly to the proposed development and if the submission is by way of objection, it must state the reasons for objection.

Any submission received by Council may be:

- 1) Summarised and issues referred to the applicant for consideration;
- 2) Subject of freedom of information requests under the *Government Information (Public Access) Act 2009* (copies will withhold the identity of the submission maker);
- 3) Summarised as part of an Assessment Report in Council Business Papers; and
- 4) Included as submitted in Council Business Papers.

All submissions must be addressed to:

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

or Councils email address council@blayney.nsw.gov.au

B2.5 Consideration of Submissions during the Notification and Exhibition Period

Where a submission is received during the period in relation to a Development Application that has been notified or advertised under this DCP, Council must consider that submission prior to the Application being determined.

Council or its delegated officers may consider a submission received outside of the period allowed for making submissions under this Plan, provided the Development Application has not already been determined. Consideration of any such submission is at the discretion of the Director Planning & Environmental Services.

Submissions received by Council in relation to a Development Application that has been notified or advertised under this Plan will be considered in full as part of an Assessment Report for the proposed development. If the substance of the submission can be addressed through a condition in the development consent, the application can be determined under delegation by the Director Planning & Environmental Services. If the substance of the submission cannot be addressed through a condition in the development consent, the application will be determined at a Council Meeting.

B2.6 Notification of Determination of Development Applications

Any person(s) who makes a submission in relation to a Development Application that is notified or advertised under this DCP which is to be determined at a Council Meeting must be notified of the date at which the Development Application will be considered by Council.

Any person(s) who makes a submission in relation to a Development Application that is notified or advertised under this DCP must also be provided with written notification of the Council's determination of the Application as soon as possible after that determination has been made.

B3 Amendments to Notified and Advertised Development

For Development Applications that are amended post notification / advertising period and at any time prior to determination, the Development Application will only be re-notified / advertised in accordance with this DCP if it is considered that there will be additional or significantly altered likely environmental impact.

If, in the opinion of the Council or its delegated officers, the likely environmental impact is the same or will be reduced as a result of the amendments, the Development Application will not be re-notified / exhibited under this DCP.

B4 Section 96 Modification Applications

The requirements where Council receives a Section 96 Modification Application in relation to an existing development consent is as follows:

Section 96(1) Modification	Applications are not required to be notified or placed on public exhibition.
Section 96(1A) Modification	Applications are not required to be notified or placed on public exhibition.
Section 96(2) Other Modifications	Council is required to follow normal notification / advertising procedures in accordance with the requirements of this DCP, but only where the original Development Application was also notified / exhibited. All persons who made submissions in relation to the original application will be notified, where possible. <i>Note: The Environmental Planning & Assessment Act 1979 (EP&A Act) and EP&A Regulation specify additional exhibition and notification procedures for Section 96(2) Modification applications.</i>
Section 96(AA) Modification	Council is required to follow normal notification / advertising procedures in accordance with the requirements of this Plan, but only where the original Development Application was also notified / advertised. All persons who made submissions in relation to the original application will be notified, where possible.

B5 Section 82A Review

Where an applicant requests Council to review a determination of a Development Application in accordance with the requirements of Section 82A of the EP&A Act, the application must be notified and / or re-exhibited in the same manner as the original application. All persons who made submissions in relation to the original application must also be notified, if possible.

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The *Environmental Planning & Assessment Act 1979* and Regulations (as amended) specify additional advertising and notification procedures for Section 82A Review Applications.

B6 Petitions

Where petitions are received in respect to Development Applications, Section 96 Modification Applications or Section 82A Review Applications, the head petitioner or where not nominated the first petitioner will be designated. Only the head petitioner will be contacted by Council regarding the application. Those people lodging petitions are encouraged to lodge their own submission.



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PART C

C1 Introduction

C1.1 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 and B2 Local Centre (Blayney only) and Zone RU5 Village (other villages). It also includes Zone R5 Large Lot Residential areas attached to some villages. Generally, lots less than 1 hectare in area and 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 greater than or equal to 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 C2 – 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 C3 – Garages/Carports, Sheds/Outbuildings & Pools/Spas. Consult with Council re Exempt & Complying opportunities.**
- 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 C4 – 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 C5 – Medium Density Housing.**
- e) For temporary accommodation, second hand (relocatable) dwellings, 'manufactured/transportable housing', and 'shop-top housing' – Go to **Part C6 – 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 C7 – Access & Parking;**
- b) **Part C8 – Site Planning, Earthworks, Utilities and Services.**

C1.2 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 E – Other Land Uses** (other land uses including, but not limited to, advertising & signage);
- **Part F – Subdivision** (where you are also proposing some type of subdivision of your land);
- **Part G – Environmental Management & Hazards** (depends on site constraints and potential impacts);
- **Part H – Heritage** (where the site is a heritage item or is in a conservation area or near a heritage item).

C1.3 Setback Definitions

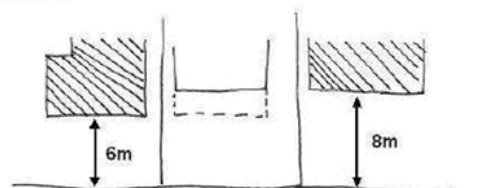
These definitions apply to **Part C2 – Single Dwellings in Urban Areas** and **Part C7 – Medium Density Dwellings**:

- a) **Allowable encroachments:** Side and rear setbacks and setbacks from the boundary with a road do not apply to ‘**allowable encroachments**’ permitted under clause 3.7.1.7 of Volume 2 of the *National Construction Code (NCC)* 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.

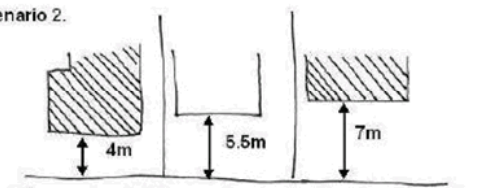
- b) **Existing Dwellings:** These setbacks do not apply to alterations and additions to an existing dwelling that does not meet these setbacks as long as the setbacks are not further reduced by the alterations and additions and National Construction Code requirements are met.
- c) **Adjacent Dwelling 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) The shape of the lot and/or site constraints affect the placement of a building; and
 - ii) 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

Scenario 1.



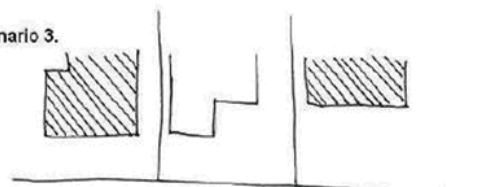
When setback difference is no more than 2m = choose either setback or ‘split the difference’

Scenario 2.



When setback difference is greater than 2m = ‘split the difference’

Scenario 3.



Articulate setback on infill building to match both existing buildings

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- iii) National Construction Code requirements are met including, but not limited to, fire rating; and
- iv) **Part A1.11 – Variations to Controls** is addressed.

C2 Single Dwellings in Urban Areas

This section applies to applications for a new single **dwelling houses, 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);
- 2) Zone B2 Local Centre (in the Town of Blayney);
- 3) Zone RU5 Village (for the other settlements);
- 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)).

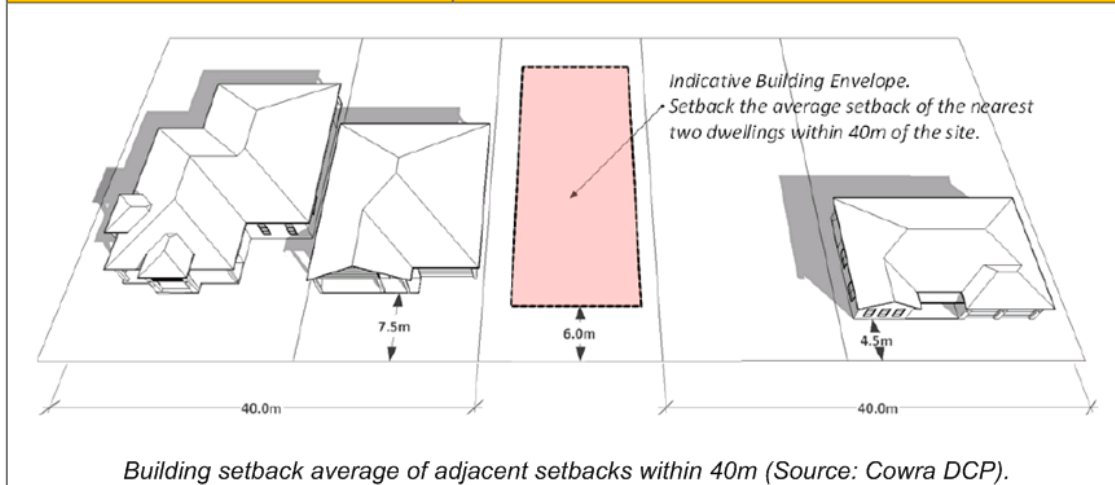
PART C

Objective / Performance Criteria		Acceptable Solutions		
<p>C2.1 Dwelling Siting & Setbacks</p> <p>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 (privacy) and separation from noise sources.</p> <p>O2. To provide sufficient building separations or design mechanisms for fire protection in accordance with the <i>National Construction Code (NCC)</i>.</p>		<ol style="list-style-type: none"> 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 must 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 C1.2 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 B2 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: 5.5m to garage/carport.	3m	1 st storey = 900mm or NCC >1 st storey = 1.5m	3m
R1 General Residential / RU5 Village Lots > 900m ²	6.5m or average setback of adjacent dwellings (whichever is greater).	4.5m	1 st storey = 900mm or NCC >1 st storey = 1.5m	3m

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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)
R5 Large Lot Residential < 1ha lot area	8.0m or average setback of adjacent dwellings (whichever is greater)	6m	3m	6m

Objective / Performance Criteria	Acceptable Solutions
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C2.2 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.

C2.3 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.

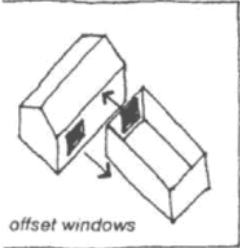
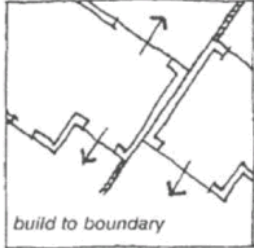
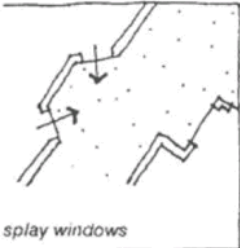
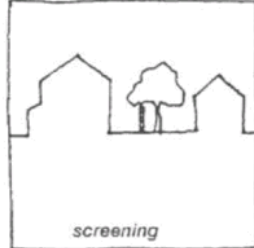
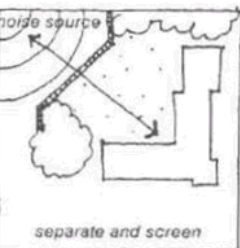
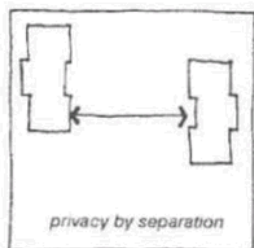

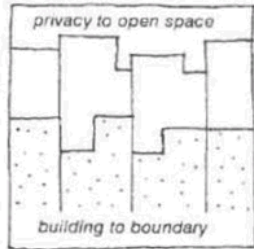


- 1) **Sloping Land:** Where there is a steeply sloping site, the proposed building design should not protrude from the landscaping but be staggered or stepped down the natural slope of the land, where possible.
- 2) **Impacts:** Where a dwelling is:
 - a) Greater than two storeys in height (including attics with dormer windows and habitable basements); or

Objective / Performance Criteria	Acceptable Solutions
	<p>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</p> <p>c) Less than the setbacks prescribed above, then the applicant must demonstrate the following:</p> <ul style="list-style-type: none"> 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; and 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). <div data-bbox="715 884 1348 1377" style="text-align: center;"> <p><i>Building height (Source: Cowra DCP).</i></p> </div>
<p>C2.4 Building Elevations</p> <p>O1. To promote variations in building elevations (especially those facing street frontages) to:</p> <ul style="list-style-type: none"> 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; and 	<ul style="list-style-type: none"> 1) Blank Walls: Building facades facing a public road cannot have large areas of blank wall(s) and must incorporate: <ul style="list-style-type: none"> 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.


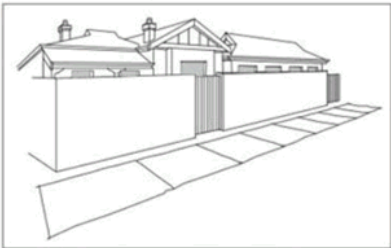
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Objective / Performance Criteria	Acceptable Solutions
<p>d) integrate with the desired character of the area and street.</p>	<p>2) Reflectivity: External materials must have low reflectivity if they are visible from a public road or neighbouring dwelling 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 in heritage conservation areas).</p>
<p>C2.5 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.</p>	<p>Development that:</p> <ol style="list-style-type: none"> 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. <p>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.</p>

Objective / Performance Criteria	Acceptable Solutions
<p>VISUAL PRIVACY Source: AMCORD 1995</p>	<div style="display: flex; flex-direction: column; align-items: center;"> <div style="display: flex; justify-content: space-around; width: 100%;"> <div style="text-align: center;">  <p>offset windows</p> </div> <div style="text-align: center;">  <p>build to boundary</p> </div> </div> <div style="display: flex; justify-content: space-around; width: 100%;"> <div style="text-align: center;">  <p>splay windows</p> </div> <div style="text-align: center;">  <p>screening</p> </div> </div> <div style="display: flex; justify-content: space-around; width: 100%;"> <div style="text-align: center;">  <p>separate and screen</p> </div> <div style="text-align: center;">  <p>privacy by separation</p> </div> </div> <div style="display: flex; justify-content: space-around; width: 100%;"> <div style="text-align: center;">  <p>privacy for neighbour</p> </div> <div style="text-align: center;">  <p>privacy to open space</p> </div> </div> <div style="display: flex; justify-content: space-around; width: 100%;"> <div style="text-align: center;">  <p>building to boundary</p> </div> <div style="text-align: center;">  <p>building to boundary</p> </div> </div> </div> <p style="text-align: center;">ACOUSTIC PRIVACY</p>

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Objective / Performance Criteria	Acceptable Solutions
<p>C2.6 Fencing</p> <p>Fencing must seek to balance security and privacy with the community need for new development to:</p> <ol style="list-style-type: none"> 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 sight-lines for vehicle and pedestrian safety. <div data-bbox="280 871 671 1117" style="text-align: center;">  <p>Low fences are traditional and acceptable</p> </div> <div data-bbox="280 1151 671 1397" style="text-align: center;">  <p>High walls are not generally acceptable</p> </div> <p style="text-align: center;"><i>Source: Parkes DCP</i></p>	<ol style="list-style-type: none"> Height (Front Fences): Fences within the front primary setback area to the building line are to be: <ol style="list-style-type: none"> Maximum 1.2m high above existing ground level; Not made of Colorbond/metal panels; and 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. 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. Surface Water: Fencing must not redirect the flow of surface stormwater or floodwaters onto an adjoining property. Flood Prone Land: If the land is affected by flood related development controls (see Part G – Environmental Management & Hazards) the fence types must be designed to allow flood conveyance and prevent additional flooding on adjacent properties. Landscaping: Long fenced areas should be softened with landscaping.

Objective / Performance Criteria	Acceptable Solutions
<p>C2.7 Landscaping</p> <p>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.</p>	<p>Water & Energy Efficiency: Landscaping must comply with that shown on the approved BASIX Certificate for the dwelling.</p>

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C3 Garages, Carports, Sheds, Outbuildings & Pools/Spas in Urban Areas


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 in an urban area including Zones B2 Local Centre, B6 Enterprise Corridor, R1 General Residential; RU5 Village; and R5 Large Lot Residential (where the lot < 1 hectare in area).

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

outbuilding (as defined by the SEPP Code) means any of the following class 10a buildings under the National Construction Code:

- (a) balcony, deck, patio, pergola, terrace or verandah that is detached from a dwelling house,
- (b) cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- (c) carport that is detached from a dwelling house,
- (d) farm building,
- (e) garage that is detached from a dwelling house,
- (f) rainwater tank (above ground) that is detached from a dwelling house,
- (g) shade structure that is detached from a dwelling house,
- (h) shed.

Objective / Performance Criteria	Acceptable Solutions
<p>C3.1 Use</p> <p>Outbuildings, garages and sheds are not to be used as a dwelling, habitable room, or home business/industry (without approval).</p>	<p>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 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.</p>
<p>C3.2 Visual Impact / Amenity</p> <p>O1. To ensure that outbuildings and garages/carports:</p>	<p>Any garages, carports, outbuildings, sheds or pools/spas must:</p>

Objective / Performance Criteria	Acceptable Solutions
<p>a) will not dominate views from the street or key public places;</p> <p>b) will be in keeping with the scale and setting of the relevant land use zone, streets and locality character;</p> <p>c) will integrated with the dwelling design and surrounding landscaping and buildings;</p> <p>d) will not significantly impact on the amenity of neighbouring properties (e.g. shadow, noise)</p> <div style="text-align: center;">  <p data-bbox="293 1106 632 1211"><i>Garage(s) not setback behind the building line dominate the street (Source: Dubbo DCP)</i></p> </div>	<ol style="list-style-type: none"> 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) 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: <ol style="list-style-type: none"> 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). <p>Note: Please discuss visual impact/ colours/materials with Council if the site is in a heritage conservation area or is a heritage item.</p> 5) Other Standards: Comply with any relevant requirements in the <i>National Construction Code</i> and <i>Australian Standards</i>.
<p>C3.3 Garages, Carports, Outbuildings & Sheds in Urban Areas</p>	<p>In urban areas / zones (e.g. Zone R1 / RU5 / B2 / R5<1ha) in addition to the visual impact/ amenity controls above:</p> <ol style="list-style-type: none"> 1) Attached Garages/Carports: must:

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Objective / Performance Criteria	Acceptable Solutions
<p>See objective(s) for Visual Impact / Amenity above.</p>	<ul style="list-style-type: none"> 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): <ul style="list-style-type: none"> 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. <p>2) Detached Garages/Carports/Sheds/Shipping Containers: must not exceed:</p> <ul style="list-style-type: none"> a) A ridge height of 4.8m from existing ground level; b) A cumulative floor area (detached from the dwelling): <ul style="list-style-type: none"> i) If the lot is < 900m² in size – maximum of 90m²; ii) If the lot is ≥ 900m² in size – maximum of 120m².
<p style="text-align: center;"><i>Location, design and visual impact of garages & carports (Source: Cowra DCP)</i></p>	

Objective / Performance Criteria	Acceptable Solutions
<p>C3.4 Garages, Carports, Outbuildings & Sheds in Large Lot Residential Areas</p> <p>See objective for Visual Impact / Amenity above.</p>	<p>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:</p> <ol style="list-style-type: none"> 1) A ridge height of 6m from existing ground level; 2) A cumulative floor area greater than 300m²; and 3) Where the dwelling is within 50m of a public road, the outbuilding should be located behind the front building line of any dwelling.
<p>C3.5 Shipping Containers</p> <p>To minimise the visual impact of shipping containers and ensure that where visible they are modified to appear as a shed.</p>	<ol style="list-style-type: none"> 1) In Zone RU5 Village, Zone R1 General Residential, Zone R5 Large Lot Residential, and Zone B2 Local Centre: <ol style="list-style-type: none"> a) Shipping container style sheds or storage are prohibited in heritage conservation areas, on a heritage item, or on lots with a classified road frontage. b) In all other areas: <ol style="list-style-type: none"> 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; 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 Rural Zone (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.

C3.6 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 *SEPP (Exempt & Complying Development Codes) 2008* 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 Swimming Pools Act 1992 and Regulations 2008 and AS1926- Swimming Pool Safety (as amended) that take precedence over these controls to the extent of any inconsistency.

C4 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 \geq 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
<p>C4.1 Building Setbacks</p> <p>To maximise residential amenity on larger lots with appropriate setbacks from road noise and/or dust and visual and acoustic privacy between adjacent dwellings.</p>	<p>Setbacks: Dwellings (and attached ancillary buildings) must meet the following <u>minimum</u> setbacks in metres (m) from the lot boundaries as set out in the following table and in accordance with the Setback Definitions in Part C1.2 including the averaging of setbacks:</p> <ol style="list-style-type: none"> 1) Public road frontage – 20m; 2) Side or rear boundary – 10m. <p>Note: <i>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 G – Environmental Management & Hazards.</i></p>
<p>C4.2 Building Siting & Buffers</p> <p>O1. Land Use Conflict: To minimise conflict between land uses within this zone and land uses within adjoining zones, particularly impacts on agricultural activities from demands for residential amenity, by appropriate building siting, setbacks and landscaping buffers.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1) <i>Buffers can be in the form of simple setbacks between</i> 	<ol style="list-style-type: none"> 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 G – Environmental Management & Hazards. 2) Existing Trees: Buildings are to be sited so as to minimise disturbance or removal of existing significant trees (including for asset protection zones to minimise

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Objective / Performance Criteria	Acceptable Solutions
<p><i>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></p> <p>2) <i>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></p> <p>3) <i>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></p> <p>O2. Rural Setting: To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality through appropriate building siting, height, scale, and use of materials that blends into the natural environment.</p> <p>O3. Environment: To ensure that all buildings are sited in locations where impacts from natural hazards or impact to environmentally sensitive areas are avoided, or if not avoided, mitigated and minimised.</p> <p>O4. Amenity: To protect and enhance the residential amenity of the proposed dwelling(s) and any adjacent dwelling(s) on neighbouring lots.</p>	<p>bushfire risk) and buildings must be located outside the drip line of any retained trees to protect root structures.</p> <p>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 G – 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.</p> <p>4) Dual Occupancy Access: All dual occupancies must utilise the same driveway access from a public road.</p> <p><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></p> <p>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 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.</p>

Objective / Performance Criteria	Acceptable Solutions
<p>C4.3 Visual Impacts</p> <p>O1. The scale, footprint, height and materials of any building must seek to integrate any buildings into the landscape and protect important skyline views.</p>	<ol style="list-style-type: none"> 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.

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PART 5

C5 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, secondary dwellings, multi-dwelling housing, and residential flat buildings.**

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
<p>C5.1 State Environmental Planning Policies</p> <p>O1. The applicant must address any other relevant State Environmental Planning Policies ('SEPPs') that apply to the particular type of residential accommodation proposed.</p>	<p>1) All residential flat buildings must address the requirements of <i>SEPP No.65 (Design Quality of Residential Apartment Development)</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 No.65.</p> <p>2) Where any controls in this DCP are inconsistent with any State Policy then the State Policy overrules the DCP provision, only to the extent of any inconsistency.</p> <p>Note: <i>At the time of preparing this DCP the NSW Government was preparing a new Code for Medium Density Housing that <u>may</u> allow certain development types to be considered as complying development under SEPP (Exempt and Complying Codes) 2008. Discuss this with Council before lodging your application.</i></p>
<p>C5.2 Suitability of the Site</p> <p>O1. To promote higher dwelling densities in areas that are suited to higher densities without significantly compromising the amenity and character of our settlements.</p>	<p>Applicants must address (as part of the Site Analysis) why the proposed site is well-suited to the intended density of dwellings including:</p> <p>1) the site's access to services, transport, recreation and amenity;</p> <p>2) the existing and/or desired future character of the area including heritage and landscape qualities (where applicable).</p>

Objective / Performance Criteria	Acceptable Solutions	
<p>C5.3 Minimum Street Frontage</p> <p>O1. To ensure sufficient street frontages to accommodate vehicle and pedestrian access and promote dwellings that present to the street.</p>	<p>All multi-dwelling housing and residential flat buildings must have a minimum street frontage of 18 metres at the front building line.</p>	
<p>C5.4 Density / Site Area</p> <p>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.</p>	<ol style="list-style-type: none"> 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 reticulated sewer systems. 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. (For example: a proposal for two 2-bedroom dwellings and one 3-bedroom dwelling would require $(2*300) + (360) = 960m^2$). 	
<p>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</p>	DWELLING SIZE	SITE AREA PER DWELLING
	Studio / 1 Bedroom	240m ²
	2 Bedrooms	300m ²
	3+ Bedrooms	360m ²

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Objective / Performance Criteria	Acceptable Solutions	
every site can achieve those site areas/densities.		

C5.5 Setbacks

- 1) Medium density housing must have suitable building setbacks and separations to:
 - a) Minimise noise impacts from adjacent roads & neighbours;
 - b) Maximise visual privacy;
 - c) Maintain reasonable solar access to primary living spaces and open spaces & minimise overshadowing to/from other dwellings on the site and adjacent sites;
 - d) Promote natural cross ventilation;
 - e) Encourage useable private (and possibly communal) open spaces that are accessible from primary living spaces and capable of supporting some significant landscaping;
 - f) 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 C1.2 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 5.5m from the front boundary AND • 0.5m behind the front building line
Secondary St (corner lots)	<ul style="list-style-type: none"> • 3m – single storey • 4.5m – two storeys or greater
Side Boundary (no road frontage)	<ul style="list-style-type: none"> • 1.5m - single storey • 3m - two storeys or greater
Rear Boundary	<ul style="list-style-type: none"> • 4.5m - single storey • 6m - two storeys or greater
Public Reserves	3m

Objective / Performance Criteria	Acceptable Solutions
<p>C5.6 Site Coverage</p> <p>O1. To ensure that development allows sufficient areas for deep soil for landscaping and water infiltration that softens larger developments.</p> <p>O2. To encourage development with good open space, residential amenity, and energy efficiency.</p>	<p>Development must not exceed a site coverage of 70% (including all ancillary buildings and impermeable, hardstand and/or driveway areas.</p> <p>Note: The site coverage should be clearly shown on the proposed Site Plan(s).</p>
<p>C5.7 Height & Solar Access</p> <p>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.</p> <p>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.</p>	<p>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:</p> <ul style="list-style-type: none"> 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. <p>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 worsen solar access if it is already less than this amount.</p>

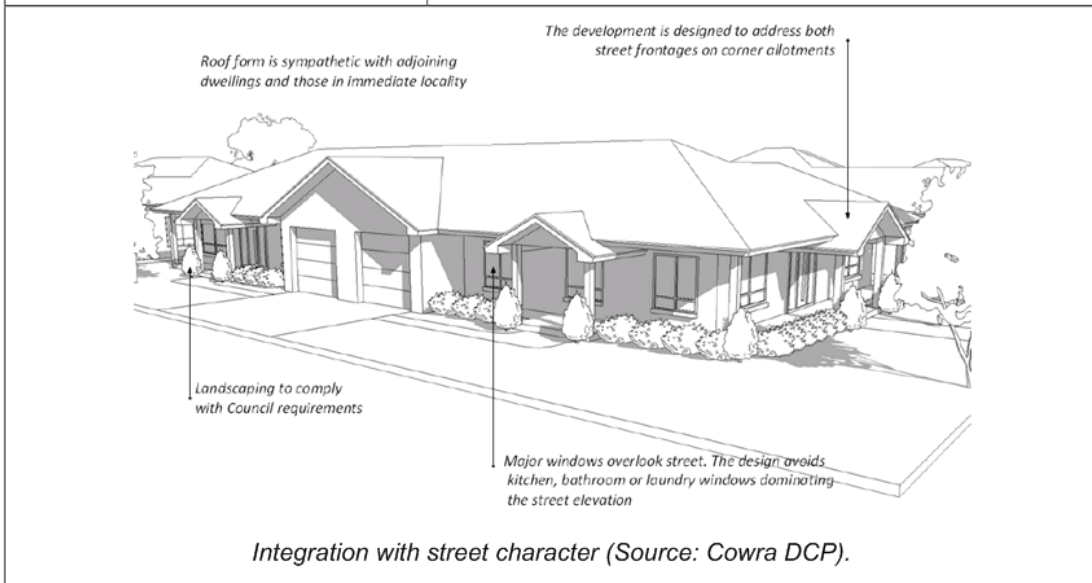
C5.8 Presentation to Street & Vehicle Driveways

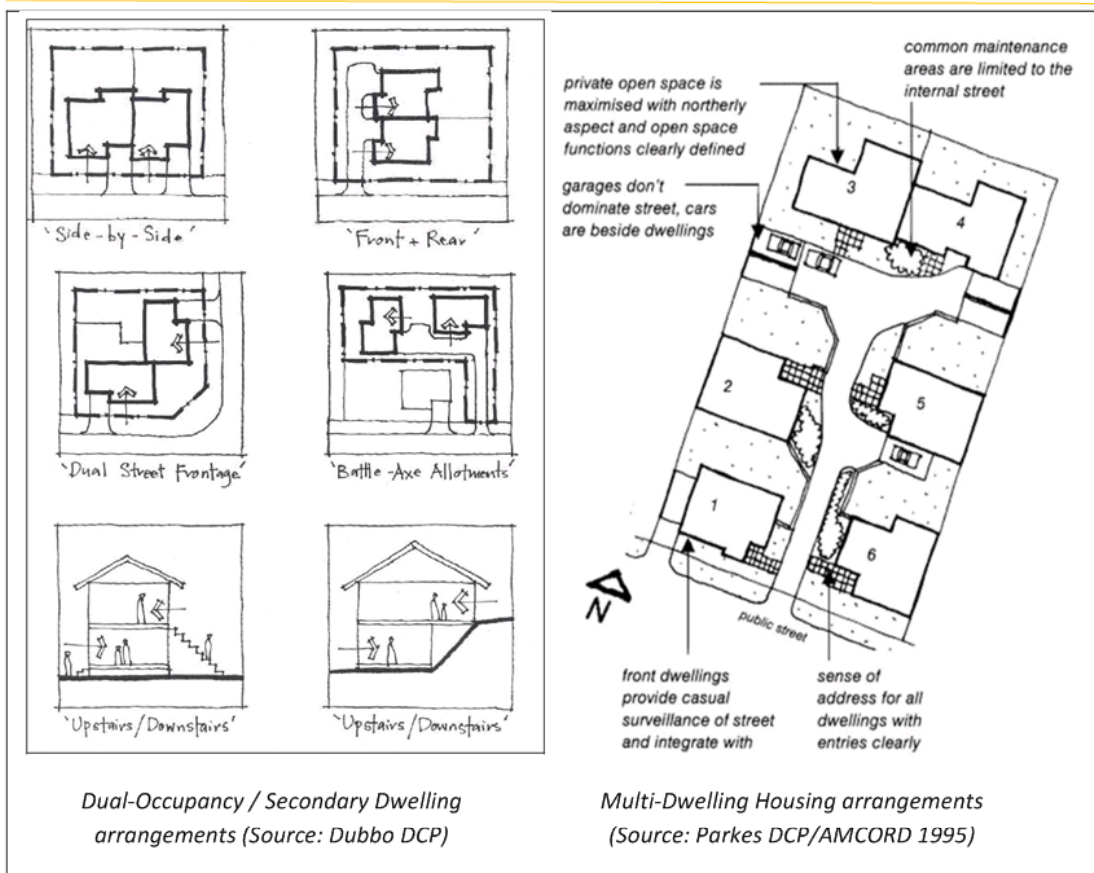
O1. Higher density or innovative and different building forms must demonstrate how the building siting and driveway layout:

- 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 softening with landscaping.





C5.9 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 window-sill (high-level windows), courtyard walls or landscaping/screening (see diagrams in Part C2.5). If reliant on landscaping, its


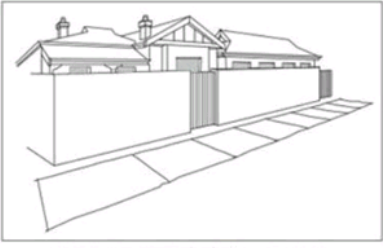
- 1) **Windows & Balconies:** Development:
 - a) That is more than one storey (including habitable attic rooms with dormer windows); or
 - b) Where the floor level is greater than 1 metre above the existing ground level; or
 - c) That does not meet the minimum building setbacks; or
 - d) Involves multiple 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.

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<p><i>effectiveness within 3 years of planting must be demonstrated. Solar access to living rooms must not be significantly impacted.</i></p>	<p>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.</p> <p>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.</p> <p>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).</p>
<p>C5.10 Private Open Space</p> <p><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></p> <p>Medium density housing must incorporate sufficiently sized and suitably located outdoor private open space and landscaping areas:</p> <p>a) To maximise amenity for each dwelling; and</p> <p>b) To maximise solar access to private open spaces and living areas.</p>	<p>1) Area/Dimension: For each dwelling in dual occupancies, or multi-dwelling housing (at ground level):</p> <p>a) The minimum dimension of the one area of 'primary' open space is 4m by 4m; and</p> <p>b) The minimum combined open space area is 40m² (only areas with a minimum depth of 2m are included).</p> <p><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></p> <p>2) Solar Access: The 'primary' private open space must receive at least 2-3 hours of solar access over 50% of</p>

	<p>the area at the Winter Solstice (21 June) between 9am and 3pm.</p> <p>3) Access to Primary Living Space: Private open space for each dwelling should be directly accessible from the living areas of the associated dwelling.</p> <p>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.</p>
<p>C5.11 Landscaping & Deep Soil</p> <p>To encourage deep soil areas that can support significant landscaping to:</p> <p>a) Retain and protect existing significant trees;</p> <p>b) Allow for water infiltration and reduce stormwater issues;</p> <p>c) Reduce the bulk and scale of larger developments and hardstand areas;</p> <p>d) Improve privacy and shading whilst allowing solar access in winter;</p> <p>e) Utilise species suitable to the climate with lower maintenance;</p> <p>f) Assist in defining the boundary between public, semi-public, and private land and promote good sight-lines and safety.</p>	<p>1) Landscape Design: The applicant is required to lodge Landscaping Plan(s) (in accordance with Council's <i>Development and Building Guide</i>) that demonstrates how the proposed landscaping addresses:</p> <p>a) Retention and incorporation of any significant existing trees on the site (if possible);</p> <p>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 incompatibility due to proximity to buildings and falling limbs;</p> <p>c) Whether the species is deciduous or perennial and how this will facilitate solar access in winter and shade in summer;</p> <p>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;</p> <p>e) How any screening may impact on casual surveillance of the street and public spaces;</p> <p>f) Whether the species is suited to the climate (frost and drought tolerance) and local ecology (avoiding, where possible, weeds or invasive species);</p> <p>g) Provide details of maintenance and watering requirements for multi-dwelling housing and residential flat buildings;</p> <p>h) Proposed levels and surface types for drainage.</p> <p>2) Access Sightlines: Driver visibility / sightlines along public roads and footpaths at the entrance /exit of any</p>

	<p>lot must not be impaired by any fences or proposed landscaping (existing significant trees may be retained).</p> <p>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:</p> <p>a) Along driveways for multi-dwelling housing and residential flat buildings; and</p> <p>b) Around outdoor car parking areas.</p> <p>4) Water & Energy Efficiency: Landscaping must comply with that shown on the approved BASIX Certificate for the dwelling.</p> <p>5) Earthworks / Retaining Walls: Earthworks and retaining walls must be designed to promote access through the site and minimise impacts on neighbouring sites.</p>
<p>C5.12 Fencing</p> <p>Fencing must seek to balance security and privacy with the community need for new development to:</p> <p>a) Reflect traditional and rural village styles and materials and the style of the associated building(s);</p> <p>b) Provide opportunities for casual surveillance of the street;</p> <p>c) Avoid large solid fence sections unsympathetic to the street character;</p> <p>d) ensure sight-lines for vehicle and pedestrian safety.</p>	<p>9) Height (Front Fences): Fences within the front primary setback area to the building line are to be:</p> <p>a) Maximum 1.2m high above existing ground level;</p> <p>b) Not made of Colorbond/metal panels; and</p> <p>a) Not be solid above 900mm.</p> <p>Any front fences in excess of 900mm will be assessed on merit having regard to the impact of the fence on the streetscape.</p> <p>2) Height (Corner Allotments): Fences on corner allotments must be either splayed, set-back, reduced in height or increased in transparency to maintain visibility for motorists and pedestrians, taking into account privacy for rear yards.</p> <p>3) Height (Other Fences): The maximum height for side and rear boundary fences is 1.8m above existing ground level.</p> <p>4) Materials: The materials for street frontage fences must be consistent with or sympathetic to those used in adjoining developments (other than solid metal panels),</p>

 <p>Low fences are traditional and acceptable</p>  <p>High walls are not generally acceptable</p> <p>Source: Parkes DCP</p>	<p>particularly when located in a heritage conservation area, adjacent to a heritage item or on a main street.</p> <ol style="list-style-type: none"> 5) Reflectivity: If fencing is constructed of metal panels it must be of low reflectivity, factory pre-coloured materials or galvanised iron (unsuitable for front fences). 6) Surface Water: Fencing must not redirect the flow of surface stormwater or floodwaters onto an adjoining property. 7) Landscaping: Long fenced areas fronting public streets or internal driveways should be softened with landscaping by setting back parts or all of the fence-line to allow for planting on the subject lot. <p><i>Note: As fences must not be placed on neighbouring land or public road reserves Council may require a Survey Plan to identify the boundary or verification by a registered Surveyor of the location of the fence in relation to a boundary.</i></p>
<p>C5.13 Solid Waste Management</p> <p>To ensure that solid waste management is integrated into the design of more complex developments and will provide:</p> <ol style="list-style-type: none"> 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; 	<ol style="list-style-type: none"> 1) Multi Dwelling Housing: For all multi dwelling housing there must be: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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)). 2) Other Medium Density Housing: For all other medium density housing applications garbage bins associated with dwellings are to be stored in the rear

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<p>d) Screening of waste storage areas to minimise visual and odour impacts.</p>	<p>yard, side setback or garage of the dwelling and/or suitably screened (i.e. not visible from the street).</p>
<p>C5.14 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.</p>	<p>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).</p>

C6 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
<p>C6.1 Temporary Accommodation</p> <p><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></p> <p>O1. To ensure temporary accommodation is appropriately constructed and serviced and only used for the limited time needed to construct the permanent dwelling.</p> <p>Note: <i>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.</i></p>	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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). 7) Prior to Occupation: Temporary accommodation must not be occupied until:

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Objective	Acceptable Solutions
	<p>a) Council has approved the development application and issued a Construction Certificate for the permanent dwelling on the site;</p> <p>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);</p> <p>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).</p> <p>8) Length of Use: The maximum period that temporary accommodation may be used as a habitable building is (whichever is the shortest time of):</p> <p>a) 12 months from the date of approval of the permanent dwelling; or</p> <p>b) 3 months from the date the final Occupation Certificate is issued for the permanent dwelling; or</p> <p>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.</p> <p>9) Finalisation: At the end of the maximum period in subclause (8) the temporary accommodation must be:</p> <p>a) Completely demolished / removed and the area remediated; or</p> <p>b) The applicant must have Council approval to extend the maximum period for the temporary accommodation; or</p> <p>c) 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).</p>
<p>C6.2 Second Hand (Relocatable) Buildings</p> <p><i>Existing second-hand buildings can be moved to the site and often placed on</i></p>	<p>1) Approvals: A Development Application is required for the use of the land and for the second-hand building. You will require Section 68 Application(s) for installation of the building, connection to utilities and on-site sewage management.</p>

Objective	Acceptable Solutions
<p><i>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></p> <p>O1. To ensure second-hand (existing) buildings are safe for occupation and use prior to their delivery to the site.</p> <p>O2. To ensure that second-hand buildings are located and/or designed to reduce their visual impact and integrate with the surrounding area character.</p>	<p>2) Other Controls: The building location and design for the second-hand dwelling must comply with the other relevant controls in this DCP.</p> <p>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.</p> <p>4) Lodgement: Applications for a second-hand building must include:</p> <ul style="list-style-type: none"> 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 there is no asbestos or other hazardous material in the building or it has been removed; e) Photographic evidence of the building (prior to its relocation to site) supported by a description of its condition prepared by a qualified consultant; f) Evidence of how the building will be transported to the site and any permits 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. <p>Note: <i>Second-hand buildings must not be moved onto the site before development consent is issued for the use of the land.</i></p>

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Objective	Acceptable Solutions
	<p>Note: Council will issue a Completion 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.</p> <p>Note: A BASIX Certificate is NOT required as it is not within the definition of a 'building' under the EP&A Act.</p> <p>Note: If the land is bushfire prone land then additional assessment of bushfire risk and building construction will be required.</p>
<p>C6.3 Manufactured / Transportable Homes</p> <p><i>Under the Local Government Regulation 2005 as 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></p> <p><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</i></p>	<ol style="list-style-type: none"> 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 Local Government Regulations. 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. <p>Note: A construction certificate and/or occupation certificate is not required for the installation of the home.</p> <p>Note: A BASIX Certificate is NOT required as it is not within the definition of a 'building' under the EP&A Act.</p> <p>Note: If the land is bushfire prone land then additional assessment of bushfire risk and building construction will be required.</p>

Objective	Acceptable Solutions
<p><i>associated structures that form part of the dwelling.</i></p> <p>O1. To meet statutory requirements for manufactured homes / transportable dwellings.</p>	
<p>C6.4 Shop Top Housing / Mixed Use Developments</p> <p><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 B2 Local Centre, Zone R1 General Residential, and Zone RU5 Village.</i></p> <p>O1. To ensure that shop top housing is designed to integrate with the associated commercial / retail function whilst providing suitable residential access and amenity.</p> <p>Note: SEPP65 (Design Quality of Residential Apartment Development) applies to a building of 3 or more storeys and 4 or more dwellings including shop top housing or mixed-use developments.</p>	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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; and 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.

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Objective	Acceptable Solutions
	5) Car Parking: For any new building/dwelling(s) the residential component of any new shop top housing requires at least one (1) off street car parking space per dwelling and preferably two (2) spaces. In addition, the site needs to accommodate any commercial car parking requirements set out in this DCP.

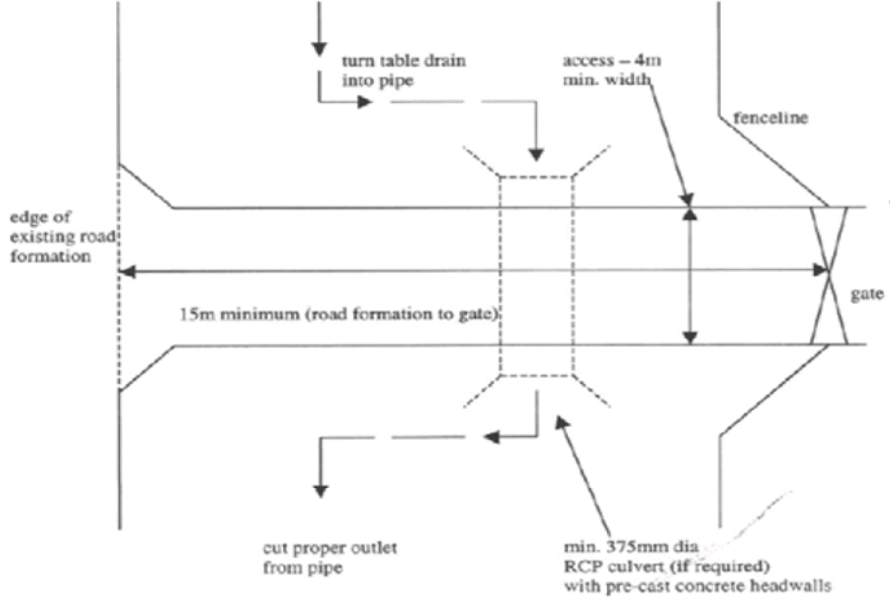
C7 Access & Parking

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	
C7.1 Vehicle Parking	Acceptable Solutions	
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.	<p>Car Parking: Each dwelling must provide:</p> <ol style="list-style-type: none"> 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 Traffic Generating Developments</i> on the Roads & Maritime Services 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 Traffic Generating Developments</i> (on the Roads & Maritime Services 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.
C7.2 New Driveways & Entrances (Urban Areas)	Acceptable Solutions	
O1. Ensure new driveways and garage entrances are located to	<p>In Zones B2 (Local Centre-Blayney), R1 (Blayney), RU5 Villages and any R5 lots < 1 hectare in area:</p> <ol style="list-style-type: none"> 1) Safety: Any driveway must provide sufficient separation from nearby intersections and sight-lines for pedestrian 	

PART C

Objective / Performance Criteria	Acceptable Solutions
<p>maximise vehicle and pedestrian safety with appropriate sight-lines and separations from intersections / other driveways / pedestrian access paths.</p> <p>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.</p> <p>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.</p>	<p>and vehicle safety in accordance with Council's <i>Guidelines for Engineering Works</i> and AS2890.1 – Figure 3.1/3.2).</p> <p>2) Driveway Width:</p> <p>a) Driveways serving one (1) dwelling shall be a minimum width of 3m.</p> <p>b) Shared driveways serving three (3) 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.</p> <p>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).</p>
<p>C7.3 New Access, Entrances & Driveways (Rural Areas)</p> <p>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.</p>	<p>1) Guidelines: In Zone R5 lots \geq 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 Traffic Generating Developments</i> on the Roads & Maritime Services website (as amended).</p> <p>2) 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.</p> <p>3) 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</p>

Objective / Performance Criteria	Acceptable Solutions
	<p>the road) not less than the following distances (see diagram below):</p> <ul style="list-style-type: none"> a) 15m (where the lot has an area of more than 1 ha); b) Entrance setbacks to a highway or classified road must meet RMS standards.
 <p><i>Driveway design for lots of area >1 hectare (rural lots) (Source: former Blayney DCP No.6)</i></p>	

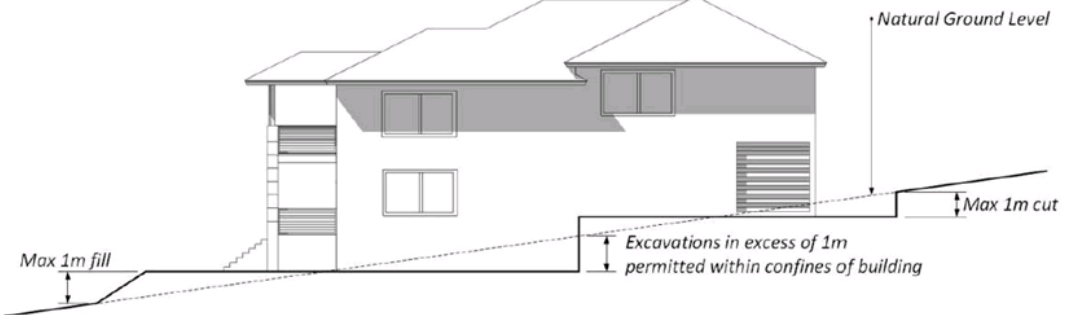
C8 Site Planning, Earthworks & Utilities

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
<p>C8.1 Site Planning</p> <p>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):</p> <ol style="list-style-type: none"> 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). 	
<p>C8.2 Water & Energy Efficiency</p> <p>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.</p>	<p>A BASIX Certificate may need to be submitted with the Development Application in accordance with <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> prepared either by an applicant or a suitably qualified consultant.</p> <p>Note: Please go to www.basix.nsw.gov.au for more information or to conduct a BASIX assessment on-line or see Council's <i>Development and Building Guide</i> for more details.</p>
<p>C8.3 Design Principles (Advisory only)</p> <ol style="list-style-type: none"> 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): <ol style="list-style-type: none"> 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). 	

Objective / Performance Criteria	Acceptable Solutions
<p>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.</p> <p>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.</p> <p>4) Windows: Windows to primary living spaces should ideally face between 30° east of solar north or 20° west of solar north.</p> <p>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.</p> <p>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.</p> <p>7) Insulation: The higher the insulation (R) values the greater the ability for the dwelling to stay warm in winter and cool in summer.</p> <p>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).</p> <p>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.</p> <p>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.</p>	
<p>C8.4 Earthworks</p> <p>O1. To ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, or cultural or heritage items.</p> <p>O2. To minimise cut and/or fill or site and potential erosion and sediment entering stormwater systems or watercourses or impacting on adjoining properties.</p> <p>Note: Earthworks MAY be exempt or complying development under SEPP</p>	<p>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.</p> <p>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.</p> <p>3) Applicants must notify Council if cut and/or fill will result in the net export or import of fill from sites</p>

PART C

Objective / Performance Criteria	Acceptable Solutions
<p><i>(Exempt and Complying Development Codes) 2008.</i></p> <p>O3. Avoid contaminated fill being relocated or used on sites.</p>	<p>other than the subject site and demonstrate the fill is not contaminated.</p> <p>Note: <i>If the site is within a flood prone area or drinking catchment area then there may be additional earthworks controls in Part G – Environmental Management & Hazards.</i></p>
 <p><i>Minimising cut and/or fill near boundaries (Source: Cowra DCP).</i></p>	
<p>C8.5 Building near Utilities/ Easements</p> <p>O1. All buildings and structures must be located and designed so they do not obstruct access to, or impact on the safe operation of, existing or proposed utilities such as sewer, stormwater, water, electricity, gas, and telecommunications (whether they are above ground or under-ground).</p>	<ol style="list-style-type: none"> 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. <p>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></p>

Objective / Performance Criteria	Acceptable Solutions
<p>C8.6 Connection to Utilities</p> <p>O1. To address the requirements of Clause 6.8 - <i>Essential Services</i> in <i>Blayney Local Environmental Plan 2012</i>.</p> <p>O2. To ensure that new developments are appropriately serviced (the type or level of service depending on service availability and cost-effectiveness to connect).</p> <p>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).</p> <p>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.</p>	<ol style="list-style-type: none"> 1) All dwelling lots in Zone R1 General Residential (Blayney) 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. <p>Note: <i>Telecommunications and gas services may also need to be connected. Speak to Council about your requirements. Stormwater is addressed in Part G – Environmental Management & Hazards.</i></p>
<p>C8.7 Siting & Visibility of Utilities</p> <p>O1. To minimise the visual impact of any new utilities, connections, or associated structures if visible from public areas.</p>	<ol style="list-style-type: none"> 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
<p>C8.8 Water Tanks</p> <p>O1. To ensure that dwellings have sufficient potable water to cater for the number of people/ likely consumption and any ancillary uses.</p>	<p>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.</p> <p><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></p>
<p>C8.9 On-Site Sewage Management</p> <p>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.</p>	<p>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 Council's <i>Development and Building Guide</i>, any relevant Australian Standards, and Part G2.5 On-Site Effluent Disposal of this DCP.</p>
<p>C8.10 Re-Use of Water</p> <p>O1. Re-use of water is encouraged but must be treated to the relevant NSW standards to ensure safety and environmental health.</p>	<p>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.</p>
<p>C8.11 Solid Waste Management</p> <p>O1. To ensure that all new development has an appropriate solid waste management system to protect the environment.</p>	<p>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).</p>

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Objective / Performance Criteria	Acceptable Solutions
<p>C8.12 Letterboxes</p> <p>O1. Letterboxes must be provided for all new lots/dwellings that do not have an existing letterbox.</p> <p><i>Note: Letterboxes MAY be exempt or complying development under SEPP (Exempt and Complying Development Codes) 2008.</i></p>	<p>Separate letterboxes for each dwelling must:</p> <ol style="list-style-type: none"> 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.
<p>C8.13 Street Numbering</p> <p>O1. Street numbers should be provided for new buildings on vacant lots or new lots.</p>	<p>Each dwelling must have an appropriate street number that is clearly visible from the street (as determined by Council).</p>

PART C



Part D:

Commercial, Community &

Industrial Development

PART D

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PART D

D1 Introduction

D1.1 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.

Commercial, community and industrial uses are permitted in a wide range of zones across the Shire. The overarching aim is to facilitate these uses where they do not impact unduly on neighbouring areas. This Part can also be used to guide developments where the other Parts of this DCP do not clearly apply or the proposed land use is not specifically covered.

COMMERCIAL PREMISES

Commercial premises is a group term that includes **business premises, office premises and retail premises**. Please see **Blayney Local Environmental Plan 2012 (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 buildings**;
- 4) Industries where the dominant use is commercial (e.g. depots with offices).

Please speak to Council to determine which, if any, of these commercial controls apply to your type of development.

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. Please speak to Council to determine which, if any, of these commercial controls apply to your type of development.

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).

D1.2 Other Parts of this DCP

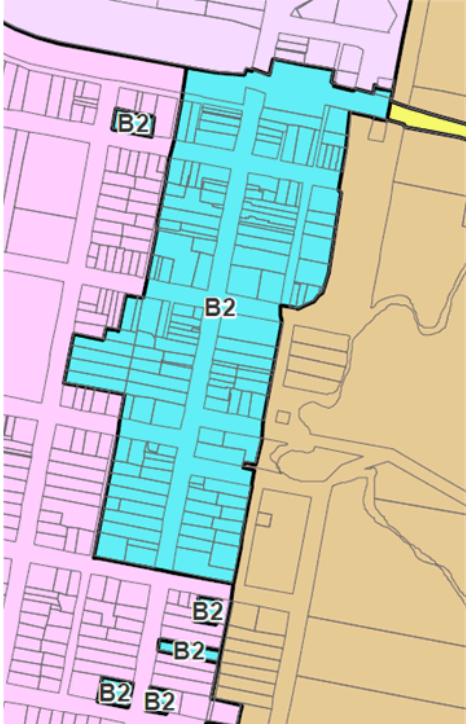
Whilst Council has attempted to consolidate most of the controls relating to commercial, community and industrial development in this Part, other Parts of this DCP may also apply depending on the type of development you are proposing and the site constraints including, but not limited to:

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

D2 Commercial and Community Buildings & Design

PART D

Objective / Performance Criteria	Acceptable Solutions
<p>D2.1 Site Selection and Land Use Conflicts</p> <p>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:</p> <ol style="list-style-type: none"> 1) Avoid, or minimise/mitigate any potential impacts on other land uses in the vicinity of the site having regards to: <ol style="list-style-type: none"> 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) Address Part D5: Site Planning, Earthworks & Utilities. 	
<p>D2.2 General Building Setbacks</p> <ol style="list-style-type: none"> 1) Road Frontages: Setbacks to road frontages (other than rear lanes) should: <ol style="list-style-type: none"> 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; and 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. <p>In addition, where applicable, the guidelines for the following site-specific areas/land use zones should be addressed.</p>	

Objective / Performance Criteria	Acceptable Solutions
<p>D2.3 Setbacks – Zone B2 Local Centre</p> <p><i>In BLEP2012, Zone B2 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></p> <p><i>Excerpt from Land Zoning Map for Blayney in BLEP2012 (as amended – this map is subject to change).</i></p> <p>1) Primary Street Setbacks:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> i) A heritage item that has a greater setback to Adelaide Street and sight-lines 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. <p>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.</p>	

PART D

PART D

Objective / Performance Criteria	Acceptable Solutions
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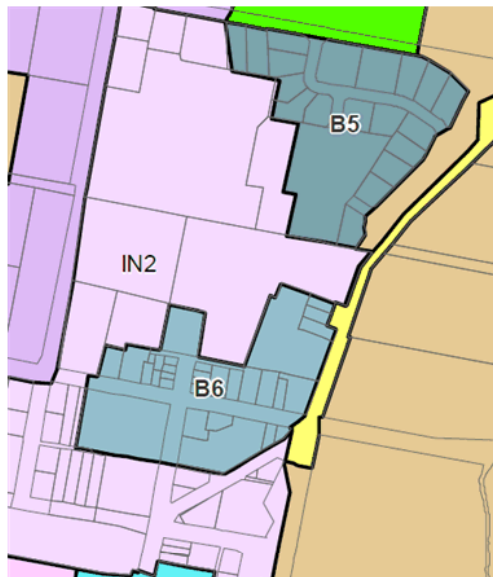
	<p>3) Rear Setbacks: Rear setbacks should consider servicing and off-street parking requirements with access from Farm Lane, Henry Street and Adelaide Lane and the provision of some landscaping to reduce the visual impact of large parking and service areas.</p>
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D2.4 Setbacks – Zone B5 Business Development

In BLEP2012, Zone B5 Business Development 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.

D2.5 Setbacks – Zone RU5 Village & Zone B6 Enterprise Corridor

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
<p>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></p> <p><i>In BLEP2012, Zone B6 Enterprise Corridor is found in the Town of Blayney in the Hill Street Mixed Use Area (see map above). 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></p> <p>1) Primary Street Setbacks:</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>PART D</p>
<p>D2.6 Building Height & Bulk</p> <p>The applicant must demonstrate how the proposed building height and bulk will:</p> <ol style="list-style-type: none"> 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. 	

D2.7 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 shop-fronts;
 - c) Well-defined and lit entrances with good sight-lines 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 sight-lines 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.

D2.8 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 and a Council license for verandas, balconies or awnings over the public footpath.

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 Roads & Maritime Services 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.

D2.9 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, and a Council license for use of the public footpath.

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.

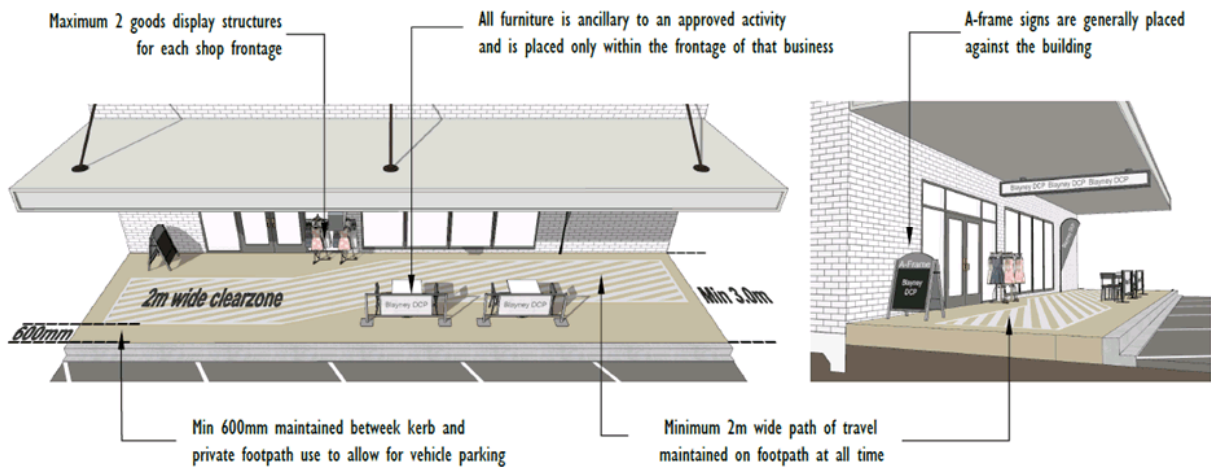
O4. To ensure that the use of footpaths is compatible with other commercial or community uses of the footpath and does not adversely impact upon the amenity of area.

- 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 2.0m;
 - 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.

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	<p>d) Goods display structures must be of safe and stable construction.</p> <p>e) Display stands or goods must not be fixed to the footway or any street sign, pole, veranda post or other item.</p> <p>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.</p> <p>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.</p>
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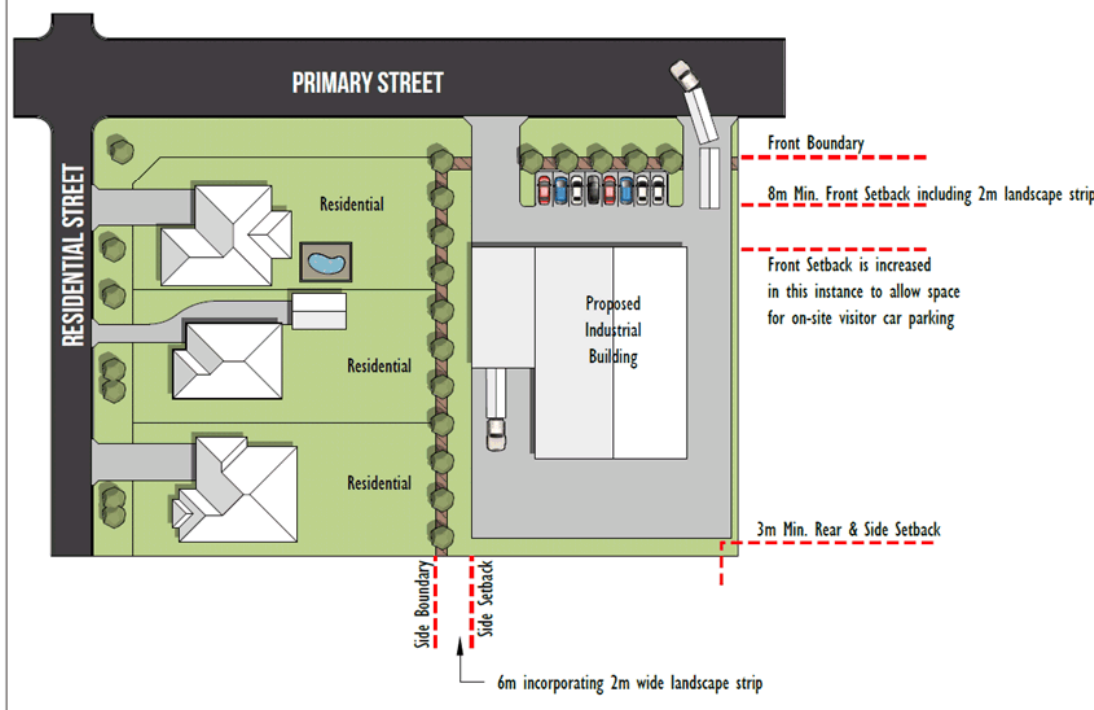
D3 Industrial Building & Design

PART D	Objective / Performance Criteria	Acceptable Solutions
	<p>D3.1 Site Selection and Land Use Conflicts</p> <p>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.</p> <p>O2. Ensure that industrial developments do not have an adverse impact on surrounding land use(s) or the environment.</p> <p>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.</p>	<p>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:</p> <ol style="list-style-type: none"> 1) Avoid, or minimise/mitigate any potential impacts on other land uses in the vicinity of the site having regards to: <ol style="list-style-type: none"> 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.
	<p>D3.2 Setbacks</p> <p>O1. Building setbacks should be sufficient:</p> <ol style="list-style-type: none"> 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 	<ol style="list-style-type: none"> 1) Front Setbacks <ol style="list-style-type: none"> 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

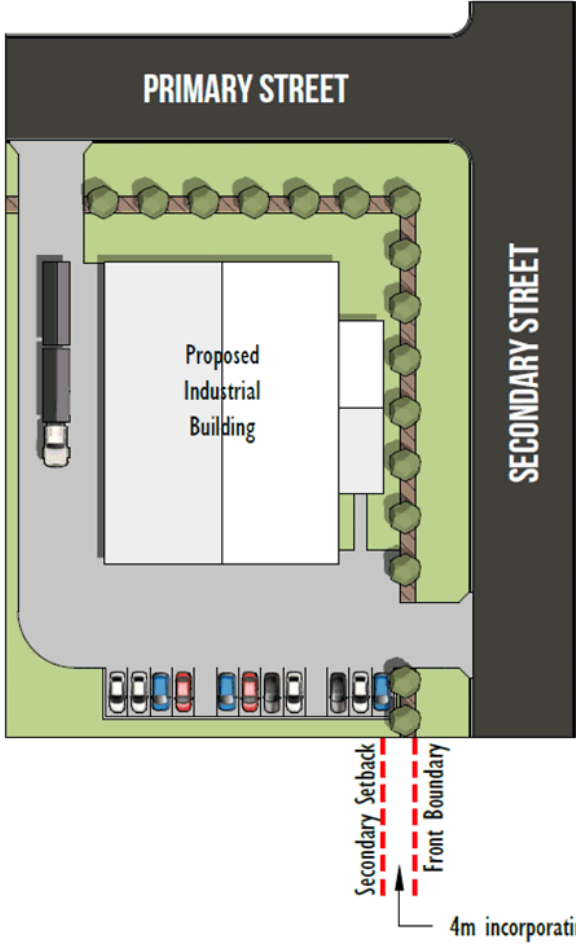
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Objective / Performance Criteria	Acceptable Solutions
<p>minimising the impact of large parking areas on street character/activity.</p> <p>5) To provide areas for outdoor storage or ancillary activities that are suitably screened.</p> <p>6) To allow stormwater management and water infiltration to soil.</p>	<p>minimum 4 metre setback to the secondary frontage.</p> <p>2) Side and Rear Setbacks</p> <p>a) Industrial buildings must be setback 3 metres from side and rear property boundaries.</p> <p>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.</p> <p>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.</p>



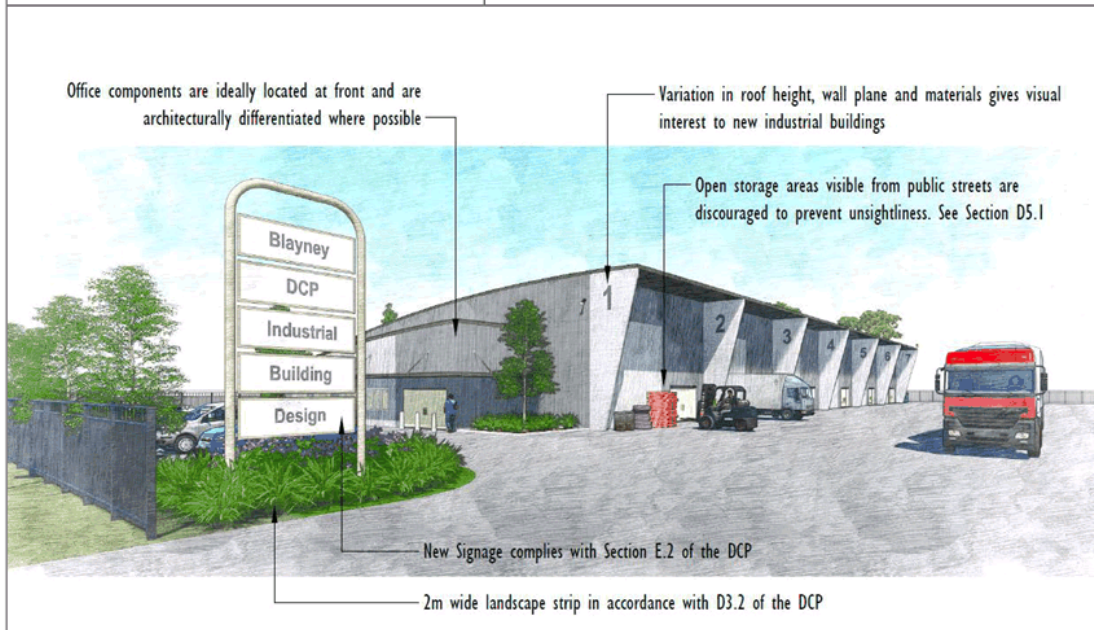
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Objective / Performance Criteria	Acceptable Solutions
 <p style="text-align: center;">PRIMARY STREET</p> <p style="text-align: center;">Proposed Industrial Building</p> <p style="text-align: center;">SECONDARY STREET</p> <p style="text-align: center;">Secondary Setback</p> <p style="text-align: center;">Front Boundary</p> <p style="text-align: center;">4m incorporating 2m wide landscape strip</p>	<p style="text-align: center;">Front Boundary</p> <p style="text-align: center;">8m Min. Front Setback including 2m landscape strip</p> <p>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.</p>
<p>D3.3 Building Height & Bulk</p> <p>O1. Building height and bulk must seek:</p> <ol style="list-style-type: none"> 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 height to adjacent buildings to minimise visual impact. 	<ol style="list-style-type: none"> 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.

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<p>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.</p>	<p>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 22 June.</p>
<p>D3.4 Building Design</p> <p>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.</p> <p>O2. To encourage the use of building design and materials that mitigate noise impacts on adjoining land-uses, particularly residential areas.</p>	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> a) Wall plane projection or recesses; b) Windows, doors or other openings; c) Variation of roof height; d) Material changes.



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Objective / Performance Criteria	Acceptable Solutions
<p>D3.5 Building Materials & Colours</p> <p>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.</p>	<ol style="list-style-type: none"> 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.

D4 Access & Parking

Objective / Performance Criteria	Acceptable Solutions
<p>D4.1 General Controls</p> <p>O1. To ensure that developments are supported by good vehicle access, circulation, loading and unloading areas, and vehicle parking areas that:</p> <ol style="list-style-type: none"> 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.). 	<ol style="list-style-type: none"> 1) To ensure that all traffic generating developments are designed in accordance with the requirements of this DCP and: <ol style="list-style-type: none"> a) Council's <i>Guidelines for Engineering Works</i>; b) RTA (now RMS) (2002) <i>Guide to Traffic Generating Developments</i>; and/or c) Relevant <i>Australian Standards</i> including but not limited to AS2890 – <i>Parking facilities</i> including: <ol style="list-style-type: none"> i. AS2890.1 (1993) – <i>Off-street car parking</i>; ii. AS2890.2 (1989) – <i>Commercial vehicle facilities</i>; iii. AS2890.3 (1993) – <i>Bicycle parking facilities</i>. <p>Note: <i>These guidelines/standards are applicable to all relevant control(s) below.</i></p>

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D4.2 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.
 - 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;
 - c) Provide clear separation between customer and vehicle traffic.
- 3) **Design:** Vehicle access must be designed to:
 - a) Meet the requirements of Council's *Guidelines for Engineering Works* 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;
 - e) Take into consideration any requirements in the former RTA (2002) *Guidelines for Traffic Generating Development* (as amended or replaced) – Section 6.2 Access requirements.
- 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.

<p>D4.3 Circulation & Loading/Unloading</p> <p>O1. To ensure that all traffic generating developments are designed in accordance with Council's <i>Guidelines for Engineering Works</i>.</p> <p>O2. To provide parking areas which promote ease of access as well as safe and effective internal circulation patterns.</p>	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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. 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: <ol style="list-style-type: none"> a) All new development (except a change of use or commercial or community use in Zone B2 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 Section 5 of the former RTA (2002) <i>Guidelines for Traffic Generating Development</i> (as amended or replaced) relating to courier, delivery and service vehicles); b) Deliveries and unloading from the street frontage will not be acceptable (except in Zone B2 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.
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	<p>6) Loading / Unloading Design: Loading and unloading areas must be located and designed so they:</p> <ul style="list-style-type: none"> 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; d) Are suitably screened from public spaces where there may be on-site storage of goods.
<p>D4.4 Parking</p> <p>O1. To provide adequate off-street parking consistent with the parking demand generated by the development so that there is not an unreasonable reliance on on-street parking or impacts on other users.</p>	<p>1) Parking Location:</p> <ul style="list-style-type: none"> 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; f) Separation of customer parking from courier and service delivery vehicle parking and/or loading and unloading facilities for safety and accessibility. <p>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.</p> <p>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.</p>

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	<p>4) Circulation: Larger car parking areas must provide rational circulation patterns and minimise the use of dead-end aisles.</p>
<p>D4.5 Pedestrian Access and Mobility</p> <p>O1. To improve equity of access for the entire community.</p> <p>O2. New buildings, substantial alterations and additions, parking and access must comply with the <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>.</p>	<p>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>.</p> <p>2) Separation: Pedestrian and vehicle access to sites must be separated and clearly marked.</p> <p>3) Access ramps: Access ramps must be integrated into building design and located outside the road reserve/public footpath (unless otherwise agreed with Council).</p>
<p>D4.6 Parking and Safety</p> <p>1) Parking Navigation: Signage should take into consideration the following:</p> <ul style="list-style-type: none"> 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). <p>2) Pedestrian Connections: The parking design should take into account the following for pedestrians:</p> <ul style="list-style-type: none"> 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, gophers etc. (where applicable). <p>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>.</p>	

<p>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 D5.6 External Lighting below).</p>	
<p>D4.7 Off Street Car Parking</p> <p>O1. To ensure there is adequate off-street parking to meet the needs and size of the development.</p>	<p>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 - unless the proposed development meets the exemptions in accordance with Clause D4.8 (below).</p> <p>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.</p>
<p>D4.8 Exemptions to Off Street Car Parking Requirements</p> <p>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:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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); 	

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- 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)

D4.9 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 is based on the parking requirements of Section 5 of the former RTA (2002) Guidelines for Traffic Generating Development (as amended or replaced) with definitions adapted to **BLEP2012**. Where a land use is not listed below then Council will have regard to the Roads & Maritime Services (2002) Guide to Traffic Generating Developments (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	<p>Developments with no on-site seating: 10 spaces per 100m² GFA.</p> <p>Developments with on-site seating: 10 spaces per 100m² GFA + 1 space per 3 seats (internal or external).</p> <p>Developments with on-site seating & drive-through facilities: 1 space per 3 seats (internal and external) + queuing area for 5 to 12 cars.</p>

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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).
COMMERCIAL 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 10 children + 1 space per 2 employees
Education establishment	<p>Infants & Primary Schools: 1 space per staff member + adequate student set down/pick up areas, bus turning areas + parking for auditoriums and sportsgrounds.</p> <p>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.</p> <p>Tertiary Schools & Colleges: 1 space per staff member + 1 space per 5 students + adequate parking and turning areas for auditoriums and sportsgrounds.</p>
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	1 space per 65m ² of GFA with a minimum of 3 spaces per surgery room + 1 space per staff member.

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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 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

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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
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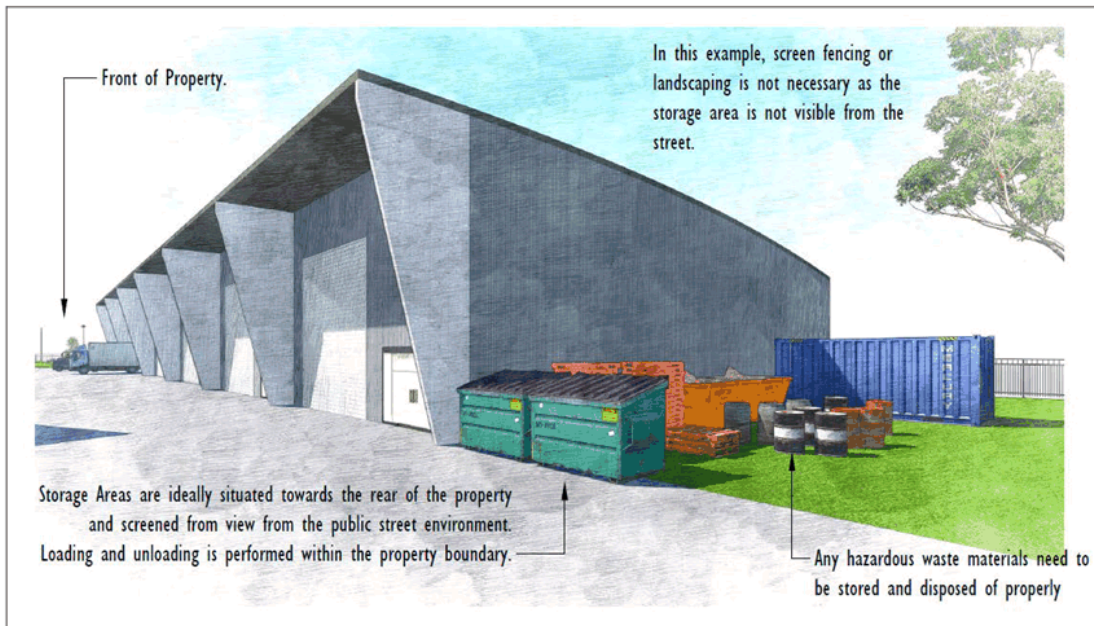
D5 Ancillary Development

Objective/Performance Criteria	Acceptable Solutions
<p>D5.1 Open Storage, Utility & Service Areas</p> <p>To ensure that goods and waste storage areas:</p> <p>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.</p> <p>O2. Limit environment impacts and impacts on the amenity of neighbouring sites.</p>	<ol style="list-style-type: none"> 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 G2.4 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. <p><i>See image on next page.</i></p>

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D5.2 Solid Waste Management

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

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

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

- 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** in accordance with Council's *Development and Building Guide* 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 **D.5.1 Open Storage, Utility & Service Areas** above.

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<p>D5.3 Landscaping</p> <p>O1. Use of appropriate landscaping to provide a pleasant environment that complements the design of the buildings and provides buffers to neighbouring lots and the public domain.</p> <p>O2. Landscaping should be provided in setback areas where it is necessary to:</p> <ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 1) Application requirements: All new proposals for industrial development should be accompanied by a Landscaping Plan. Please refer to Council's <i>Development and Building Guide</i> available on Council's website www.blayney.nsw.gov.au. 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.
<p>D5.4 Fencing</p> <p>O1. Fencing must be designed and maintained:</p> <ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 1) Zone B2 Local Centre: Fencing of commercial or retail properties in Zone B2 Local Centre (Blayney) will generally not be permitted in front of the building line facing any street unless: <ul style="list-style-type: none"> 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.

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<p>key public spaces /the street;</p> <p>b) To minimise visual impact of fences on street character and heritage items or conservation areas.</p>	<p>2) Other Commercial Zones: In all other zones, fencing that is forward of the building line or facing a public street:</p> <ul style="list-style-type: none"> 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. <p>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.</p> <p>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.</p> <p>5) Visual Impact: Fencing should incorporate the use of landscaping to reduce visual impact, particularly on large sites that have long street frontages.</p>
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D5.5 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.

D5.6 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) *AS/NZS 11583.1 Pedestrian Area (Category P) Lighting*;
 - b) *AS4282 Control of Obtrusive Effects of Outdoor Lighting*;
 - c) If on a classified road, any Roads & Maritime Services (RMS) 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

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	light spills onto adjoining properties and avoid movement sensitive lighting unless absolutely necessary.
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PART D

D6 Site Planning, Earthworks & Utilities

PART D

D6.1 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 in accordance with Council's *Development and Building Guide* 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 G – Environmental Management & Hazards.*

D6.2 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 G – Environmental Management & Hazards.*

<p>D6.3 Building near Utilities</p> <p>O1. All buildings and structures must be located and designed so they do not obstruct access to, or impact on the safe operation of, existing or proposed utilities such as sewer, stormwater, water, electricity, gas, and telecommunications (whether they are above ground or under-ground).</p>	<ol style="list-style-type: none"> 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. <p><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></p>
<p>D6.4 Connection to Utilities</p> <ol style="list-style-type: none"> 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. 	
<p>D6.5 Siting & Visibility of Utilities</p> <p>O1. The applicant must try to minimise the visual impact of any new utilities, connections, or associated structures if visible from public areas.</p>	<ol style="list-style-type: none"> 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).

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D6.6 Liquid Trade Waste

Development activities that generate and discharge liquid trade waste (excluding domestic waste from a hand basin, shower, bath or toilet) 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.

D6.7 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 with Council's *Development and Building Guide* and **Part G2.5 On-Site Effluent Disposal**. This includes existing systems that require enhancement or replacement.

D6.8 Water & Energy Efficiency

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

- 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 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.

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E

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 C – Residential** (where you are also proposing some type of residential development);
- 2) **Part D – Commercial, Community and Industrial** (where you are also proposing some type of commercial, community or industrial development);
- 3) **Part F – Subdivision** (where you are also proposing some type of subdivision of your land);
- 4) **Part G – Environmental Management & Hazards** (dependent on site constraints and potential impacts); and
- 5) **Part H – 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 No.64 – Advertising and Signage* (SEPP 64), Council cannot grant development consent to an advertising sign or structure unless it is consistent with the aims of the SEPP 64 and satisfies the assessment criteria listed in Schedule 1 of SEPP 64. The SEPP 64 is available at www.legislation.nsw.gov.au

This document has been prepared with consideration of the provisions of SEPP 64 and should be read in conjunction with it and its Guidelines.

E.2.3 Signs that do not require Development Consent

The *State Environmental Planning Policy (Exempt and Complying Development Code) 2008* (SEPP Code) outlines signage that is exempt from the requirement of obtaining development consent. The SEPP Code 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.

PART E

Land Use	Advertising and Signage Types Permitted with Development Consent
Home Business, Home Industry or Home Occupation	<ol style="list-style-type: none"> 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	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> a) One under awning sign; b) One top hamper sign or flush wall sign; c) One fascia or awning fascia sign; 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	<ol style="list-style-type: none"> 1) For each single occupant industrial site/building advertising signs will be permitted as follows: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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.

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Land Use	Advertising and Signage Types Permitted with Development Consent
<div style="writing-mode: vertical-rl; transform: rotate(180deg); background-color: #008000; color: white; padding: 5px; font-weight: bold;">PART E</div> <p>Highway Services and Service Station</p>	<p>Highway services or service stations are permitted the following signs:</p> <ol style="list-style-type: none"> 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; 3) One (1) A-Frame sign on the footpath.
<p>Rural and Environmental Zones</p>	<p>Advertising in rural and environmental zones (excluding Zone RU5 Village) is only permitted if there is:</p> <ol style="list-style-type: none"> 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.
<p>Subdivision and Multi Dwelling Development</p>	<p>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:</p> <ol style="list-style-type: none"> 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; 3) The sign is not more than 2m above ground level (existing).
<p>Temporary Event Sign</p>	<ol style="list-style-type: none"> 1) One (1) banner and one other type of temporary sign facing on any road frontage is permitted. <p>Each sign must:</p> <ol style="list-style-type: none"> 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

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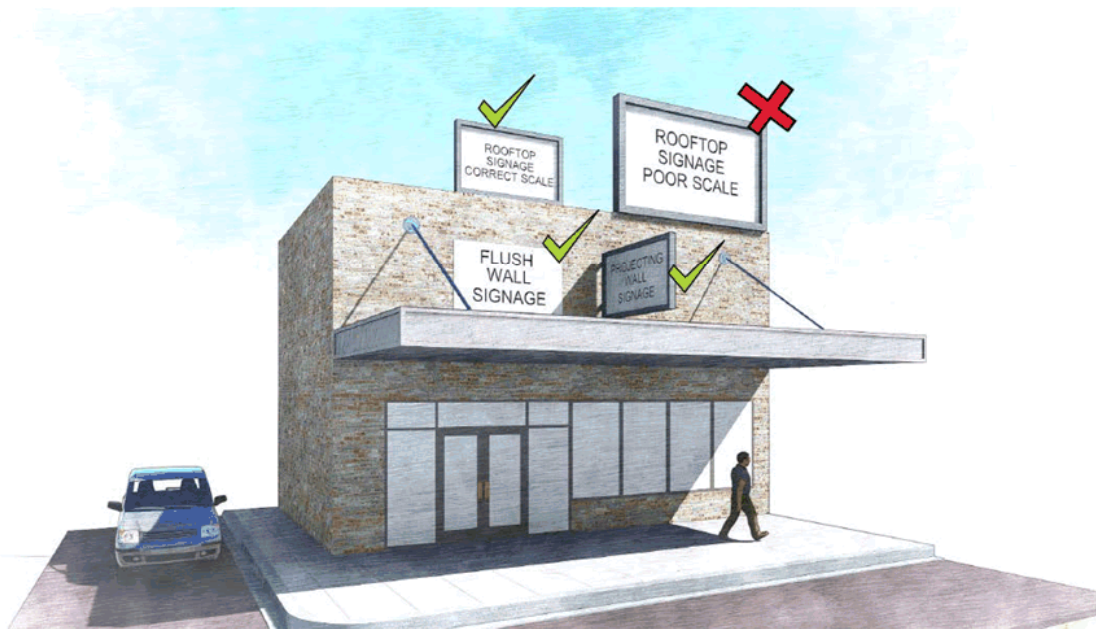
Flush wall signage (attached to the wall of a building above awning level and not projecting more than 0.3 metres from the wall).

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;
- 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.

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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.



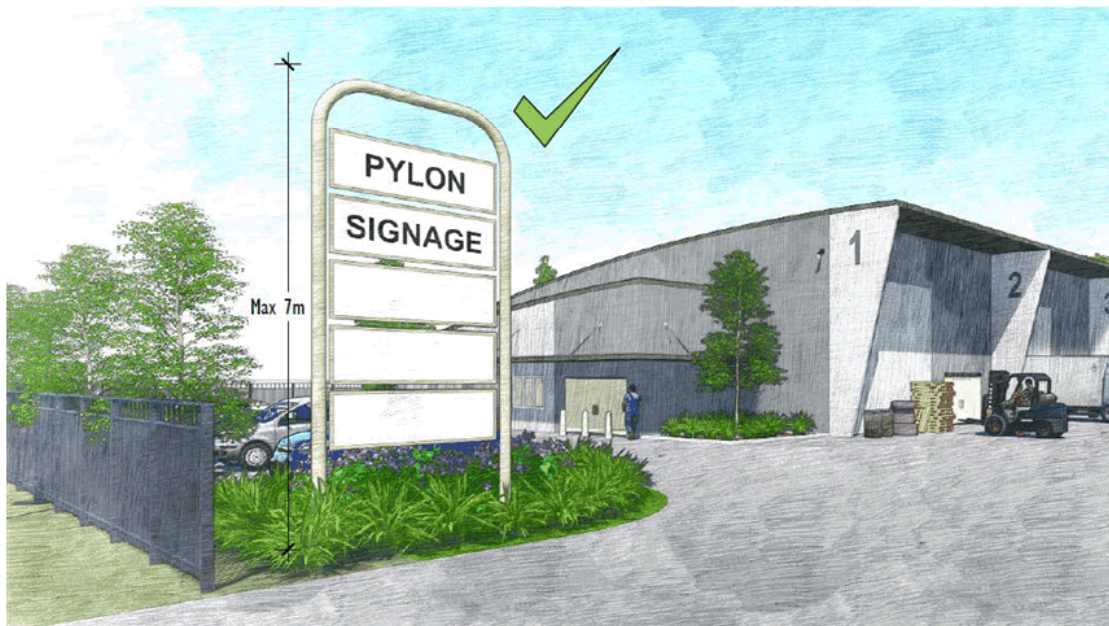
E.2.6.5 Pylon and Pole Sign

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

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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;
- 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.

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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).

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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;
- 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.



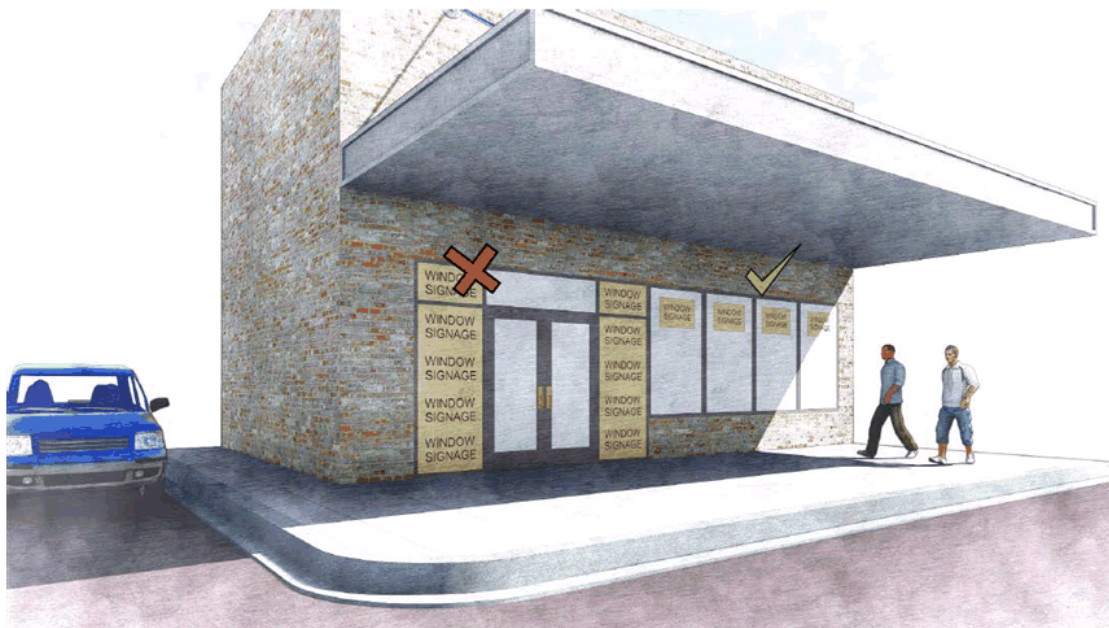
E.2.6.8 Window Sign

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

PART E

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);
- 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 D – 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 the *Blayney Local Environmental Plan 2012 (BLEP2012)*.

PART E

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 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 D – 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.

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 All 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 should be sited within a 50 metre radius from the principal dwelling-house.
- 3) The design consideration of proposed buildings is to maintain the level of privacy and views enjoyed by adjoining properties.
- 4) Should provide a Management Plan that address the operational and environmental for eco-tourism facility, as per Clause 5.13 of **BLEP2012**.

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 principle purpose of which is the preparation and serving, on 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.

PART E

E.6.1 Objectives

To enable restaurants, function centres and cellar door premises 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 should be sited within a 50 metre radius from the principal dwelling-house.
- 3) The design consideration of proposed buildings is to maintain the level of privacy and views enjoyed by adjoining properties.

E.7 Road Side 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 64 – Advertising and Signage*. One (1) designed advertising sign within the property boundary is deemed to provide effective identification of the roadside stall.
- 7) The requirements of the Roads and Maritime Services 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 D –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 C – Environmental Management & Hazards**) must be accompanied by an assessment report (when required by Council's *Development and Building Guide*) 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 (Rural Lands) 2008* ('SEPP Rural Lands') which sets out Subdivision and Planning Principles for the development of rural lands; and
- 3) *State Environmental Planning Policy No.30 (Intensive Agriculture)* ('SEPP Intensive Ag.') which, amongst other matters, sets sizes for cattle feedlots or piggeries which require development consent;
- 4) *Central West & Orana Regional Plan*.

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PART E

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.

PART E

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;

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- 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 *Building Code of Australia* – 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 79C(4) 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; Roads and Maritime Services, 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 and Racing 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; *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*; and *State Environmental Planning Policy (Major Projects) 2005*.

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 (Major Projects) 2005*, 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**).

Council's *Development and Building Guide* provides the requirements for the preparation and submission of a Development Application and a **SEE** or **EIS** where appropriate. Alternatively, contact Council's Planning and Environmental Department.

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

PART E

- 2) 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.
- 3) 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.



Part F:

Subdivision & Roads

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F1 Introduction

F1.1 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 F2 – Site Planning & General Subdivision Requirements** must be considered for all subdivisions.
- **Sections F3 to F6** are for specific subdivision types dependent on the land use or subdivision type.
- **Section F7** only applies where there is a new or substantially upgraded road required to access the subdivision.

F1.2 Other Parts of this DCP

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

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

F2 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.

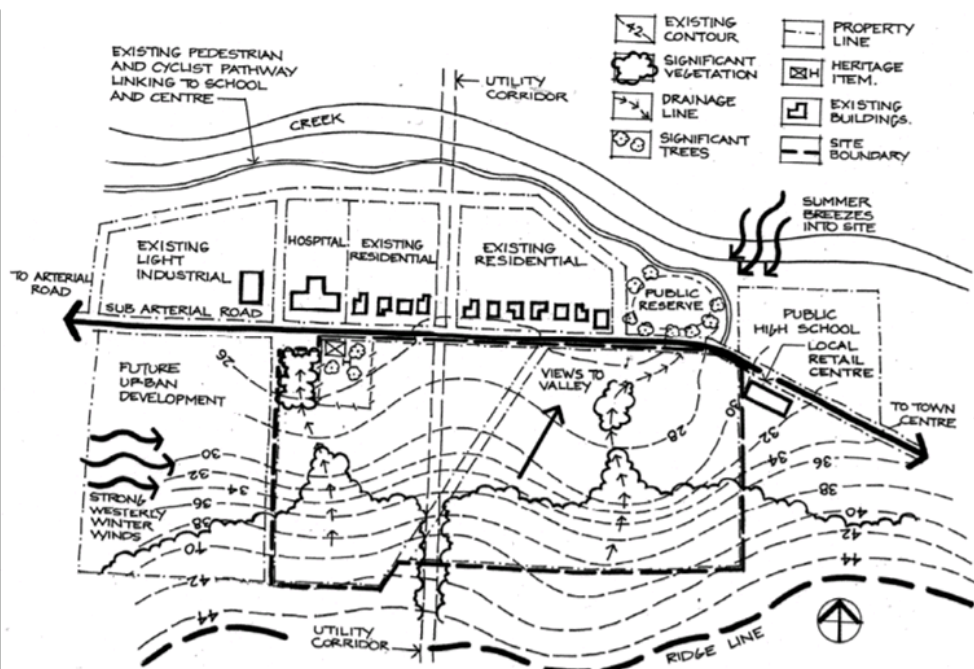
Objectives / Performance Criteria	Acceptable Solutions
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F2.1 Site Planning

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

- a) Respond to the topography and drainage characteristics of the site;
- b) Minimise impacts on the natural environment and protect environmentally sensitive areas;
- c) Avoid or minimise the impacts of natural hazards and stormwater/drainage;
- d) Avoid or minimise land use conflicts and provide suitable setbacks (and/or buffers) to adjacent or nearby sensitive land uses;
- e) Create a legible road and pedestrian/cycle network and connection to surrounding networks;
- f) 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.

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



Example Site (Analysis) Plan for a new subdivision (Source: Lake Macquarie Subdivision Guidelines)

Objectives / Performance Criteria	Acceptable Solutions
<p>F2.2 Topography & Earthworks</p> <p>O1. To ensure subdivision & road design responds to the site opportunities & constraints.</p> <p>O2. To minimise cut and fill from any new road, driveways/entrances, and any future building sites.</p> <p>O3. To ensure that earthworks will not have a detrimental impact on nearby watercourses or stormwater systems, neighbouring uses, or cultural or heritage items.</p> <p>O4. To ensure retaining walls are structurally sound and suitable for purpose.</p> <p>O5. To avoid contaminated fill being utilised on sites.</p>	<p>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:</p> <ul style="list-style-type: none"> 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. <p>2) All retaining walls must comply with the <i>National Construction Code</i>.</p> <p>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.</p> <p>Note: Earthworks on land identified within the Flood Planning Area may be limited by flood controls in Part G – Environmental Management and Hazards.</p>
<p>F2.3 Lot Size & Arrangement</p> <p>O1. To provide lot sizes and dimensions that respond to the site constraints and proposed land use requirements.</p> <p>O2. To avoid or minimise / mitigate against existing and future land use conflicts.</p>	<p>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:</p> <ul style="list-style-type: none"> a) Site constraints; b) Requirements for effluent disposal areas (if relevant); c) Addressing the objectives for lot size in BLEP2012. <p>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 <i>National Construction Code</i>.</p>

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PART F

Objectives / Performance Criteria	Acceptable Solutions
	<p>3) Subdivisions in or adjacent to urban zones (Zones R1, RU5, B2, B5, B6, IN1 and IN2, and Zone R5 where the lot < 1ha in area) must:</p> <ul style="list-style-type: none"> 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; <p>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).</p>
<p>F2.4 On-Site Effluent Management</p> <p>O1. To ensure that on-site effluent management can be accommodated on any proposed lot without affecting adjacent properties or the natural environment.</p>	<p>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 G2.5 On-Site Effluent Disposal and Council's <i>Development and Building Guide</i>.</p> <p>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.</p>
<p>F2.5 Access & Entrances</p> <p>O1. To provide all lots with safe, legal and practical vehicle access and manoeuvring.</p> <p>O2. To provide safe and suitable access and manoeuvring for emergency vehicles and</p>	<ul style="list-style-type: none"> 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 F7 New Roads & Upgrades) 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 (RMS) requirements.

Objectives / Performance Criteria	Acceptable Solutions
<p>larger vehicles for servicing (as required).</p> <p>O3. To provide safe & suitable pedestrian/cycle access and facilities to encourage walking and/or cycling.</p> <p>O4. To promote safe and efficient road and footpath environments for motorists, public transport, cyclists and pedestrians.</p>	<p>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:</p> <ul style="list-style-type: none"> 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. <p>Note: Council will condition requirement(s) for construction of new accesses / entrances to every new lot prior to release of the <i>Subdivision Certificate</i>.</p>
<p>F2.6 Access - Rights of Way & Battle-Axe Lots</p> <p>O1. To minimise the number of lots created that do not have a substantial frontage to a public road.</p> <p>O2. To ensure any access ways are of sufficient width and driveway construction to minimise impacts on neighbouring lots and provide suitable vehicle access.</p>	<p>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:</p> <ul style="list-style-type: none"> 1) No public road access is adjacent to any proposed lot; 2) A maximum of: <ul style="list-style-type: none"> 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. <p>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.</p>

PART F

Objectives / Performance Criteria	Acceptable Solutions
	<p>Note: This control does not affect strata or community title subdivision that relies on access through common property.</p>
<p>F2.7 Utilities/ Easements</p> <p>O1. To provide all essential utilities to the boundary of any new allotment suitable for the proposed use.</p> <p>O2. To ensure appropriate access to and safe operation of utilities.</p> <p>O3. To address any connection requirements of the relevant utility authorities.</p> <p>O4. To minimise the visual impact of any new utilities by undergrounding connections and integrating into the design (where possible).</p> <p>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 of the relevant provider for each utility / service.</p>	<p>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.</p> <p>2) Plan: The Proposed Plan of Subdivision must show all existing or proposed easements on the land proposed for subdivision and provide supporting evidence in accordance with Council's <i>Development and Building Guide</i> (where relevant).</p> <p>3) Protection: All lots should be designed so proposed (or likely) building envelopes or subdivision works:</p> <p>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</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>4) Visibility: To avoid or minimise adverse visual impacts:</p> <p>a) All new utility wiring must be located underground (unless site constraints justify a suitable alternative at the discretion of Council) for:</p> <p>i) Any new subdivision in an urban area;</p> <p>ii) In heritage conservation areas.</p> <p>b) Above ground utility installations and cabinets:</p> <p>i) Are to be kept to a minimum in number and size;</p> <p>ii) Wherever possible, are to be located on existing poles; and</p>

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Objectives / Performance Criteria	Acceptable Solutions
	iii) If provided at ground level, must integrated with the proposed development and/or have appropriate landscaping/ screening.
<p>F2.8 Staging</p> <p>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.</p>	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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 land owners 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.

PART F

F3 Residential Subdivision in Urban Areas

PART F

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);
- 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
<p>F3.1 Lot Size & Arrangements – General</p> <p>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.</p> <p>O2. To ensure new subdivisions in or adjacent to existing urban areas complements the existing subdivision pattern and character of the existing urban area.</p> <p>O3. To require all lots have sufficient road frontage to allow driveway access whilst encouraging dwellings to have a frontage/address to the street.</p>	<p>In addition to the general requirements noted above:</p> <ol style="list-style-type: none"> 1) Any urban residential subdivision must provide a Solar & Siting Plan that demonstrates how the lot layout and orientation will: <ol style="list-style-type: none"> 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). <div style="text-align: center;"> <p><i>Lot orientation for solar access in temperate climates (AMCORD).</i></p> </div> <ol style="list-style-type: none"> 2) All urban residential lots connected to reticulated sewer (excluding battle-axe lots and medium density housing) must have a minimum width of:

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	<ul style="list-style-type: none"> 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. <p>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:</p> <ul style="list-style-type: none"> 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. <p>Note: <i>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></p>
<p>F3.2 Access to Battle-Axe Lots (Limited Road Frontage)</p> <p>O1. To promote safe and efficient access to urban residential lots.</p> <p>O2. To provide sufficient driveway widths & design for battle-axe lots to minimise impacts on adjacent residential lots and accommodate traffic requirements.</p>	<p>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:</p> <ul style="list-style-type: none"> 1) Each battle-axe allotment has a minimum access handle width of: <ul style="list-style-type: none"> a) 4.5m for access to a single lot; b) 6.0m 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.

F4 Large Lot Residential & Rural Subdivision

PART F

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
<p>F4.1 Access & Road Design</p> <p>O1. To provide safe and efficient access points to/from proposed lots to rural roads.</p>	<p>In addition to the general requirements noted above:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> a) 15m; or b) If it is access to a classified road, a distance agreed with Roads & Maritime Services.
<p>F4.2 Access to Battle-Axe Lots (Limited Road Frontage)</p> <p>O1. To ensure battle-axe lots have sufficient access widths to cater for the intended traffic and minimise impacts on adjacent lots.</p>	<p>The proposed subdivision of land can only result in the creation of a battle-axe allotment when:</p> <ol style="list-style-type: none"> 1) Each battle-axe allotment has a minimum access handle width of: <ol style="list-style-type: none"> 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) A minimum 4.0m wide road is constructed for the full length of the access handle in

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	<p>accordance with Council's <i>Guidelines for Engineering Works (as amended)</i>.</p>
<p>F4.3 Lots for the Purpose of Agriculture</p> <p>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.</p>	<p>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:</p> <ol style="list-style-type: none"> 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.

PART F

F5 Commercial, Industrial or Community Subdivision

PART F

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
<p>F5.1 Lot Size & Arrangement</p> <p>O1. To encourage the development of well-designed community, commercial and industrial areas servicing the full range of business needs throughout the Shire.</p> <p>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.</p>	<p>In addition to the general requirements noted above:</p> <ol style="list-style-type: none"> 1) Lot sizes and shapes must have a sufficient size and road frontage to accommodate: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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 D – Commercial, Community & Industrial Development).

F6 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*.

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Objective / Performance Criteria	Acceptable Solution								
<p>F6.1 Minimum Allotment Size</p> <p>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.</p>	<p>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:</p> <table border="1" data-bbox="788 801 1335 1025"> <thead> <tr> <th data-bbox="788 801 1062 887">DWELLING SIZE</th> <th data-bbox="1062 801 1335 887">SITE AREA PER DWELLING</th> </tr> </thead> <tbody> <tr> <td data-bbox="788 887 1062 931">Studio / 1 Bedroom</td> <td data-bbox="1062 887 1335 931">240m²</td> </tr> <tr> <td data-bbox="788 931 1062 976">2 Bedrooms</td> <td data-bbox="1062 931 1335 976">300m²</td> </tr> <tr> <td data-bbox="788 976 1062 1025">3+ Bedrooms</td> <td data-bbox="1062 976 1335 1025">360m²</td> </tr> </tbody> </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								
<p>F6.2 Medium Density Housing Controls</p>	<p>The applicant must demonstrate that the existing or proposed future dwellings and ancillary buildings and open space comply with the controls in Part C – Residential Development relating to Medium Density Housing.</p>								
<p>F6.3 Utilities</p> <p>O1. To ensure each dwelling is separately metered.</p>	<p>Each lot in a Strata Title or Community Title Subdivision must be connected to individual utilities and have separate water and electricity meters.</p>								

F7 New or Upgraded Public Roads

PART F

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
<p>F7.1 Engineering Guidelines</p> <p>O1. To ensure any road design comply with relevant road and access guidelines adopted by Council.</p>	<p>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):</p> <ol style="list-style-type: none"> 1) Roads & Traffic Authority (RTA – now RMS) (2002) <i>Guide to Traffic Generating Development</i>; 2) Roads & Traffic Authority (RTA – now RMS) (1995) <i>Road Design Guide</i>; 3) Relevant Australian Standards; 4) AUSTRROADS (1988) <i>Guide to Traffic Engineering Practice</i>. <p>Note: <i>References to some of these standards are made below but still apply even if not specifically referenced.</i></p>
<p>F7.2 Surrounding Road Patterns & Access</p> <p>Any subdivision design that includes new public road(s) must:</p> <p>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.</p> <p>O2. Provide a subdivision pattern and road layout that enables adjacent</p>	<ol style="list-style-type: none"> 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 then Council may require the subdivision to provide an easement for future road access to the adjacent land.

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<p>lands to be developed as urban growth occurs.</p>	<p>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.</p> <p>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></p>
<p>F7.3 Road Hierarchy & Design</p> <p>O1. To provide a logical road pattern / clear hierarchy of roads.</p> <p>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).</p>	<p>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></p> <p>Council may require (at its discretion based on traffic impact), a Traffic Impact Study that addresses:</p> <ol style="list-style-type: none"> 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.
<p>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></p> <ol style="list-style-type: none"> 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> 	

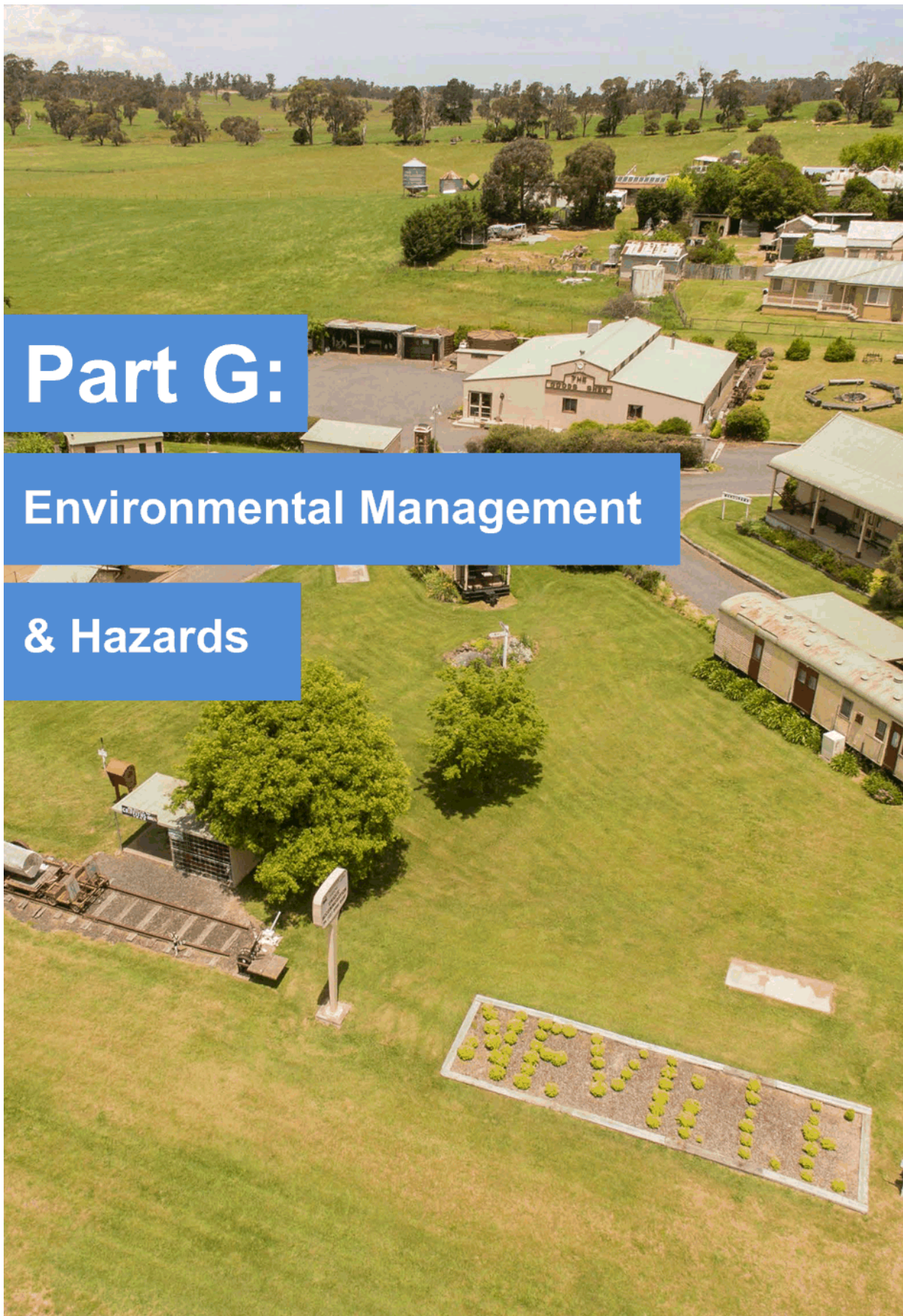
- 5) At new intersections or the T-intersection of any new roads, provision must be made (where Council requires it) for shoulder widening on both sides of the through road to allow for a school bus stopping area.
- 6) Street and lot layout must facilitate the provision of services in a manner that is efficient and minimises whole of life cycle costs for that infrastructure.

<p>F7.4 Terminating Roads (Cul-de-sacs)</p> <p>O1. To minimise the use of cul-de-sacs, their length and number of lots serviced and ensure they cater for waste collection services.</p>	<p>Cul-de-sacs in or adjacent to an urban area (Zone R1, RU5, B2, B5, B6, IN1 & IN2 or R5 (where lots are < 1 ha)) must only be used where:</p> <ul style="list-style-type: none"> 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).
<p>F7.5 Crown Roads</p> <p>O1. To ensure that Crown roads are appropriately dedicated and upgraded to service new development.</p>	<p>Note: Where it is intended to upgrade or construct a Crown Road to provide access to a new lot then:</p> <ul style="list-style-type: none"> 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.

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<p>F7.6 Safety and Surveillance</p> <p>O1. To ensure significant new roads consider <i>Safety by Design</i> principles.</p>	<p>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:</p> <ol style="list-style-type: none"> 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.
<p>F7.7 Public Domain Landscaping & Street Trees</p> <p>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.</p>	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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); <p>must be provided (or levy paid) prior to release of the Subdivision Certificate.</p> 3) Species are to be selected in discussion / agreement with Council's Parks & Recreation Supervisor (or another authorised officer).
<p>F7.8 Naming of New Roads</p>	
<p><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></p>	



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PART G

G1 Introduction

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A range of environmental constraints and opportunities exist and affect human activities and development across the Blayney Shire. 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.

G2 Buffers to Sensitive Land Uses

G2.1 Application of this Section

This Section applies to a proposed development in Blayney Local Government Area (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, child care facilities, playground and recreation areas, and some public buildings where a reasonable level of amenity (suitable for each use) must be protected.

G2.2 Objectives

- 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**.

G2.3 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 (Infrastructure) 2007* 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 Industrial Noise Policy (2000 – as amended)* (see <http://www.epa.nsw.gov.au/noise/industrial.htm>).
- 5) Any **Noise (and/or Vibration) Assessment** relating to an industrial land use (particularly an existing industrial use) within Zone IN1 General Industrial or Zone IN2 Light Industrial or a business use in Zone B2 Local Centre, B5 Business Development or B6 Enterprise Corridor 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.*

G2.4 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**.

G2.5 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:

Located on land at or above the Flood Planning Level (FPL); or

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 G4 – 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 *Environmental Health Protection Guidelines – On-Site Sewage Management for Single Households* (1998 - as amended);
 - 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.

G2.6 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 & Pre-Schools	Rural Tourist Accommodation	Property Boundary Or Roads
<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
Animal Boarding & Training Establishments	500 to another off-site dwelling and 200 to a property boundary				N/A
Source: The above table is <u>adapted/modified</u> 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 <u>guidelines</u> 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).					

G2.7 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:*

- a) *It is difficult to specify landscaping that will actually provide a buffer for all impacts;*
- b) *Landscaping requires ongoing irrigation and maintenance to achieve the desired outcomes and Council is not well-placed to provide ongoing enforcement;*
- c) *Additional landscaping, in certain circumstances can increase bushfire risk to existing or proposed buildings;*
- d) *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.

G2.8 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.*

G3 Stormwater & Drainage

G3.1 Application of this Section

This Section applies to:

- a) All proposed development in Blayney Local Government Area (LGA) where **Clause 6.2 Stormwater management** 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**.

G3.2 Objectives

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).

G3.3 Stormwater Management

- 1) If a **Soil and Water Management Plan** is required by Council's *Development and Building Guide* 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, B2, B5, B6, IN1 & IN2 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 state;
- 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).*

G4 Flooding

G4.1 Application of this Section

This Section shall apply to all land within the Blayney Local Government Area (LGA) to which

Clause 6.1 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.

G4.2 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 6.1 – 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.

G4.3 Background

G4.3.1 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.

G4.3.2 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. 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.

G4.3.3 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 (2005) *Floodplain Development Manual* ('FDM2005' or the 'Manual');
- c) NSW Government (2005) *Flood Prone Lands Policy*;
- d) NSW Government (2007) *Flood Planning Guideline*;
- 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).

G4.3.4 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 3.36C (General Housing Code), Clause 3A.38A (Rural Housing Code), Clause 5A.30 (Commercial & Industrial (New Buildings and Additions) Code), or any other relevant section of the SEPP (as amended).

G4.4 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 tsunami.
- **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.

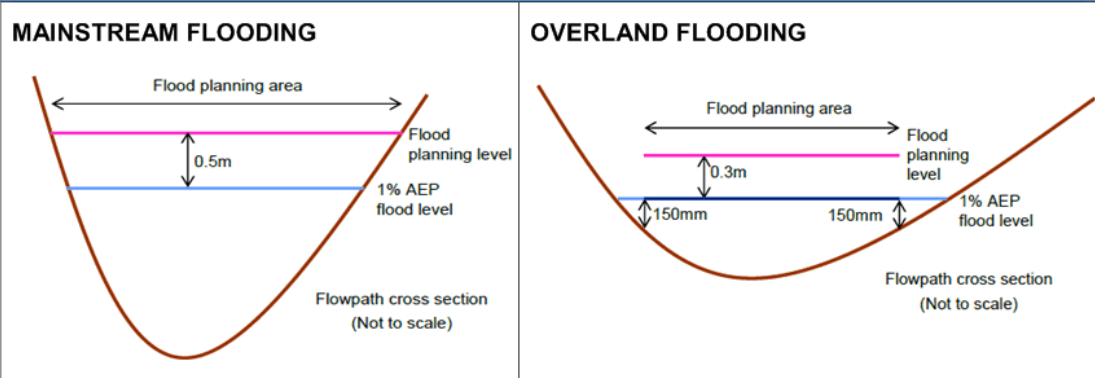
Note: Sometimes you will see flood documents refer to the **Annual Recurrence Interval ('ARI')** or a 1 in a 100-year flood. This is similar to a 1% AEP flood but AEP is the preferred term. It is important to understand that a 1% AEP flood does **not** mean that only one flood of that level would occur 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 6.1 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.).

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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.



For the remainder of the LGA the **Flood Planning Level (FPL)** is the 1% AEP plus 500mm freeboard.

The FRMS&P (Section 5.3) defined 'low flood hazard area' and 'high flood hazard area' (see Figure.2 below) for the 1% AEP flood event based on peak depth and peak velocity and including other factors such as isolation, effective warning time, flood readiness, etc.

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.

G4.5 Development Categories

In the MATRIX of Development Controls in **Part G4.8.3** 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 G2.5 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.

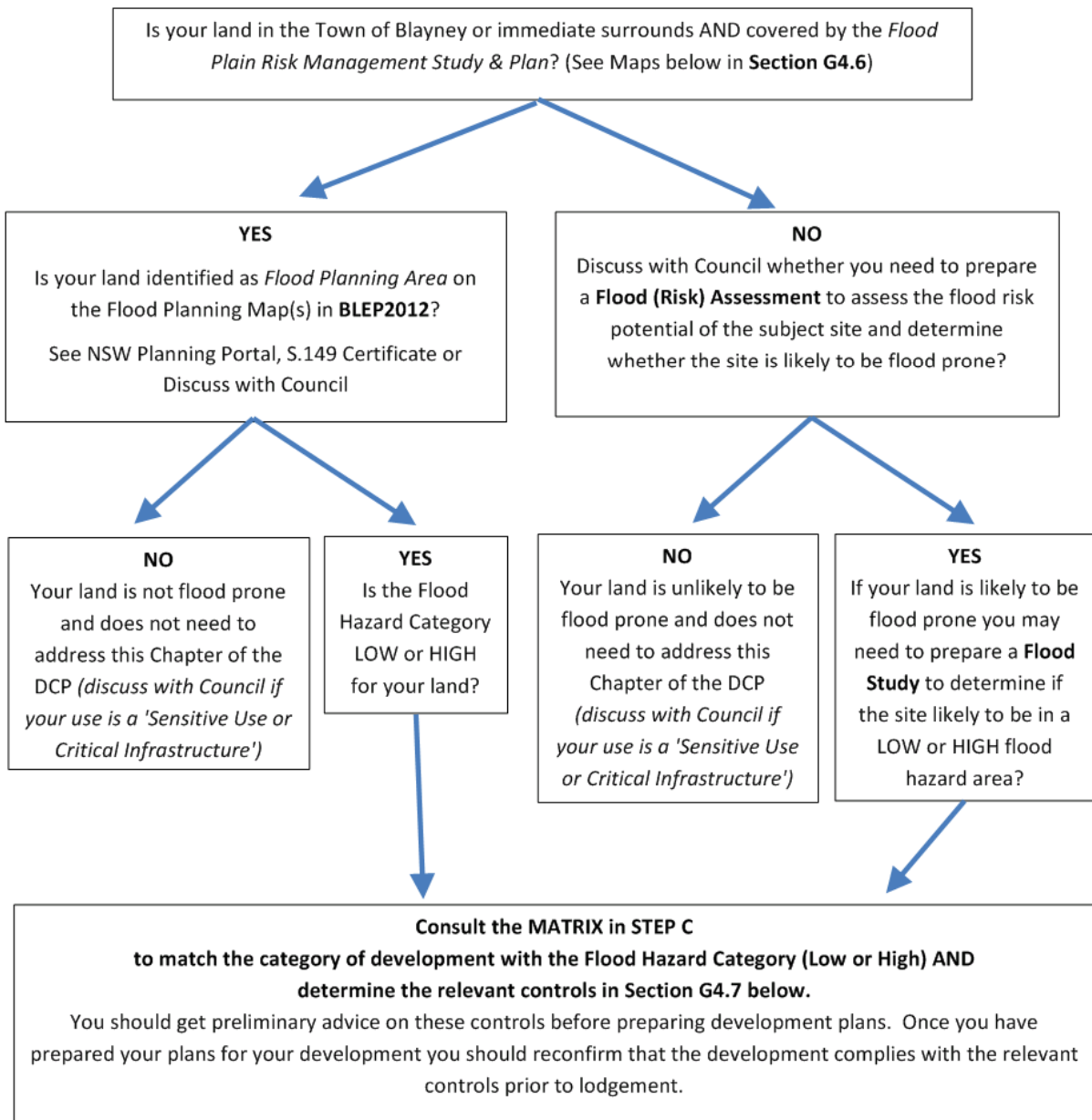
Critical Utilities & Hazardous Industries

- 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.

G4.6 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.



G4.7 Does this Plan Apply to Your Site?

G4.7.1 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 G4.6.2 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 G4.6.3 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.

G4.7.2 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.
- o Click on 'Find a Property' on the web page and enter the street address of the relevant site;
 - o Select the site from the drop-down menu and it should bring up the 'Property Details';
 - o Scroll down the 'Property Details' Section until you see the 'Planning Layers' heading;
 - o 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;
 - o 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 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) 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
- c) 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).

G4.7.3 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 G4.10 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 G4.10 Application Requirements for more details):

- 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 G4.10 Application Requirements for more details):

A site-specific Flood (Risk) Assessment; or

A site-specific Flood Study.

G4.8 Development Controls

G4.8.1 Blayney Local Environmental Plan 2012: Clause 6.1 – 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 6.1 – 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.

PART G

G4.8.2 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.

PART G

G4.8.3 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	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)	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

G4.8.4 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).

G4.8.5 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.

G4.8.6 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:
- The level is at or above the **Flood Planning Level (FPL)** (or at a level determined by Council);
 - 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;
 - 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:
- Equal or greater than the **1% AEP**; and
 - No less than the level of the existing building; and
 - Higher than the surrounding ground level to allow for drainage.
- L4. **[Non-Residential]** Proposed floor levels should be:
- At or above the 1% AEP Level (excludes freeboard); or
 - 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 **Flood Evacuation Plan** (prior to occupation) that is made accessible to and part of the education of all employees/staff and regular contractors;
- 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).

G4.8.7 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**.

G4.8.8 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.

- 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.

G4.8.9 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 G4.9 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 G4.9 below**.

PART G

G4.9 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).
- 2) 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	
<p>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.</p> <p><i>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.</i></p>	
FLOOD COMPATIBLE MATERIALS	
Flooring & Sub-Floor Structure	<p>Pier and beam construction or suspended reinforced concrete slab is preferred where it can allow floodwaters to pass beneath the floor.</p> <p>Alternatively, concrete slab-on-ground monolith construction is permitted but clay filling is not permitted beneath this where this could be inundated.</p>
Insulation	Foam or closed cell types.
Nails, Bolts, Hinges & Fittings	<p>Galvanised</p> <p>Removable pin hinges</p>
UTILITIES, EQUIPMENT & STORAGE	
Electrical Main Power Supply	<p>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).</p>

<p>Electrical & Wiring</p>	<p>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</p>
<p>Equipment</p>	<p>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.</p>
<p>Heating Equipment & Fuel Storage</p>	<p>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.</p> <p>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.</p> <p>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.</p>

G4.10 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:

- a) **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* 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).

G5 Bushfire

G5.1 Application of this Section

This section applies to all land that is mapped as bushfire prone land within Blayney Local Government Area (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.*

G5.2 Objectives

- 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.

G5.3 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 (2006) *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).

G6 Land Contamination

G6.1 Application of this Section

This section applies to all land within the Blayney Local Government Area (LGA). This Section directly relates to requirements under the Contaminated Land Management Act 1997 (& regulations) and State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) 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.

G6.2 Objectives

- 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 if 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.**

G7 Significant Vegetation & Biodiversity

*This section seeks to provide some guidance on when and how Council will require an applicant to address **Clause 6.3 – Terrestrial biodiversity** and **Clause 6.6 – Riparian land and watercourses in BLEP2012**. The mapping that identifies sensitive biodiversity throughout the Shire is indicative only and must be tested as part of any development application to determine if there are any impacts on significant biodiversity. For this reason, a practical and staged approach to identifying sensitive biodiversity is appropriate. This section also provides some guidelines for vegetation removal and replacement in urban areas.*

G7.1 Application of this Section

- 1) This Section applies whenever proposed development within the Blayney Local Government Area (LGA) is on land identified as:
 - a) **'Biodiversity'** on the **'Natural Resource – Biodiversity Map'** in BLEP2012;
 - b) Within 40m of the top of bank of each watercourse on land identified as **'Riparian Land and Waterways'** on the **'Riparian Land and Waterways Map'** in BLEP2012; or
 - c) Council determines (at their discretion) that there are significant native trees on urban land that should be retained (even if they are not mapped as Biodiversity).

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.

- 2) This Section does not declare any particular vegetation as vegetation to which the **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017** ('Vegetation Policy') applies under Part 3 of that Policy.
- 3) This Section does not alter or amend any requirements under other legislation or state policies with regards to threatened or endangered species, ecological communities, critical habitat or other significant biodiversity or the requirements for clearing of native vegetation. To the extent there is any conflict the legislation supersedes the requirements in this DCP. This includes, but is not limited to:
 - a) On rural lands –the **Local Land Services Act 2013** and the **Biodiversity Conservation Act 2016** (as amended); and
 - b) In urban areas and land zoned for environmental protection (Zone RU5 Village, Zone R1 General Residential, Zone R5 Large Lot Residential, Business Zones, Industrial Zones, Infrastructure and Recreation Areas – **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**. This SEPP applies to:
 - i) Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel; and
 - ii) Vegetation below the BOS threshold where a proponent will require a permit from Council (but only where this Plan species vegetation for the purpose of that Policy).

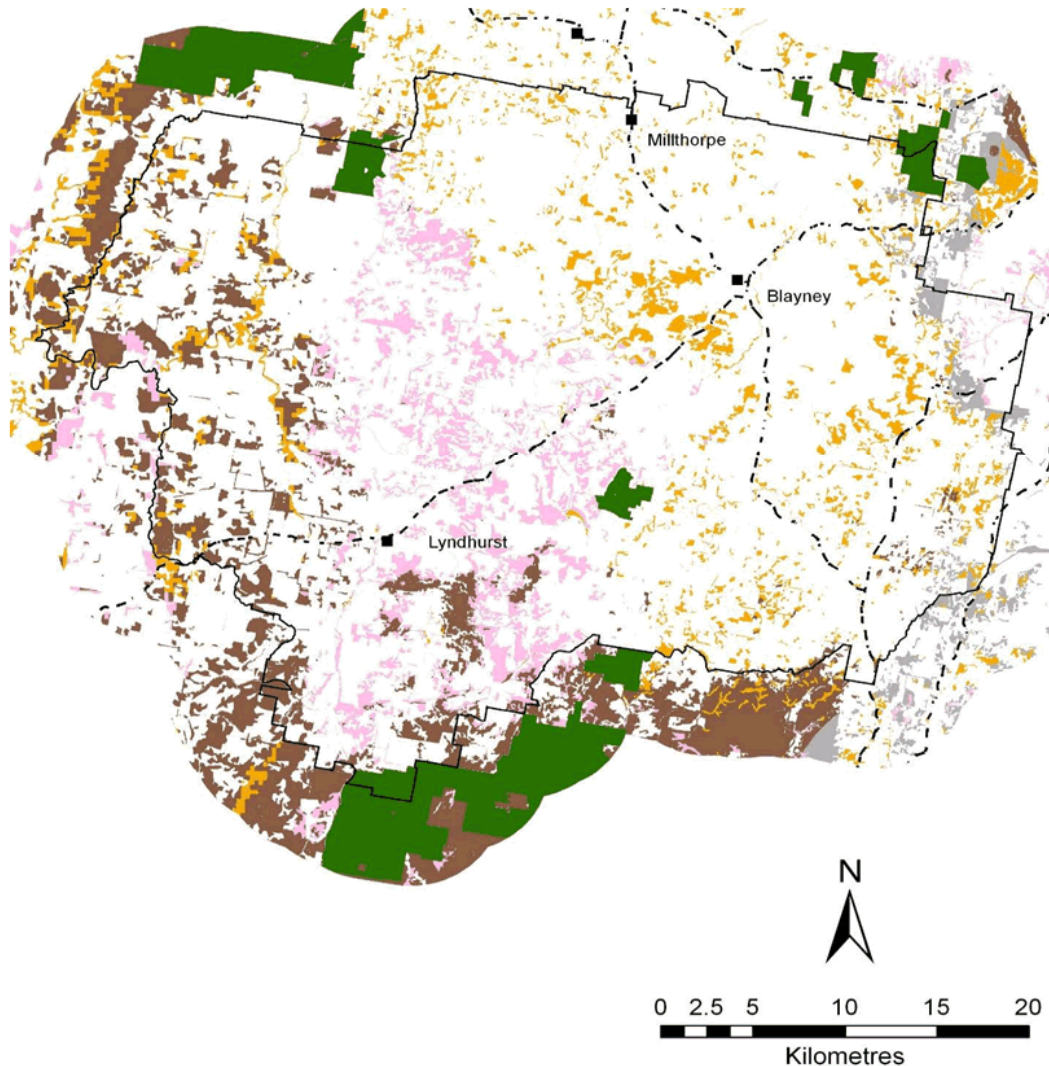
G7.2 Steps in Assessing Biodiversity Impacts

PART G

The applicant should consider and address the following steps that Council will follow in assessing biodiversity significance of any lands:

1) Step One (1): Identify the Vegetation or Biodiversity Significance:

If the land or part of the land is identified as 'Biodiversity' on the 'Natural Resource – Biodiversity Map' or 'Riparian Land and Waterways' in BLEP2012 then the applicant should work with Council to determine the significance of that vegetation or biodiversity and whether there is any mapping anomaly.





For sites identified as '**Biodiversity**' we suggest that the applicant speaks to Council to access mapping provided by the NSW Government (reproduced above) that identifies more specific reasons for the biodiversity significance. This may include, but is not limited to:

- a) Endangered Ecological Communities (EEC);
- b) Areas where < 30% of that vegetation type is remaining;
- c) Areas where less than 1000ha of that vegetation type is remaining;
- d) Vegetation on over-cleared landscapes; or riparian vegetation.

The applicant should also check the NSW Government BIONET Atlas (www.bionet.nsw.gov.au) which is a repository for biodiversity data including species sightings, surveys, and threatened biodiversity. You may require assistance by a suitably qualified consultant to assess this information and determine the likelihood of species on the subject site.

The applicant must demonstrate (including photographic and aerial photo evidence) either that:

- a) The mapping is incorrect in that the area that is identified as significant does not exist (with photographic evidence clearly showing the location) or is not native vegetation; or
- b) That the proposed development (and any impacts from that development on the site) will not be in close proximity to or impact significantly on any vegetation highlighted by the proposed mapping. Council and the applicant may have regard to any recent aerial photos of the site in making this decision.

Note: Proximity to significant vegetation may create other hazards such as bush fire risk that may increase the expense of a development application and construction.

2) Step Two (2): Preliminary Site Investigation

Where:

- a) It is unclear whether there is any significant native vegetation from the photographic evidence;
or
- b) It is unclear whether the development will be in proximity to sensitive biodiversity and/or significant vegetation on recent aerial images; or
- c) There is other relevant evidence requiring further investigation,

then Council may conduct a preliminary site investigation to assess the potential for impact from the proposed development. It is advisable to seek this advice from Council prior to lodgement of your application to reduce any delays. At this point Council may advise that no additional justification is required if there is minimal impact or the vegetation removal is unlikely to significantly impact the specific biodiversity issue that is mapped.

3) Step Three (3): Significant Biodiversity Impacts

Where a significant number of native trees are proposed for removal and/or their removal is not justified by an **Arborist Report**, then Council may require a **Flora and/or Fauna Assessment** or **Vegetation Management Plan** prepared by a suitably qualified ecologist or flora/fauna specialist to demonstrate that the proposed development will address the requirements of **BLEP2012**. This may require offset planting programs to mitigate the impact of that vegetation loss.

G7.3 Riparian Land & Waterways

- 1) When a development is proposed on land identified as '**Riparian land and waterways**' on the **Riparian Land and Waterways Map** in **BLEP2012** then the applicant is only required to address **Clause 6.6 – Riparian land and watercourses** in any detail where:
 - a) There are works within 40m of the top-of-bank of any mapped watercourse (**Note: These works may require a **controlled activity approval** from the NSW Government under the *Water Management Act 2000* - For more information go to <http://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity>. This is **integrated development** under the *Environmental Planning & Assessment Act*)**
 - b) Other developments / land uses that, in Council's discretion, are in proximity to a significant watercourse and may have potential to affect riparian lands or watercourses through significant 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.
- 2) 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 plans 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.
- 3) 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.

G8 Drinking Water Catchments & Ground Water Vulnerability

G8.1 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.

G8.2 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 plans to direct surface water away from development;
 - e) Any other reports required to assess the risk and determine appropriate management strategies.

G9 Land & Soils

G9.1 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.

G9.2 Objectives

- 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.

G9.3 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 a NSW Government map as having low, medium, or high potential for naturally-occurring asbestos (NOA) then Council may require that a suitably qualified geo-technical consultant conducts a site visit and sampling to confirm whether there is (likely to be) any NOA on or near the area where development works are proposed. This must review whether the proposed development will 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).

G9.4 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' and Council's *Development and Building Guide* 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**.

G9.5 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 G9.4 Sediment & Erosion Control** above.

Part H:

Heritage Conservation

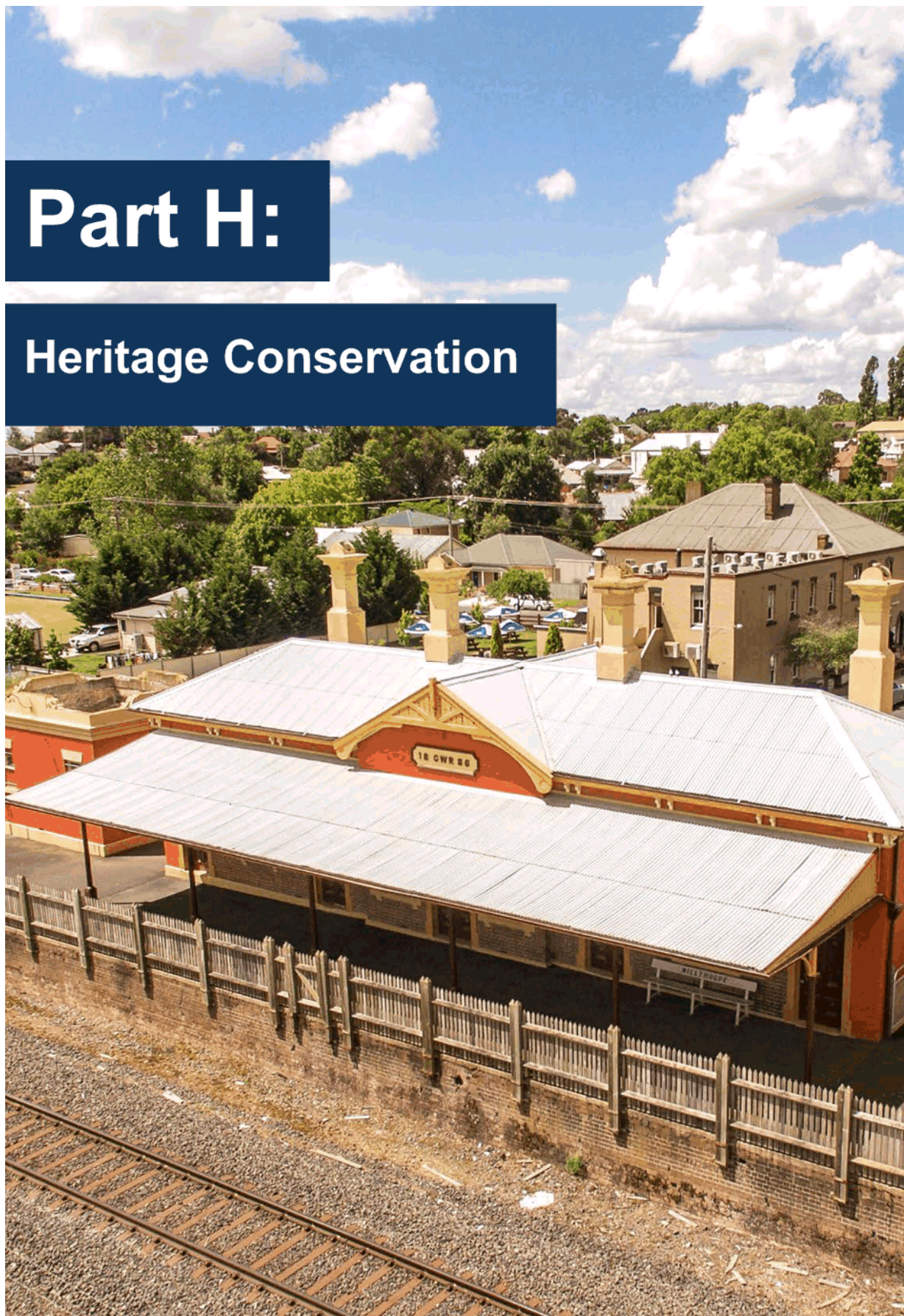


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H1 Introduction

H1.1 Application of this Part

This part of the Blayney Development Control Plan (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.

Refer to Councils Development and Building Guide and associated Fact Sheets for further information regarding Heritage Conservation within the Blayney Shire. If you require further information, contact Councils Planning and Environmental Services Department.

H1.2 Objectives of Heritage Conservation

- 1) To conserve the heritage significance of the built and natural environments.
- 2) To ensure the management of heritage is carried out in line with the Principles and Articles of the Burra Charter for the assessment of significance of heritage places and the traditions associated with them.
- 3) To implement the objectives and controls contained within **BLEP 2012** and any other relevant heritage legislation.
- 4) To conserve the heritage significance of the natural and built environment and ensure new development is sympathetic to the identified heritage values.
- 5) To provide planning and design guidelines for developments associated with heritage items or a heritage conservation area.

H1.3 Others 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 E – Other Land Uses** (where you are also proposing other land uses not included in the Part of the DCP)
- 2) **Part F – Subdivision** (where you are also proposing some type of subdivision of your land); and
- 3) **Part G – Environmental Management & Hazards** (dependent on-site constraints and potential impacts).

H1.4 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:

- 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 impacts of the non-compliant proposal will not be significantly greater than a compliant proposal, and that it may enhance the outcome.

H2 Development Consent Requirements

H2.1 Development Requiring Consent

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

Refer to **BLEP 2012**, Clause 5.10 (2) which identifies the following instances where development consent is required or alternatively contact Council's Planning and Environmental Services Department.

H2.2 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 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 contact Council's Planning and Environmental Services Department. The **SEPP Code** is available at www.legislation.nsw.gov.au.

H2.3 Documents to be submitted with a Development Application

When lodging a Development Application for development on land on which a heritage item is situated, or within a heritage conservation area, or within the vicinity of a heritage item or heritage conservation area, Council may require a Heritage Management Document (**HMD**) to be prepared and submitted for assessment.

The circumstances in which a **HMD** may be required will vary depending on the works proposed and the likely impact they will have on the heritage significance of the item or HCA. Discussions with Council staff and the heritage advisor are recommended to determine what may be needed to assist in assessing a **DEVELOPMENT APPLICATION**.

H2.4 Archaeological Sites (Non-Indigenous)

- 1) All known and potential archaeological relics in NSW are protected under the NSW *Heritage Act 1977* (as amended). When intending to disturb or excavate land where archaeological relics have been identified or are considered likely to occur, it is the responsibility of the property owner to seek relevant approvals.

- 2) Before granting consent to any development on land on which an archaeological site is identified, Council must notify the NSW Heritage Council of its intention to grant consent and take into consideration any response from the NSW Heritage Council.

H2.5 Aboriginal Places of Heritage Significance

Impact on an Aboriginal place of heritage significance or an Aboriginal object must be considered by Council before granting consent. Specifically, Clause 5.10(8) of **BLEP 2012** states that 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.

If an application is located along a significant watercourse or ridgeline or a likely Aboriginal place of heritage significance then please contact Council to discuss. You may be required to conduct 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).

If any Aboriginal object is found during the development process then work must stop immediately and the requirements of the *National Parks and Wildlife Act 1974* must be followed. An applicant may also need to seek an Aboriginal Heritage Impact Permit in accordance with that Act.

H2.6 State Heritage Items

- 1) Any works to a State Heritage item (including demolition) requires approval or exemption under the *Heritage Act 1977*.
- 2) When a Development Application is lodged with Council for demolition or development of any type for a State Heritage Register listed item, the integrated development application process commences and Council will, as part of that process, refer the application to the Heritage Council for concurrence.

Heritage items listed as being of State significance in Schedule 5 of the **BLEP 2012** are those listed on the State Heritage Register.

H2.7 Conservation Incentives

Council recognises the need to be flexible with heritage items in terms of providing for their long-term conservation. **BLEP2012** Clause 5.10(10) - Conservation Incentives enables Council to approve development relating to a heritage item or the site of a heritage item, which would otherwise be prohibited in the zone.

If an applicant seeks approval for development under the conservation incentives clause, Council must also be satisfied that the development is in accordance with an approved **HMD**, if required, and ensure that the necessary conservation work will be carried out in conjunction with the development.

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; and
- c) Development Application fees may be waived.

If you would like to discuss further, contact Councils Planning and Environmental Services Department.

H3 Development of Heritage Items

H3.1 Demolition

- 1) Buildings that are listed as heritage items or contribute to the significance of a heritage item should not be demolished.
- 2) Partial demolition of a heritage item should only be allowed when it can be established in a HMD that the partial demolition will not have a substantial impact on the significance of the heritage item.
- 3) Outbuildings associated with heritage items can only be demolished where a HMD has established that the outbuilding does not contribute to the heritage significance of the place (Refer to Section **H6 Definitions** to determine the type of **HMD** required and or consult with Council's Planning and Environmental Services Department).
- 4) Photographic records of building/s are to be provided to Council prior to the commencement of any demolition works.

H3.2 Subdivision

- 1) Subdivision of an allotment that includes a heritage item or recognised archaeological site should not be allowed unless it can be demonstrated that an adequate curtilage of the heritage item is retained. Adequate curtilage will depend on the significance and content of the heritage item, to discuss further consult with Council's Planning and Environmental Services Department.
- 2) Subdivision of land that includes a heritage item or recognised archaeological site should not be allowed unless it can be established that proposed or future development on the created allotments will not impact on important views to or from the heritage item.

H3.3 Adaptive Reuse

- 1) Adaptive reuse of a building should retain important architectural qualities and features of the building, where possible, particularly features that contribute to the streetscape and the heritage significance of the place.
- 2) Adaptive reuse must involve minimal change to the significant fabric of the place.
- 3) Adaptive reuse must acknowledge and respect significant associations and meanings of the place.
- 4) Adaptive reuse must have regard to the relevant legislation of the *National Construction Code* (NCC) and other relevant Australian Standards.

H3.4 Scale and Proportion

- 1) Avoid significant changes to the front elevation of heritage items; locate new work at the rear of, or behind the original building section or behind the front building line.
- 2) Design new work to respect the scale, form, massing and style of the existing building and ensure it does not visually dominate the original building or streetscape.
- 3) Development of an inconsistent scale to the heritage item is allowable only if it can be demonstrated that the new development will not detract from the aesthetic quality and important views of the heritage item and the streetscape.
- 4) Important elements of the form of a heritage item such as, main roof forms, chimneys and verandas should not be demolished or obscured, unless justified.

H3.5 Materials and Colours

- 1) Original materials of heritage items should not be replaced with different materials or materials of different colour, unless unavoidable or it can be shown not to detract from the heritage significance of the heritage item and 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, in consultation with Council or the Heritage Advisor.
- 4) Painting or rendering face brick is generally supported, where appropriate.

H3.6 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.

H3.7 Fencing 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.

H3.8 Landscaping Elements

- 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.

Refer to Council's Development and Building Guide and associated Fact Sheets for further information regarding landscaping within the Blayney Shire. If you require further information, contact Councils Planning and Environmental Services Department.

H3.9 Outbuildings and Rainwater Tanks

- 1) Outbuildings must be located as far behind the front building alignment or in line as possible.
- 2) Outbuildings and rainwater tanks should be located in the rear yard of heritage items.
- 3) Outbuildings and rain water tanks 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.

H3.10 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.

H4 Development in the Vicinity of Heritage Items

H4.1 Siting, Scale and Proportion

- 1) The setbacks of new development from any street should generally be equal to or greater than that of the heritage item and the streetscape.
- 2) Development should not be of such bulk or height that it visually dominates the heritage item or streetscape.
- 3) Important views to or from a heritage item should not be unreasonably obscured by new development.
- 4) Where a heritage item is part of a streetscape of buildings of consistent style, form and materials, development in the vicinity of the heritage items should incorporate elements of the dominant style, form and materials in the streetscape.
- 5) Development in the vicinity of a heritage item is to minimise the impact on the setting of the item by:
 - a) Providing an adequate curtilage to the heritage item to allow its interpretation.
 - b) Retaining original or significant landscaping associated with the heritage item, if the landscaping is listed on the Heritage Inventory Sheet.
 - c) Protecting and allowing the interpretation of archaeological features associated with the heritage item.

H4.2 Materials and Colours

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

H5 Development within Heritage Conservation Areas

H5.1 Scale and Form

- 1) The scale of new development within a conservation area should relate to the scale of the adjacent or nearest heritage building and streetscape.
- 2) Development of a larger scale is allowable only if it can be demonstrated that the new development will not adversely impact on the character and views of the conservation area.
- 3) New development that obscures important views within a heritage conservation area should not be permitted.
- 4) The roof forms of new development in a conservation area are to complement the original roof forms of existing nearby buildings that contribute to the conservation area and streetscape.
- 5) Additions and alterations to existing buildings that contribute to the character of a conservation area should not detract from the original form of the existing building as viewed within the streetscape.
- 6) The treatment of the street façade of new development in a conservation area should relate to existing nearby buildings that contribute to the conservation area.

H5.2 Siting

- 1) The front setbacks of new development (including alterations and additions) in conservation areas should be an average of adjacent or nearby development or consistent within the streetscape.
- 2) No new structures should be built forward of the established main street building line.

H5.3 Materials and Colours

- 1) Original materials of existing heritage buildings in conservation areas should not be replaced with different materials or with materials of different colours unless justified, and approved by Council.
- 2) Non – original materials of existing heritage buildings in conservation area that are being replaced should be replaced with materials that complement the original material as closely as possible.
- 3) Materials for new development in **HCA**s should not contrast with the original materials of the dominant contributory buildings in the conservation area.
- 4) Colour schemes for existing and new development in conservation areas should have a relationship with traditional colour schemes for the dominant style of development found in the conservation area in consultation with Council.

- 5) The use of fluorescent paint and primary colours on buildings in conservation areas is not permitted.

H5.4 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.

H5.5 Outbuildings

- 1) Outbuildings and carports should be located behind the front building alignment.
- 2) Outbuildings should be single storey and designed and located so that they have negligible if any impact on the streetscape.

H5.6 Fencing

- 1) New fencing and gates for existing and proposed buildings should be designed to complement the style of the building and dominate character of the conservation area.
- 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, unless justified.

H5.7 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.

Note: **Code SEPP 2008** may also contain exemptions for signage, refer to www.legislation.nsw.gov.au

H6 Definitions

PART C

Aboriginal object means any deposit, object or other material evidence (not being a handcraft 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.

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.

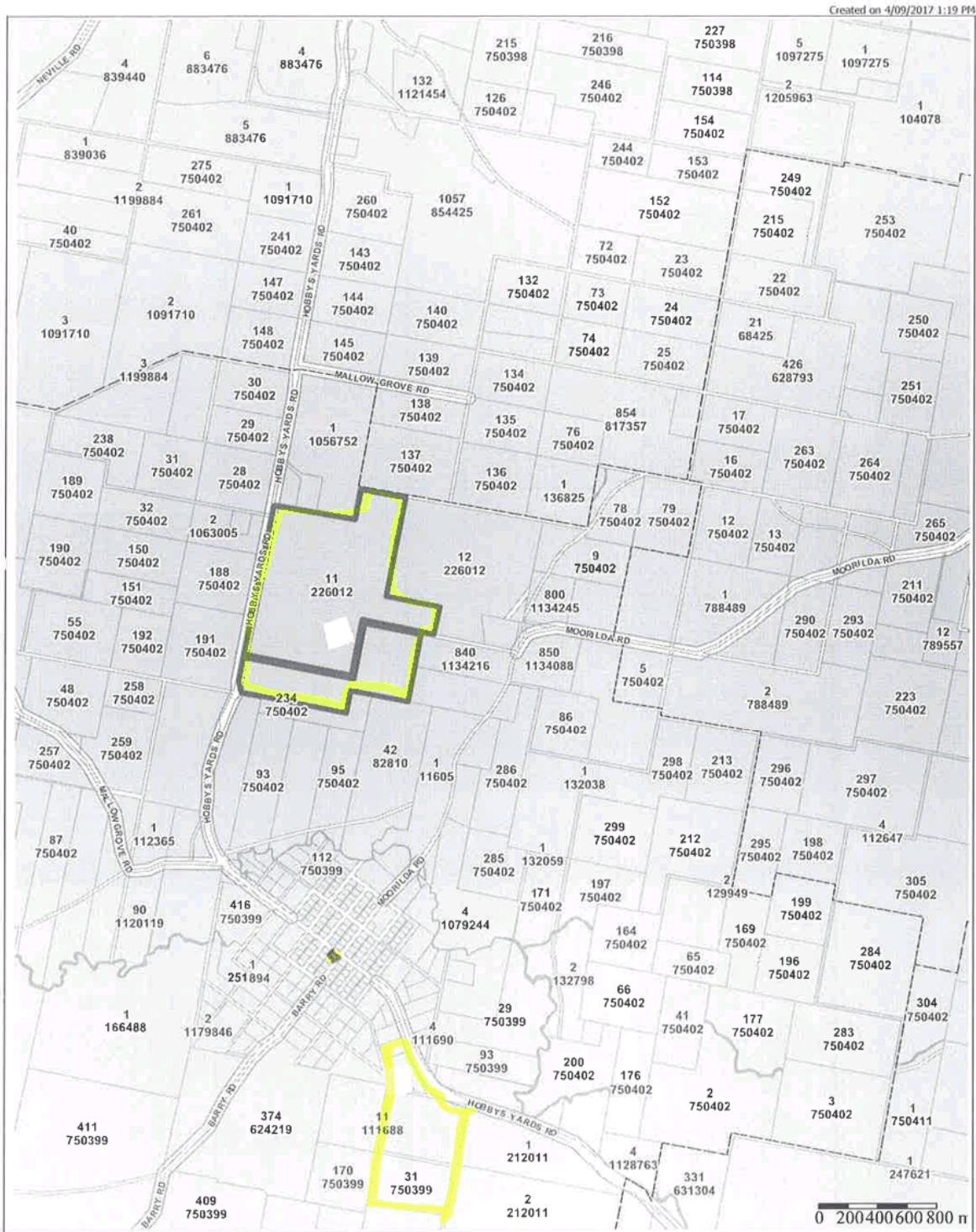
Outbuildings means an ancillary building that is not including an attached garage or carport.


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*.



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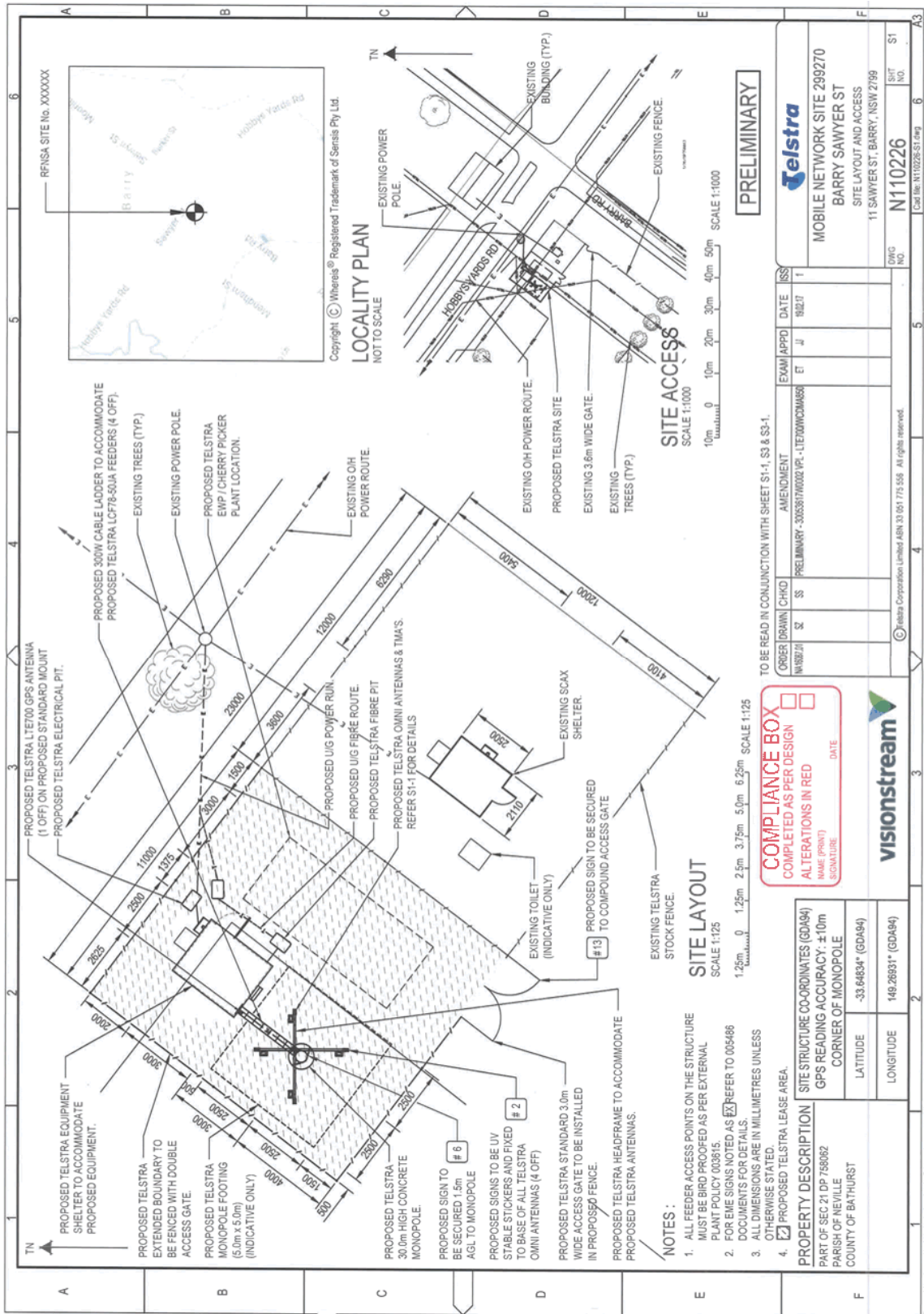


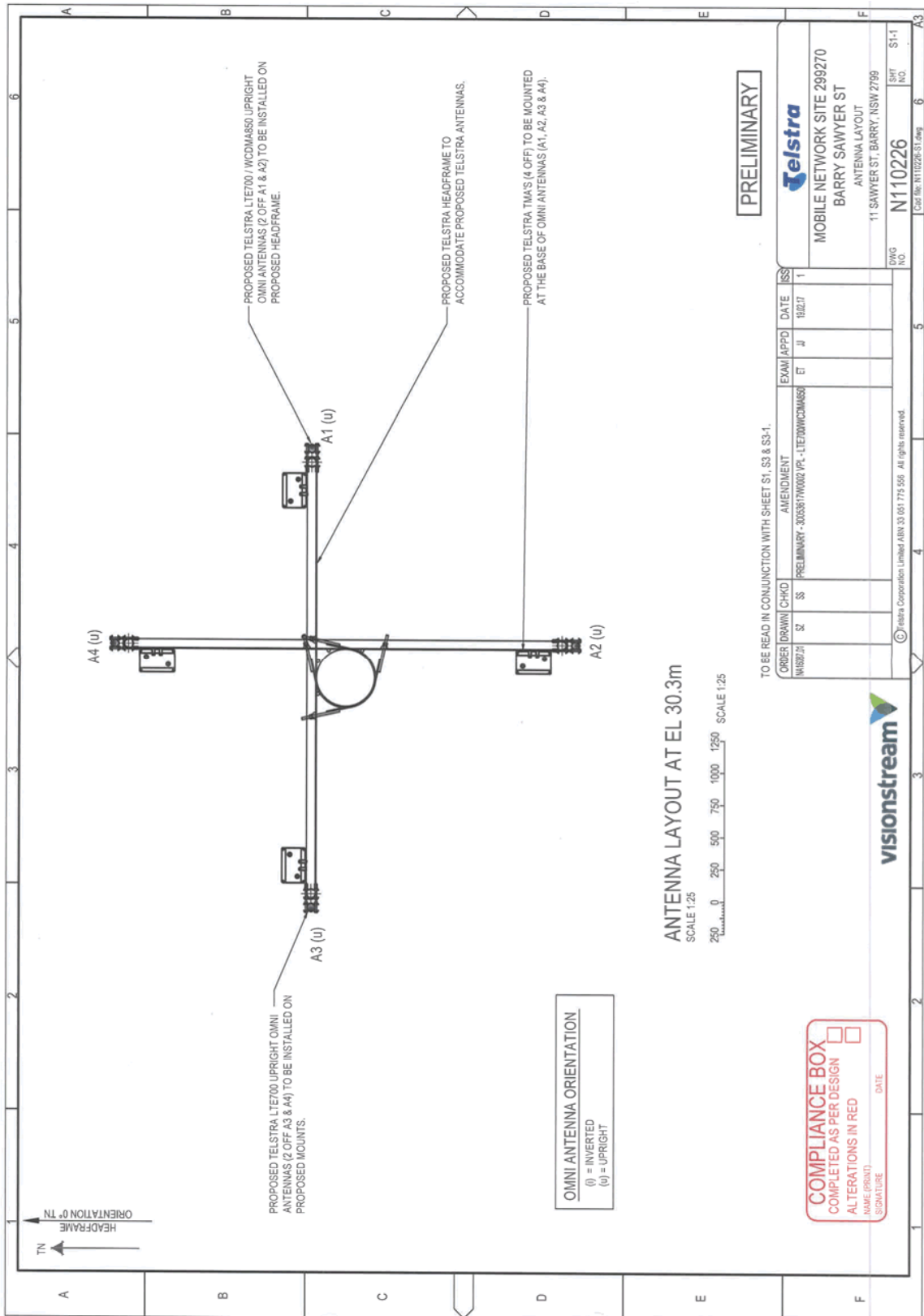


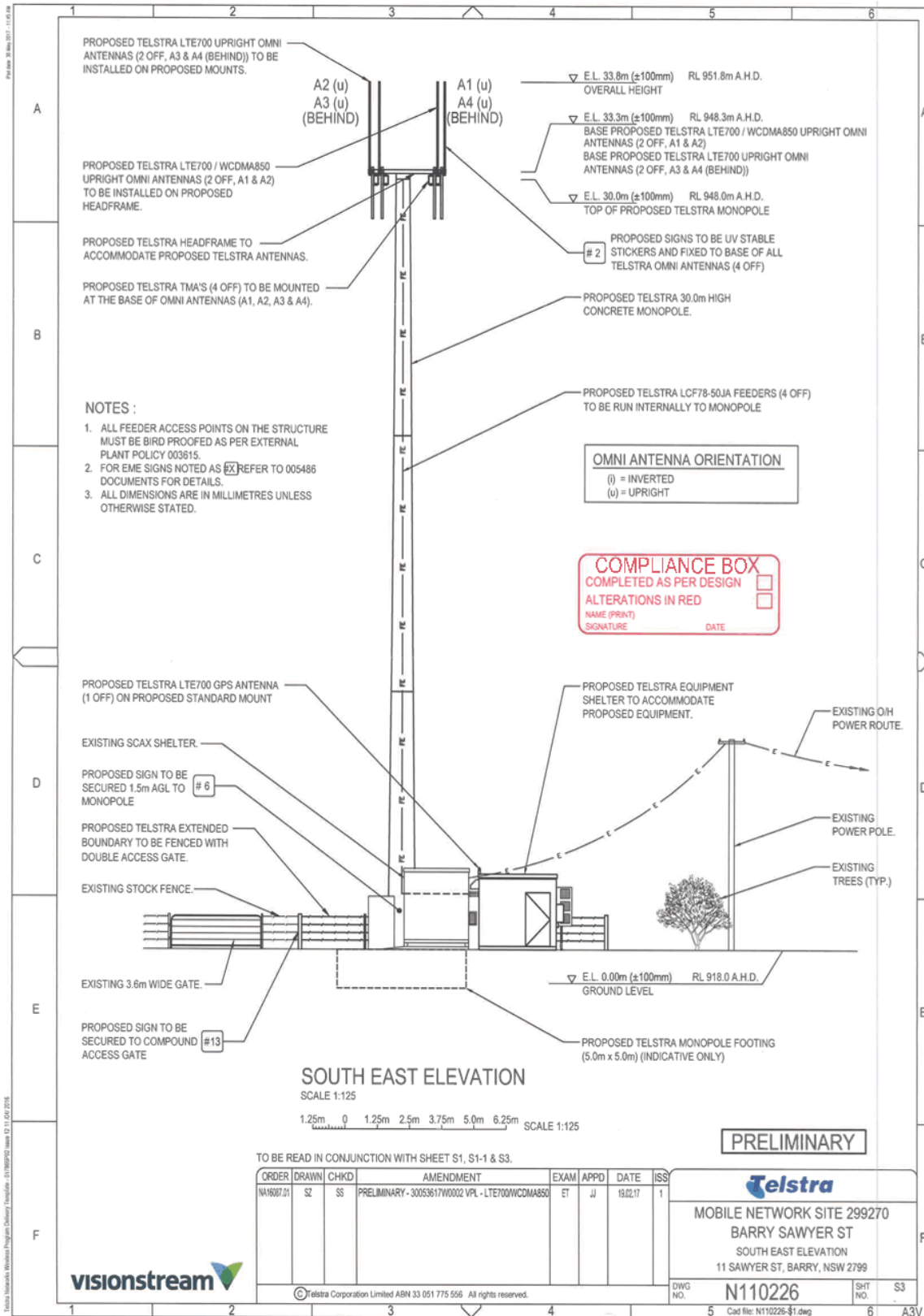
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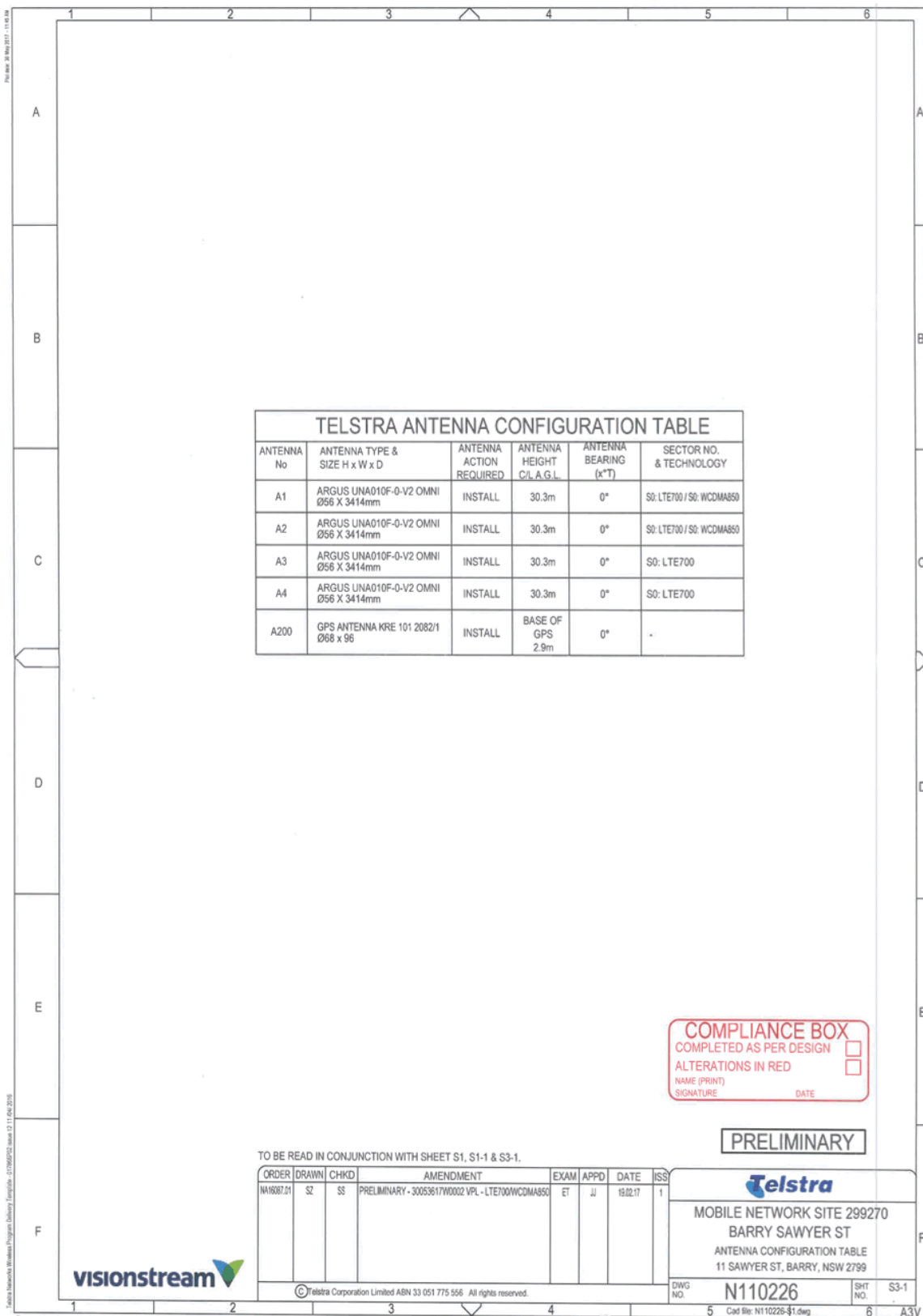
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Alternate sites











Statement of Environmental Effects

Section 79(C) application for a proposed telecommunications facility.

NA16087.01_Barry
11 Sawyer Street, Barry NSW 2799 (Lot 10, SP 21, DP 758062).

This Statement of Environmental Effects has been prepared by Visionstream Pty Ltd on behalf of Telstra Corporation Limited.

June 2017.



Document Control

Document description	This Section 79(C) Statement of application has been prepared by Mr. Redentor Tandog, Senior Town Planner (Regional Lead NSW/ACT) of Visionstream Pty Ltd, on behalf of Telstra.		
Site No.	NA16087.01	Site name	Barry

	Name	Date
Prepared by	Mr. Redentor Tandog, Snr Town Planner	29/05/2017.
Reviewed by	Mr. Peter Turnbull, Snr Town Planner.	07/07/2017.
Final Review by	Mr. Redentor Tandog, Snr Town Planner	08/07/2017.

Summary of Proposal	
Address of Site:	11 Sawyer Street, Barry NSW 2799
LOT/DP:	Lot 10, SP 21, DP 758062.
Land Owner:	Telstra.
Consent Authority:	Blayney Shire Council.
Zoning:	R5 Large Lot Residential pursuant to the <i>Blayney Local Environmental Plan 2012</i> .
Proposal:	Proposed telecommunications facility. See Section 2.0 of this Statement for details.

Prepared for:	Prepared by:
Telstra Corporation Limited ABN 051 775 556 C/- Visionstream Pty Ltd Locked Bag 4001 Heatherton VIC 3202	Visionstream Corporation Limited Contact: Mr. Redentor Tandog, Snr Town Planner Regional Lead NSW/ACT. Suite 2.02, Level 2, 9 Help Street, Chatswood NSW 2067 M: +61428 644 764 F: +61 02 9934 7899 Email: redentor.tandog@visionstream.com.au

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- Attachment 1 - Proposed Plans*
- Attachment 2 - EME Report by the ARPANSA*
- Attachment 3 – Land Owners Consent*
- Attachment 4 - RFS Practice Note 1/11*



1.0 Introduction

This Statement of Environmental Effects (SEE) has been prepared by Visionstream on behalf of Telstra as a supporting document to a Development Application (DA) for the installation of a 30m telecommunications facility (monopole) located on registered lot 10, SP 21, DP 758062 at **11 Sawyer Street, Barry NSW 2799**.

See **Attachment 3** for Title details.

This SEE addresses the merits of the development with regard to the provisions of the *Infrastructure State Environmental Planning Policy 2007* and *Blayney Local Environmental Plan 2012 (As amended)*.

2.0 The Proposed Development

The proposed telecommunications facility on lot 10, SP 21, DP 758062 at **11 Sawyer Street, Barry NSW**, comprises the following:

- ✓ Installation of a 30m monopole,
- ✓ Install four (4) omni antennas on the proposed headframe at an elevation of 30m (33.4m Top of Antennas),
- ✓ Install ancillary equipment such as Tower Mount Amplifiers (TMAs), feeders, cables on the proposed base station plus install associated equipment in the existing shelter.

See **Attachment 1** for the proposed plans.

Details for the Reader

Prior to Council's Assessment of Section 79(C) we have provided details for the reader to understand the purpose of the proposal regarding the "**Federal Governments Mobile Black Spot Programme**" and site selection process, which is detailed in Section 3 of this Statement.

Section 79(C) of Council's assessment is detailed in Sections 4, 5, 6, 7, and 8.



3.0 Purpose of the Proposal

The three primary drivers for proposing a new telecommunications facility at 11 Sawyer Street, Barry NSW, are as follows:

Federal Government's Mobile Black Spot Programme

Telstra will participate in one of the largest ever expansions of mobile coverage in regional and remote Australia, through the **Federal Government's Mobile Black Spot Programme**, which includes the provision of necessary mobile phone coverage to the Barry area.

We will be building 429 new 3G/4G towers over the next three years, plus a further 250 4G data only small cells, representing a combined investment of more than \$340 million in regional and remote Australia by Telstra, the Federal Government and several State and Local Governments as well.

Mobile connectivity has grown in importance as the combination of smart phones and tablets with increased mobile broadband speeds and capacity are changing the way we live and the availability of these services is often taken for granted in metropolitan locations.

Telstra has a heritage of nearly 35 years in providing mobile telephony to Australians, having brought every generation from 1G (that's right there was one before Cellular started in 1987) through to the 4G networks of today. Along that journey we have been intimately involved with extending coverage through the rollout of new towers as well as creating new and innovative ways to stretch and improve mobile coverage into the far corners of the nation.

With this heritage we are acutely aware of the challenges facing communities living with limited access to a mobile network and that is why Telstra is excited to play an important role in delivering mobile coverage for the first time to a large number of regional communities as part of the **Federal Government's Mobile Black Spot Programme**.

Over 400 communities who currently have no coverage in or around their towns will benefit from a new 3G/4G service. This means places like Leeuwin in Western Australia, Cape Otway in Victoria, Barry in New South Wales, Widgee in Queensland, Lulworth in Tasmania, Imanpa in Northern Territory and Fregon in South Australia will be receiving coverage from a new Telstra tower, as well as hundreds more. This has been made possible by the support of not just the Federal Government, but very significant contributions by State and Local Governments as well.

In addition to the new mobile towers, we will be installing 250 Small Cells to deliver high speed 4G data services in some small country towns where suitable Telstra infrastructure is available. There will be 200 nationally and another 50 specifically for Queensland as part of our arrangements with the Queensland Government and we are now working with Government on how to allocate these small cells. At this stage,



the Small Cell technology can only provide data services, however, we are working on implementing Voice over LTE technology which will allow customers to make voice calls using 4G.

Telstra has been investing in the expansion and upgrade of our wireless networks for the long term and in the past five years alone we have invested around \$5 billion in our mobile network. Since we launched our Next G® network almost a decade ago, more than 99% of our network has been funded by investing our own capital.

With this Government partnership we are committing \$165 million of our own funds in return for the \$94.8 million allocated to Telstra by the Federal Government and we have worked with Victorian, NSW, Queensland, Tasmanian and Western Australian State Governments as well as multiple Local Governments to attract tens of millions of dollars in targeted additional funding. This means Telstra is able to deliver an investment of over \$340 million in regional telecommunications. Coupled with our unparalleled experience in building networks, this investment will bring new and improved coverage to hundreds of communities across the country.

The Telstra mobile network currently reaches over 99.3% of the population and is by far the largest network in the country, covering 2.4 million square kilometres of the Australian land mass, thanks to our long-term commitment to network investment.

As the first carrier to bring 4G mobile services to regional Australia, we know how important high-speed mobile can be to supporting local businesses, tourism and education, so we are also continuing the expansion of our 4G and 4GX services.

We will be offering other carriers the opportunity to use space on our towers to install their own equipment and offer services to their customers from these towers, in accordance with existing industry practices. Our competitors are well-resourced and free to invest in extending their networks into previously unserved regional areas. So this is not just good news for Telstra customers but an opportunity for all carriers to invest in expanding their coverage in regional Australia.

We are proud to have put forward a strong bid for regional Australia as part of a competitive tender process, and we look forward to rolling out the new towers and expanding coverage for hundreds of communities over the next three years.

Increasing coverage across Australia

In addition to extending mobile coverage through the rollout of new towers, we have worked on new and innovate ways to stretch and improve mobile coverage in remote areas. Some of the ways we have done this include:

- ✓ High powered Boomer Cells with extended range features that provide more coverage from towers located on high ground
- ✓ Low cost signal repeaters such as our Telstra Mobile Smart Antenna which boost signal into homes and buildings



- ✓ New 4G Small Cells that provide localised 4G coverage in selected small townships
 - ✓ "Blue tick" phones designed for improved reception in rural areas
 - ✓ Next generation solar power mobile sites that allow installations where power is not available
 - ✓ Our Satellite backhauled micro-cell that can be broken down into a few carry-bags for helicopter transport to the most remote of locations during emergencies.
-
- ✓ Additional information on how to maximize your coverage is available here:<https://www.telstra.com.au/coverage-networks/our-coverage#maximisecoverage>

Capacity relief to existing Telstra sites

To provide much needed capacity relief for the nearest existing Telstra sites in Barry, and carry new local cellular traffic in its vicinity. Surrounding sites have been expanded to their 3G maximum capability and this additional site is required to meet the traffic demand and growth in the area; and

Reliable NextG Telstra services

Providing the depth of coverage required to enable reliable NextG Telstra cellular services for local residents, businesses and other mobile users.

3.1 Mobile Telecommunications Networks

A mobile telecommunications network is made up of multiple base stations covering a geographic area. They work by sending and receiving low power radio signals from their antennas to mobile phones and other mobile devices such as tablets, wireless dongles etc. Base stations are designed to provide service to the area immediately surrounding the base station – can be up to several kilometres. Depending on the technical objectives of a base station, the physical characteristics of each telecommunications facility; such as its height, number and size of antennas, equipment, cabling etc. will vary.

As a general rule, the higher the antennas at a base station, the greater it's range of coverage and its ability to relieve capacity issues. If this height is compromised, additional facilities, and thus more infrastructure will be required for any given locality. The further a facility is located away from its technically optimum position, the greater the compromise of service. This may result in coverage gaps and require additional or taller base stations to provide adequate service.

Each base station transmits and receives signals to and from mobile devices in the area. As the mobile device user moves around, their device will communicate with the nearest base station/ facility to them at all times. If they cannot pick up a signal, or the nearest base station is congested (already handling the maximum number of phone calls or maximum level of data usage) the user may not be able to place a call, experience a call "drop out" or a slowing data rate while attempting to download content.



There are three main factors that can cause the above:

- ✓ You may be too far away from a facility to receive a signal, or there may be objects blocking the signal from the nearest facility; such as, hills, large trees or even trees. To ensure optimum service the radio signals transmitted between the facility antennas and mobile devices need to be unimpeded, maintaining a "line-of-sight" between them.
- ✓ The facility may be handling as much data download and calls as it can handle – call drop-outs and slower data rates can occur when too many users are connected to a facility at once.
- ✓ The depth of coverage (which affects the ability to make calls inside buildings), may be insufficient in some local areas.

The current proposal will form part of Telstra's NextG network solution to the Barry townships and surrounding areas and will deliver essential mobile services (voice calling, SMS), as well as live video calling, video-based content including; news, finance and sports highlights, and high-speed wireless internet – wireless broadband. With a coverage footprint of more than 2.1 million square kilometres and covering more than 99% of the Australian population. Telstra's NextG is Australia's largest and fastest national mobile broadband network and as such requires more network facilities, located closer together to ensure a high quality signal strength to achieve reliable service and the fastest possible data transfer rates.

3.2 Site Selection Process

Telstra commences the site selection process with a search of potential sites that meet the network's technical requirements, with a view to also having the least possible impact on the surrounding area. Telstra applies and evaluates a range of criteria as part of this site selection process.

Telstra assesses the technical viability of potential sites through the use of computer modelling tools that produce predictions of the coverage that may be expected from these sites, as well as from the experience and knowledge of the radio engineers.

There are also a number of other important criteria that Telstra uses to assess options and select sites that may be suitable for a proposed new facility. These take into account factors other than the technical performance of the site, and include:

- ✓ The potential to co-locate on an existing telecommunications facility.
- ✓ The potential to locate on an existing building or structure.
- ✓ Visual impact and the potential to obtain relevant town planning approvals.
- ✓ Proximity to community sensitive locations and areas of environmental heritage.
- ✓ The potential to obtain tenure at the site.
- ✓ The cost of developing the site and the provision of utilities (power, access to the facility and transmission links).

Telstra is also contracted to meet objectives of the Mobile Black Spot Programme, with parameters set by the Federal Government. A number of factors determined which areas received funding, including the lack of outdoor coverage and the number of people who would benefit from a new facility.



In the Mobile Black Spot Programme Discussion, Australian Government Department of Communications 2013, it states that:

"The Mobile Black Spot Programme will improve mobile phone coverage and competition in regional and remote Australia, including along major transport routes, in small communities and in locations prone to experiencing natural disasters. The Guidelines aim to ensure the Programme is delivered as efficiently and effectively as possible, and achieve maximum value for money."

In making the proposal for this site at Barry, Telstra has carefully weighed all of the above criteria. This analysis is detailed in the next section.

3.3 Justification for Site Selection

Telstra commences the site selection process with a search of potential sites that meet the network's technical requirements, with a view to also having the least possible impact on the surrounding area. Telstra applies and evaluates a range of criteria as part of this site selection process.

Telstra carefully examined a range of possible deployment options in the area before concluding that a new telecommunications facility at **11 Sawyer Street, Barry NSW 2799 (Lot 10, SP 21, DP 758062)** would be the most appropriate solution to provide necessary mobile phone coverage to the Barry townships and surrounding areas as part of the **Federal Government's Mobile Black Spot Programme**.

Accordingly, this section of the report will demonstrate the following:

- ✓ Colocation opportunities and existing telecommunications infrastructure within proximity to the proposed installation; and
- ✓ An analysis of the locations considered when determining an appropriate location for a new telecommunications installation within the required coverage area.

Colocation Opportunities

The Communications Alliance Ltd. (formerly Australian Communications Industry Forum Ltd. - ACIF) Industry Code C564:2011 – Mobile Phone Base Station Deployment promotes the use of existing sites in order to mitigate the effects of facilities on the landscape. It should also be noted that as a first preference, Telstra attempts to utilise, where possible, any existing infrastructure or co-location opportunities.

Below is a map of existing and proposed telecommunications facilities surrounding the Barry area – the blue marker indicates the location of the proposed telecommunications facility.

Accordingly, there is a significant lack of telecommunications facilities within the vicinity of the proposed installation, with the nearest existing facilities being virtually non-existent of the proposed facility in Barry. As such, there were no suitable colocation opportunities to provide the required radio frequency coverage objectives.

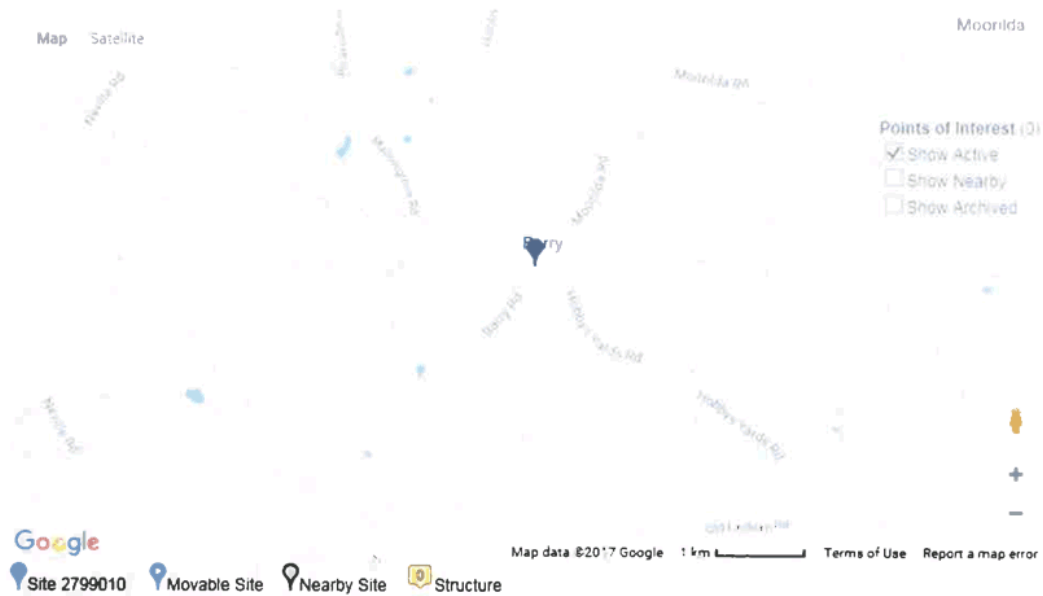


Figure 1: No existing telecommunications facilities nearby nor within the surrounding area of Barry NSW.

Candidates Considered

Investigations into the installation of a new telecommunications facility within the Barry area have been ongoing and more recently in conjunction with the **Federal Government's Mobile Black Spot Programme** to improve mobile coverage to this region.

The site which has been selected is deemed to be the most optimal location to achieve the required coverage requirements.

Site	Location	Proposal	Zoning	Overlays
A	11 Sawyer Street, Barry NSW 2799	30m monopole plus equipment (Prev. proposed 40m monopole).	R5 Large Lot Residential.	None noted.
B	2145 Hobbys Yards Road, Barry, NSW 2799	40m tower plus equipment.	Rural, RU1 Primary Production.	None noted.
C	2574 Hobbys Yards Road, Barry NSW 2799	40m tower plus equipment.	Rural, RU1 Primary Production.	None noted.



Figure 2: Location of Proposed Candidates – Source: Google Earth.

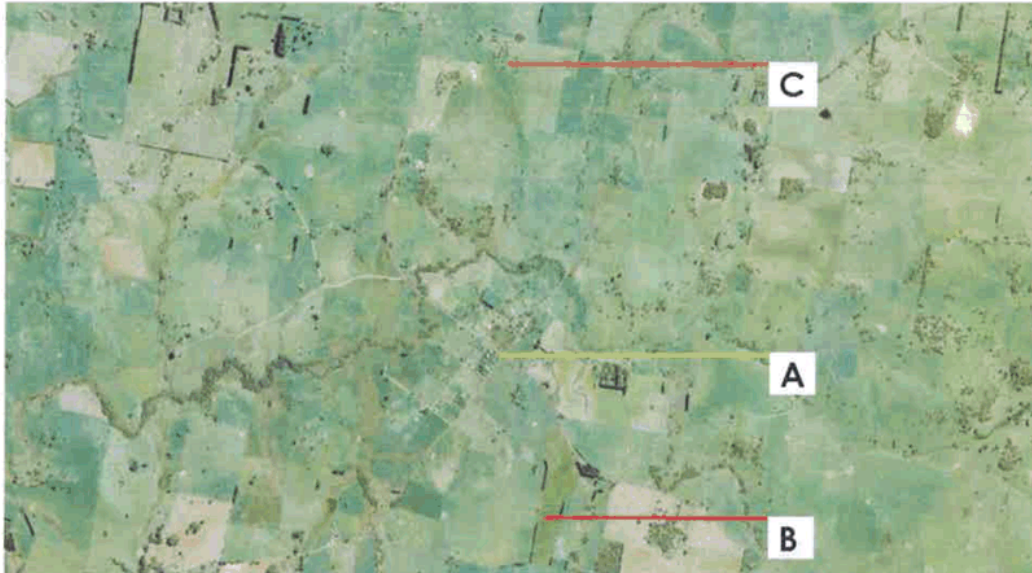


Figure 2: Location of proposed candidates for Barry NSW.

Candidate A: Greenfield,
11 Sawyer Street, Barry NSW 2799

Due consideration was given to locating at this site; this location would deliver the required technical coverage for the area as the selected candidate with a 30m monopole will preclude the requirements of any tree removal or clearing.

The proposed location for the facility is considered appropriate given the nature of the wider rural-area. The site features a cleared grass area and as such no vegetation removal will be proposed as part of this application. Telstra acknowledges that while the proposed facility will be located within the boundaries of the R5 Large Lot Residential zone, it is understood that the proposed site will be located towards the southern peripherals of R5 residential zone (See **Figure 5**, p.21). This means, that the proposed base station will not be located within the centre of R5 residential area but will be sited towards the southern peripheral of R5 residential zone. Further, the proposed site will be located adjacent south off Barry Road, which also functions as a "collector road" and connects the local township towards the northern and southern parts of the Local Government Area (LGA). This location is ideal as the siting and location will facilitate its services to the immediate residential area plus connect its services for vehicles travelling along Barry Road.

Telstra have also considered a slimline monopole design instead of a bulky lattice tower to reduce visual impact. Due care and attention was also considered where a proposed 30m monopole preferred than a 40m to accommodate improved visual outcomes. The overall design and grey neutral colours will help reduce its visual impacts given the skyline in the background. In addition, it will provide coverage to the surrounding roads and travel corridors.



With reference to the above, this candidate was considered the preferred location given the radio frequency coverage objectives and superior visual amenity outcomes.

Candidate B: Greenfield
2145 Hobbys Yards Road, Barry, NSW 2799

The site is zoned Rural RU1 Primary Production and would be sited as a stand-alone 40m tower. While the proposed siting and location appears positive we note that Candidate B will not be able to satisfy the service coverage objectives for the black spot area of Barry. It should be noted that the ground elevation at 2145 Hobbys yards Road, Barry, is 35m greater than Candidate A. This means that the proposed facility could not be designed to over arch its services over the topography towards the target area. Consequently, this would require a much greater tower height than 40m, which poses adverse visual impacts to the area. As such, Candidate B was rejected.

Candidate C, Greenfield
2574 Hobbys Yards Road, Barry NSW 2799

Candidate C is zoned Rural RU1 Primary Production and was proposed for a 40m tower. Telstra agrees that while the site appears positive this location is 64m greater in ground elevation than Candidate A. It should be acknowledged that the distance and separation plus irregular ground elevation poses contrary impacts to Telstra's service coverage objectives. As such, Candidate C was rejected.

With reference to the above, we note that collocation opportunities are very limited because there are not any collocation opportunities that would satisfy Telstra's service coverage objectives plus none that would be able to satisfy Telstra's service coverage objectives while allowing an acceptable design that would be sensitive to the landscape. As such, a new stand-alone monopole was considered at **11 Sawyer Street, Barry NSW 2799**.

4.0 The Subject Site

The proposed site is located towards the north-eastern corner of lot 10/21/DP758062. The subject site is on a rectangular shaped lot with dimensions of 49m along the northern boundary, 40m along the eastern boundary, 49m along the southern boundary, and 40m along the western boundary resulting in a site area of 1976m². The lot has a gentle slope that travels from the north-east to the south-western end of the lot, which features a cleared grass area throughout. There are trees sited along the western plus southern boundary lines, however fall under the title of the neighbouring properties. This feature facilitates separation from the proposed site to adjacent properties. While the land is currently vacant we note that an existing Telstra exchange facility is already located on the land. The proposed telecommunications facility offers a logical use to the land.

In terms of access, the proposed siting and location offers immediate access off Sawyer Street and features available off street car parking that is available 24 hours a day, 7 days a week. In regards to this, the proposed site offers a suitable location for a Telstra facility that will service nearby businesses, residents and vehicular traffic along the immediate and surrounding area.



A site map is shown in **Figure 3** below:



Figure 3: Subject site located at 11 Sawyer Street, Barry NSW.

4.1 The Surrounding Area

Adjacent north to the subject site is a rectangular shaped lot that is 1989m² in area, which features a dwelling house fronting Barry Road. Directly behind this dwelling are cleared grass areas, which appears to be unoccupied. While this dwelling is located directly adjacent north to the proposed facility we note that there is a road, Barry Road, which helps separate the dwelling to the proposed site. Adjacent east to the proposed site is rural land, and while there is a dwelling in the property adjacent property it is understood that it is located 310m east to the proposed site. Further, between the proposed site and property adjacent east is a road, Barry Neville Road, which further separates the two.

Adjacent south and west to the proposed facility are three lots of land that each feature a dwelling house comprising a land area of 1916m² each (Approx.). Telstra acknowledges that while the proposed facility will be near these dwelling houses it is understood that there are items of separation between the proposed facility and the dwelling houses that will help minimise its impact to neighbouring properties. These are listed below:

- ✓ The adjacent properties to the south and west are well screened by vegetation;
- ✓ The vegetation is not deciduous. This means that these houses will be well screened for most of the seasons;
- ✓ The residential properties are fenced, which provides distinctiveness between residential and infrastructure land uses (Telecommunications facility); and
- ✓ The subject site is on vacant land. This will mean that between the proposed facility and residential properties will have an empty lot of land, which further separates the two.



5.0 Legislative Context

The following information provides a summary of the Federal legislation that is relevant to the proposed telecommunications facility.

5.1 Commonwealth Telecommunications Act, 1997

The *Telecommunications Act 1997 (the Act)* came into operation on 1st July 1997. The Act provides a system for regulating telecommunications and the activities of Carriers and service providers.

Under the Act, telecommunications carriers are no longer exempt from State and Territory planning laws except in three limited instances:

- 1) There are exemptions for inspection of land, maintenance of facilities, installation of "low impact facilities", subscriber connections and temporary defence facilities. These exemptions are detailed in the *Telecommunications (Low-impact Facilities) Determination 1997* and the Amendment No. 1 of 2012 and these exceptions are subject to the *Telecommunications Code of Practice 1997*;
- 2) A limited case-by-case appeals process exists to cover installation of facilities in situations of national significance; and
- 3) There are some specific powers and immunities from the previous *Telecommunications Act 1991*.

5.1.2 Telecommunications LIFs Det. 1997

The *Telecommunications (Low-impact Facilities) Determination* came into effect on 1st July 1997 and the Amendment to the Determination (No.1 of 2012) came into effect on 23rd November 2013.

The Determination contains a list of Telecommunications Facilities that the Commonwealth will continue to regulate. These are facilities that are essential to maintaining telecommunications networks and are unlikely to cause significant community disruption during their installation or operation. These facilities are therefore considered to be 'Low-impact' and do not require planning approval under State or territory laws.

However, the proposed facility at Barry does not fall under the Determination and, therefore, requires approval under the State and local planning legislation.

5.2 Commonwealth EPBC Act 1999

The *Environment Protection and Biodiversity Conservation Act* commenced on 16th July 2000. It introduces a new role for the Commonwealth Government in the assessment and approval of development proposals where those proposals involve actions that have a significant impact on matters of National Environmental Significance, the environment of Commonwealth owned land and actions carried out by the Commonwealth Government.

The proposal is not of National Environmental Significance, as it will not impact on:

- ✓ World Heritage Areas;
- ✓ Wetlands protected by International Treaty (The RAMSAR Convention);



- ✓ Nationally listed threatened species and communities;
- ✓ Nationally listed migratory species;
- ✓ All nuclear actions; or
- ✓ The environment of Commonwealth Marine area.

With reference to the above, we note that the site is not located within a protected area pursuant to the *EPBC Act* nor is impacted by the *Threatened Species Act*. Therefore, the site is not impacted by the Acts noted above.

5.3 Communications Alliance Ltd Industry Code

The Communications Alliance Ltd Industry Code (C564:2011) 'Mobile Phone Base Station Deployment' for the Deployment of Radio Communications Infrastructure supplements the regulatory regime by extending the obligations of Carriers. It provides for greater transparency and accountability of Carriers' activities, standardizes the type of information made available by Carriers and clarifies the consultation methods.

The objectives of the Code are:

- (a) To apply a Precautionary Approach to the deployment of Mobile Phone Radio communications infrastructure;
- (b) To provide best practice processes for demonstrating compliance with relevant exposure limits and the protection of the public;
- (c) To ensure that the exposure of the community to EMR is minimized;
- (d) To ensure relevant stakeholder are informed, consulted and engaged with before Mobile Phone Radio Communications Infrastructure is constructed;
- (e) To specify standards for consultation, information availability and presentation;
- (f) To consider the impact on the wellbeing of the community, physical or otherwise, of Mobile Phone Radio Communications Infrastructure; and
- (g) To ensure Council and community views are incorporated into the Mobile Phone Radio Communications Infrastructure site selection.

Section 4.1 of the Code requires that a Carrier must have written procedures for site selection for radio communications infrastructure and to adopt a precautionary approach to the design and siting of facilities. In particular, the Code requires the following matters be considered when designing and siting radio communications infrastructure:

- (a) Reasonable service objectives of the Carrier including:
 - (i) the area the planned service must cover;
 - (ii) power levels needed to provide quality of service;
 - (iii) the amount of usage the planned service must handle.
- (b) Minimisations of EMR exposure to the public;
- (c) The likelihood of an area being a community sensitive location. (Examples of sites which sometimes have been considered to be sensitive include residential areas, childcare centres, schools, aged care centres, hospitals and regional icons);
- (d) The objective of avoiding community sensitive locations.
- (e) Relevant state and local government telecommunications policies;
- (f) The outcomes of consultation processes with Councils and Interested and Affected Parties as set out in Section 6.7;



- (g) The heritage significance (built, cultural and natural);
- (h) The physical characteristics of the locality including elevation and terrain;
- (i) The availability of land and public utilities;
- (j) The availability of transmission to connect the Mobile Phone Radio communication Infrastructure with the rest of the network, e.g. line of sight for microwave transmission;
- (k) The radiofrequency interference the planned service may cause to other services;
- (l) The radiofrequency interference the planned service may cause to other services;
- (m) Any obligations, opportunities, to co-locate facilities; and
- (n) Cost factors.

These objectives are considered during the site selection process by Telstra and its contractor. We note that a collocation opportunity was not possible due to the lack of collocation opportunities in the area. While a new stand-alone tower is not a preferred build solution, the proposed site location offers an appropriate proposal, which is cited within the compound of an existing Telstra exchange. To view the summary sheet of Telstra's commitment to search for the best and most achievable location made under the *Telecommunications Code of Practice 1997 (As amended)* please see Section 3 of this SEE.

Note. The following section is the most applicable part of this SEE, which forms the basis of Council's DA assessment.



6.0 Section 79C Assessment

6.1 Environmental Planning and Assessment Act 1979

This application must be assessed by Council against the relevant heads of consideration detailed under section 79C of the *Environmental Planning and Assessment Act 1979 (As amended)*.

6.2 State Environmental Planning Policy (SEPPs)

We note that there are forty-three SEPPs under the New South Wales (NSW) Government Website. However, only the following SEPP is considered relevant to the proposal:

6.2.1 Infrastructure SEPP 2007

As defined under the Exempt and Complying Development Definitions the site is not located within an "Environmentally Sensitive Area". In regards to this, the proposed siting and location satisfies the site requirements made under the *Infrastructure SEPP 2007 (As amended)*, which would preclude the requirements of a Development Application (DA) on the condition that the proposed works adhere to Schedule 3A of the *Policy*. However, it is understood that the site is zoned R5 Large Lot Residential under *Blayney Local Environmental Plan 2012*. Consequently, the proposed works does not satisfy Schedule 3A stipulated under the *Infrastructure SEPP* based on its land use zone. Therefore, the proposed works will require a Development Application (DA) subject to Council's consent.

Notwithstanding the above, Clause 115 (1) of the *Infrastructure SEPP 2007* states,

"Development for the purposes of telecommunications facilities, other than development in clause 114, may be carried out by any person with consent on any land".

With reference to the above, a telecommunications facility is a defined use under *Blayney Local Environmental Plan 2012*, and can be carried out by any person with consent on any land. Therefore, a telecommunications facility can be assessed subject to the consent of Blayney Shire Council.

Further, the aims of the *Infrastructure SEPP 2007* is to facilitate the effective delivery of infrastructure across the state by:

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and
- (b) providing greater flexibility in the location of infrastructure and service facilities, and
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and



- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.

Comments

With reference to the above, Council can consider that the proposed telecommunications facility can be erected on any land use zone and is a defined use under Blayney Shire Council Local Environmental Plan. Therefore, Council can accept the application for assessment.

Further, it is understood that the proposal complies with the aims listed under the *Infrastructure SEPP*, which seeks to facilitate the effective delivery of infrastructure across the State of NSW. As such, Council can agree that the proposed facility adheres to the objectives of the *Infrastructure SEPP*.

6.3 Blayney Environmental Plan (LEP) 2012

The site is subject to the provisions of the *Blayney Local Environmental Plan (LEP) 2012*. These are discussed below.

6.3.1 Land Use Definition

In respect to the *Blayney LEP 2012* the proposed use of the site is as follows:

- ✓ A telecommunications facility.

Under the *Blayney LEP 2012* the proposed development is defined below:

- (a) Any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) Any other thing used in or in connection with a telecommunications network.

Comments

A telecommunications facility is a defined use under *Blayney Local Environmental Plan 2012*. As stated in Section 6.2.1 of this SEE a telecommunications facility can be constructed on any land. Consequently, a telecommunications facility can be assessed subject to the consent of Blayney Shire Council.

6.3.2 Zoning and Permissibility

The subject site is zoned R5 Large Lot Residential under the provisions of the *Blayney Local Environmental Plan 2012*.

See **Figure 5** below.

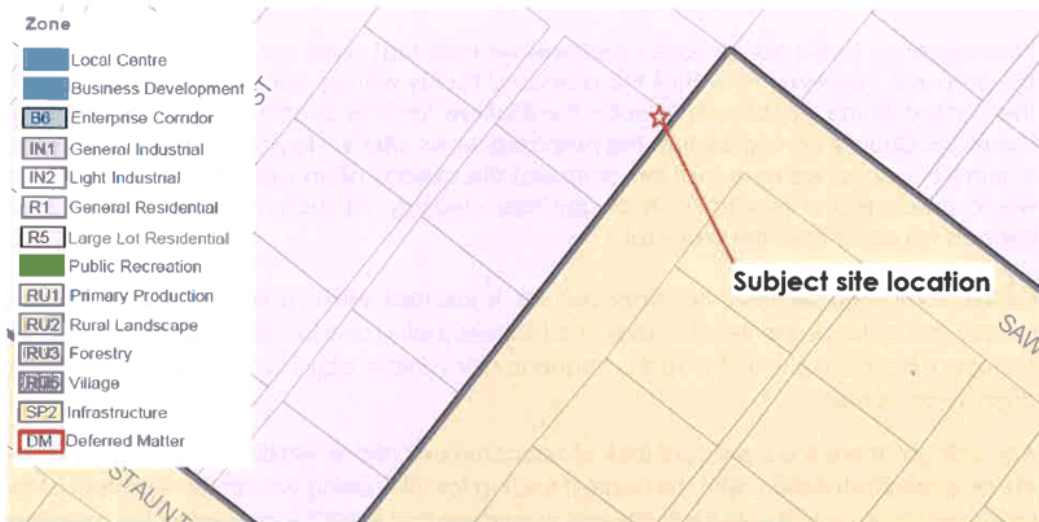


Figure 5: Subject site location zoned R5 Large Lot Residential pursuant to the Blayney LEP 2012.

The 'Land Use Table' outlines those uses that can be development carried without consent, with consent, or a development that is prohibited pursuant to the *Blayney Local Environmental Plan (LEP) 2012*. The land use table is constructed to depict those uses that are permissible without consent and those uses that are prohibited. If a defined use does not appear under either of these two headings, then it is deemed to be permissible subject to the consent of Council. As such telecommunications facilities are technically prohibited within R5 Large Lot Residential zone pursuant to *Blayney LEP 2012*.

Notwithstanding, Clause 115 (1) of the Infrastructure SEPP 2007 states,

"Development for the purposes of telecommunications facilities, other than development in clause 114, may be carried out by any person with consent on any land".

We note that a 'telecommunications facility' is a defined use under *Blayney LEP 2012*, and can be carried out by any person with consent on any land. Therefore, the proposed site can be assessed subject to the consent of Blayney Shire Council.

6.3.3 Zoning Objectives

The objectives of zone R5 Large Lot Residential are as follows:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.



Comments

With reference to the above zone objectives we note that none are particularly relevant to the proposal. However, note that the proposed facility will not appear out of place within the context of the established Telecommunications facilities already located on the land. Therefore, Council can agree that the proposed works offer's a logical addition to the land. In terms of access we note that the proposed site already offers existing site access, which would preclude the requirements of any tree clearing. As such, minimal environmental impacts will occur from the proposal.

Telstra acknowledges that the proposed site is located within a sensitive area, which is nearby residential properties. However, the proposed siting and location was considered the preferred location given the radio frequency coverage objectives and superior visual amenity outcomes.

Accordingly, there is a significant lack of telecommunications facilities within the vicinity of the proposed installation, with the nearest existing facilities being virtually non-existent of the proposed facility in Barry. As such, Council can agree that while it is located within a sensitive area we note that the proposed siting and location offers a logical development on the land, and is considered the preferred location given the superior radio frequency coverage objectives and positive visual amenity outcomes.



7.0 Likely Impacts on the Environment

7.1 Public Safety

There has been debate within the general community regarding the possible health risks of Electromagnetic Energy (EME). The health and safety of the public, customers and employees is of paramount importance to Telstra. Having reviewed relevant research on EME to date, Telstra believes that mobile base stations do not pose a risk to human health.

Radio telecommunications technology has been in use for over 100 years. Radio frequencies and electromagnetic energy has been the subject of many scientific studies. The overwhelming majority indicate there are no negative health effects, while a small number indicate that more research is needed. No scientific study has found conclusive evidence of negative health effects. Telstra encourages people to obtain more information about EME if they are at all concerned.

The Australian Communications and Media Authority (ACMA), under s.376(2) of the *Telecommunications Act 1997* and s.162(3) of the *Radiocommunications Act 1992* sets standards that limit human exposure to EME. The ACMA adopted a technical standard, prepared by ARPANSA (Australian Radiation Protection and Nuclear Safety Agency), called Radiocommunications (Electromagnetic Radiation - Human Exposure) Standard (2003). This sets the mandatory standard with which Telstra's base station must comply. The ACMA standard is consistent with the standard recommended by the World Health Organisation (WHO).

Listed below are estimates of the maximum levels of EME, which could be experienced from the Telstra antennas, at the distances specified in the ARPANSA methodology. Note that these strengths have been calculated with the assumption that there are no buildings or structures surrounding the facility. Therefore, these levels are higher than what the actual levels would be. The levels mentioned below are estimated at 1.5m above ground level.

See **Table 1** below:

Distance from the antennas at BARRY SAWYER ST in 360° circular bands	Maximum Cumulative EME Level at 1.5m above ground – all carriers at this site					
	Existing Equipment			Existing and Proposed Equipment		
	Electric Field V/m	Power Density mW/m ²	% ARPANSA exposure limits	Electric Field V/m	Power Density mW/m ²	% ARPANSA exposure limits
0m to 50m	1.96	10.24	0.11%	1.98	10.38	0.12%
50m to 100m	0.57	0.86	0.0095%	0.67	1.18	0.025%
100m to 200m	0.28	0.2	0.0022%	0.35	0.32	0.0061%
200m to 300m	0.13	0.047	0.00053%	0.42	0.47	0.012%
300m to 400m	0.088	0.021	0.00023%	0.47	0.57	0.015%
400m to 500m	0.066	0.012	0.00013%	0.47	0.58	0.015%
Maximum EME level	1.96	10.24	0.11	1.98	10.38	0.12
	15.18 m from the antennas at BARRY SAWYER ST			15.18 m from the antennas at BARRY SAWYER ST		

Table 1: Predicted EME Levels around the proposed telecommunications facility at 11 Sawyer Street, Barry NSW 2799 (Lot 10, SP 21, DP 758062). (Source: ARPANSA EME Report, Appendix B).



As shown above, the maximum safety to EME exposure is 100%, however, the predicted maximum EME levels will be less than **0.12%** of the maximum level specified under the relevant mandatory **Australian safety standard** for such facilities set by the ARPANSA and regulated by ACMA and are well below the ACMA mandatory standard. Due to the non-ionizing energy exposure Council can be assured that the facility would always operate well within this standard. See **Attachment 2** for more details.

7.2 Visual Impacts

Visual impact is an important consideration in any area in which Telstra seeks to build a new facility. There are a number of factors which will ensure the visual impact of this facility will be minimized:

- ✓ While the proposed facility will be visible we believe council can agree that the overall high monopole design plus grey neutral colours will help fade into the background due to the sky line. See **Figure 6**.
- ✓ The proposed siting and location will be located towards the peripheral of R5 zone, which is a better location than siting a new standalone tower in the centre of the R5 zone area.
- ✓ Telstra have also considered a slimline monopole design instead of a bulky lattice tower to reduce visual impact when viewed from nearby residential properties.



Figure 6: View facing west off Barry Road, Barry NSW 2799. Note. This illustration is indicative only.

Telstra believes it has taken all appropriate and available measures to mitigate any potential impact on the visual amenity at this location zoned R5 large lot residential. Further, it is considered that the facility is vital infrastructure that would provide enhanced services to customers, providing improved coverage to the Barry area, and is also a blackspot area for wireless mobile phone services.



7.3 Bush Fire Impacts

As a standard rule the Building Code of Australia does not set any bushfire standards for Telecommunications facilities. However, under *Rural Fire Services Practice Note 1/11 Telecommunication Towers in Bush Fire Prone Areas (Rural Fire Service 2012)* provides some precautionary items that should be considered for base stations.

See below:

- ✓ The nearest vegetation to the site is located over 35m south, which exceeds the standard requirement within bushfire areas that typically require 10 metre APZ under Practice Note 1/11.
- ✓ *Practice Note 1/11 of the Telecommunication Towers in Bush Fire Prone Areas* contains the Deemed-to-Satisfy (DTS) provisions and performance requirements, which has been applied to the proposed telecommunication facility.

Comments

Overall, council can be rest assured that that the proposed site is situated well away from the standard 10m APZ requirement and is considered as critical infrastructure for firefighting and emergency communications services in case of any emergency situations.

For details regarding the precautionary approach under Practice Note 1/11 "Telecommunications Towers in Bush Fire Prone Areas" see **Attachment 4**.

7.4 Access

The proposed site offers immediate access off Barry Neville Road, and also features available off street car parking that is available 24 hours a day and 7 days a week. In regards to this, the proposed site offers a suitable location for a Telstra telecommunications facility that will service nearby businesses, residents and vehicular traffic along the immediate and surrounding area.

It is understood that the proposed facility will be unmanned and would require maintenance checks approximately 2-3 times per year or as required in the event of an electricity failure or another similar event. Routine maintenance would involve one vehicle per visit and parking would be available close to the subject site for this purpose. Other maintenance would occur on an as-needed basis and would not generate significant traffic movements.

7.5 Servicing

In terms of servicing, a telecommunications facility will only require electricity, which will be advised at application of a Construction Certificate (CC).

7.6 Obstacle Limitation Surfaces Plan, Goolgowi Airport

The Civil Aviation and Safety Authority (CASR) requires the operator of a certified or registered aerodrome to notify Civil Aviation and Safety Authority (CASA) of any development or proposed construction in the vicinity of an aerodrome (Normally within 30km radius) that is likely to be a hazard to air navigation. It was identified that none are located within this radius. Therefore, this control will be satisfied.



7.7 Erosion and Sediment Control

Erosion and sediment control measures will be installed in accordance with the requirements of Council.

7.8 Flora and Fauna

No vegetation is required to be removed as a result of the proposal. Therefore, council can accept that the proposal does not pose any environmental impact to any local terrestrial biodiversity in the area.

7.9 Social and Economic Impact

Reliable mobile phone coverage is important to ensure the economic growth of communities in rural and residential areas. There are not expected to be any adverse social or economic impacts as a result of the development. Indeed, it is anticipated that there would be positive impacts as a result of the mobile telephone coverage, and the proposed facility could also be utilised in the event of an emergency with reference to mobile phone and internet use. Further, Telstra stress that the purpose of the proposal is in support of the **Federal Government's Mobile Black Spot Programme**, and will not only support local businesses and residents but will cater for users in case of emergency. This site has been identified as a blackspot area, which has been flagged by local residents to facilitate them with mobile phone and internet services.

The proposed development is essential to enable carriers to remain competitive and increase the choice of mobile telephone services to consumers. Additional competition in the market will have economic benefits for individual consumers and the community as a whole. The development is consistent, with the objectives of the *Telecommunications Act 1997*, namely:

- ✓ To promote "the efficiency and international competitiveness of the Australian telecommunications industry" (s.3 (1)); and
- ✓ To ensure that telecommunications services "are supplied as efficiently and economically as practicable" (s.3 (2) (a) (ii)).

7.10 Site Suitability

This Statement of Environmental Effects (SEE) has demonstrated that a telecommunications facility can be established in respect to its logical addition to the land plus bushfire controls, and that the proposed facility will be located towards the most north eastern end of the lot, which will be easily accessible off Barry Neville Road.

Further, based on its statutory grounds the proposal satisfies the aims listed under the *Infrastructure SEPP*, which seeks to facilitate the effective delivery of infrastructure across the State, and has demonstrated that the proposed works will not appear out of place within the context of the established telecommunications facilities already located on the land. As such, Council can agree that the proposed works offer's a logical addition to the land. Therefore, there is no matter which should preclude the approval of the proposed development.



7.11 Public Interest

It is understood that this Section of the DA will take place during public consultation.



8.0 Conclusion

There is strong State policy support for telecommunications facilities if, when balancing improved telecommunications services with environmental impacts; including for example, visual impact and or fire hazard, a particular proposal provides a net community benefit.

The site has a number of characteristics that make it suitable for the construction of a new telecommunications facility in the manner proposed. The drawings respond to the principles of design, siting, construction and operation of telecommunications facilities as specified in the Code of Practice whilst meeting state and local planning policy objectives.

The proposed works provide the community with reliable 4G access which in turn supports the various rural and tourist industries in the region and forms part of a wider plan to ensure reliable and accessible coverage during emergency situations such as bush fires.

The proposed telecommunications facility at 11 Sawyer Street, Barry NSW 2799 (lot 10, SP 21, DP 758062) will form an integral component in Telstra's national 4GX network. This 4G service brings higher speeds and extra 4G coverage to a range of communities across the nation. 4GX will include services provided over Telstra's new 700MHz spectrum and deliver higher typical mobile speeds on compatible devices, allowing more Australians to experience more reliable connections and ultra-fast mobile internet.

Importantly, the proposed facility will provide reliable coverage essential for the protection of the fire prone areas in the region and ensuring quality and reliability of coverage for users.

The proposal will ensure that customers in the Barry and its surrounds will have access to the best possible mobile phone and mobile broadband service.

Telstra, together with Visionstream have undertaken an assessment of the relevant matters as required by the *Telecommunications Act 1997*, the *National Parks and Wildlife Act 1974* and the *Blayney Local Environmental Plan 2012*. The proposal is considered appropriate in light of the relevant legislative, environmental, technical, radio coverage and public safety requirements.

The proposed facility is considered appropriate for the subject site for the following reasons:

- ✓ Based on its statutory grounds the proposal satisfies the aims listed under the *Infrastructure SEPP*, which seeks to facilitate the effective delivery of infrastructure across the State.
- ✓ The proposed works poses 'minor' impacts when tested against the site's environmental merits;
- ✓ The proposed siting and location was considered the preferred location given the radio frequency coverage objectives and superior visual amenity outcomes;
- ✓ Council can agree that while it is located within a sensitive area we note that the proposed siting and location offers a logical development on the land, and is considered the preferred location given the superior radio frequency coverage objectives and positive visual amenity outcomes;
- ✓ This SEE has identified all relevant considerations such as public safety, visual impacts, bushfire impacts, Airport Operations, access, servicing, erosion and sediment control, flora and fauna, and site suitability, and that none should be considered detrimental to the proposal.



- ✓ Predicted maximum EME levels are less than 0.12% of the maximum 100% level specified under the relevant mandatory Australian safety standard for such facilities set by the ARPANSA and regulated by ACMA. See Section 7.1.
- ✓ The proposed siting and location will be located towards the peripherals of zone R5 Large Lot, which is a better location than installing a new standalone tower in the centre of the rural village area.
- ✓ The facility will ensure the provision of significantly improved mobile phone coverage and competition in regional and remote Australia, including along major transport routes, in small communities and in locations prone to experiencing natural disasters.
- ✓ The new facility will provide much needed capacity relief for the surrounding existing Telstra sites, and carry new local cellular traffic in its vicinity. Surrounding sites have been expanded to their maximum capability and this additional site is required to meet the traffic demand and mobile data usage growth in the Barry area.
- ✓ The proposal will maintain and improve Telstra NextG communications services to the area, including voice calls, video calling and Wireless Broadband – a high speed wireless internet service via the 3G/4G phone network;
- ✓ The proposed facility is part of Telstra's strategic plan to improve its NextG mobile service in the Barry region, thereby ensuring residents, businesses and tourists have access to the best quality telecommunications service possible which will assist in the delivery of the Council's corporate vision.
- ✓ The proposed installation will provide possible opportunities for future co-location on the monopole by other carriers.
- ✓ Emissions from the proposed facility will be significantly below the Australian Radiation Protection and Nuclear Safety Agency standards adopted by the Australian Communications and Media Authority.

This SEE has demonstrated that the proposal to establish a Telstra telecommunications facility will satisfy statutory based planning considerations and poses minor impacts to the environment. Given the findings of this SEE it is considered that there is no matter which should preclude the approval of the proposed development.

Environmental EME Report **BARRY SAWYER ST , BARRY NSW 2799**

This report provides a summary of Calculated RF EME Levels around the wireless base station

Date 16/2/2017

RFNSA Site No. 2799010

Introduction

The purpose of this report is to provide calculations of EME levels from the existing facilities at the site and any proposed additional facilities.

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at BARRY SAWYER ST BARRY NSW 2799. These levels have been calculated by Telstra using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

The maximum EME level calculated for the existing systems at this site is 0.11% of the public exposure limit and with proposed alterations to this site the calculated maximum EME level will be 0.12% of the public exposure limit.

The ARPANSA Standard

ARPANSA, an Australian Government agency in the Health and Ageing portfolio, has established a Radiation Protection Standard specifying limits for general public exposure to RF transmissions at frequencies used by wireless base stations. The Australian Communications and Media Authority (ACMA) mandates the exposure limits of the ARPANSA Standard.

How the EME is calculated in this report

The procedure used for these calculations is documented in the ARPANSA Technical Report "Radio Frequency EME Exposure Levels - Prediction Methodologies" which is available at <http://www.arpansa.gov.au>.

RF EME values are calculated at 1.5m above ground at various distances from the base station, assuming level ground.

The estimate is based on worst-case scenario, including:

- wireless base station transmitters for mobile and broadband data operating at maximum power
- simultaneous telephone calls and data transmission
- an unobstructed line of sight view to the antennas.

In practice, exposures are usually lower because:

- the presence of buildings, trees and other features of the environment reduces signal strength
- the base station automatically adjusts transmit power to the minimum required.

Maximum EME levels are estimated in 360° circular bands out to 500m from the base station.

These levels are cumulative and take into account emissions from all wireless base station antennas at this site.

The EME levels are presented in three different units:

- volts per metre (V/m) – the electric field component of the RF wave
- milliwatts per square metre (mW/m²) – the power density (or rate of flow of RF energy per unit area)
- percentage (%) of the ARPANSA Standard public exposure limit (the public exposure limit = 100%).

Results

The maximum EME level calculated for the existing systems at this site is 1.96 V/m; equivalent to 10.24 mW/m² or 0.11% of the public exposure limit.

The maximum EME level calculated for the existing and proposed systems at this site is 1.98 V/m; equivalent to 10.38 mW/m² or 0.12% of the public exposure limit.

Radio Systems at the Site

This base station currently has equipment for transmitting the following services:

Carrier	Radio Systems
Telstra	LTE1800

It is proposed that this base station will have equipment for transmitting the following services:

Carrier	Radio Systems
Telstra	LTE1800, WCDMA850 (proposed), LTE700 (proposed)

Calculated EME Levels

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined.

Distance from the antennas at BARRY SAWYER ST in 360° circular bands	Maximum Cumulative EME Level at 1.5m above ground – all carriers at this site					
	Existing Equipment			Existing and Proposed Equipment		
	Electric Field V/m	Power Density mW/m ²	% ARPANSA exposure limits	Electric Field V/m	Power Density mW/m ²	% ARPANSA exposure limits
0m to 50m	1.96	10.24	0.11%	1.98	10.38	0.12%
50m to 100m	0.57	0.86	0.0095%	0.67	1.18	0.025%
100m to 200m	0.28	0.2	0.0022%	0.35	0.32	0.0061%
200m to 300m	0.13	0.047	0.00053%	0.42	0.47	0.012%
300m to 400m	0.088	0.021	0.00023%	0.47	0.57	0.015%
400m to 500m	0.066	0.012	0.00013%	0.47	0.58	0.015%
Maximum EME level	1.96	10.24	0.11	1.98	10.38	0.12
	15.18 m from the antennas at BARRY SAWYER ST			15.18 m from the antennas at BARRY SAWYER ST		

Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest that have been identified through the consultation requirements of the Communications Alliance Ltd Deployment Code C564:2011 or via any other means. The calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

Additional Locations	Height / Scan relative to location ground level	Maximum Cumulative EME Level All Carriers at this site Existing and Proposed Equipment		
		Electric Field V/m	Power Density mW/m ²	% of ARPANSA exposure limits
1 No locations identified				

RF EME Exposure Standard

The calculated EME levels in this report have been expressed as percentages of the ARPANSA RF Standard and this table shows the actual RF EME limits used for the frequency bands available. At frequencies below 2000 MHz the limits vary across the band and the limit has been determined at the Assessment Frequency indicated. The four exposure limit figures quoted are equivalent values expressed in different units – volts per metre (V/m), watts per square metre (W/m²), microwatts per square centimetre (µW/cm²) and milliwatts per square metre (mW/m²). Note: 1 W/m² = 100 µW/cm² = 1000 mW/m².

Radio Systems	Frequency Band	Assessment Frequency	ARPANSA Exposure Limit (100% of Standard)
LTE 700	758 – 803 MHz	750 MHz	37.6 V/m = 3.75 W/m ² = 375 µW/cm ² = 3750 mW/m ²
WCDMA850	870 – 890 MHz	900 MHz	41.1 V/m = 4.50 W/m ² = 450 µW/cm ² = 4500 mW/m ²
GSM900, LTE900, WCDMA900	935 – 960 MHz	900 MHz	41.1 V/m = 4.50 W/m ² = 450 µW/cm ² = 4500 mW/m ²
GSM1800, LTE1800	1805 – 1880 MHz	1800 MHz	58.1 V/m = 9.00 W/m ² = 900 µW/cm ² = 9000 mW/m ²
LTE2100, WCDMA2100	2110 – 2170 MHz	2100 MHz	61.4 V/m = 10.00 W/m ² = 1000 µW/cm ² = 10000 mW/m ²
LTE2300	2302 – 2400 MHz	2300 MHz	61.4 V/m = 10.00 W/m ² = 1000 µW/cm ² = 10000 mW/m ²
LTE2600	2620 – 2690 MHz	2600 MHz	61.4 V/m = 10.00 W/m ² = 1000 µW/cm ² = 10000 mW/m ²
LTE3500	3425 – 3575 MHz	3500 MHz	61.4 V/m = 10.00 W/m ² = 1000 µW/cm ² = 10000 mW/m ²

Further Information

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is a Federal Government agency incorporated under the Health and Ageing portfolio. ARPANSA is charged with responsibility for protecting the health and safety of people, and the environment, from the harmful effects of radiation (ionising and non-ionising).

Information about RF EME can be accessed at the ARPANSA website, <http://www.arpansa.gov.au>, including:

- Further explanation of this report in the document "Understanding the ARPANSA Environmental EME Report"
- The procedure used for the calculations in this report is documented in the ARPANSA Technical Report, "Radio Frequency EME Exposure Levels - Prediction Methodologies"
- the current RF EME exposure standard
Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), 2002, 'Radiation Protection Standard: Maximum Exposure Levels to Radiofrequency Fields — 3 kHz to 300 GHz', Radiation Protection Series Publication No. 3, ARPANSA, Yallambie Australia.
[Printed version: ISBN 0-642-79400-6 ISSN 1445-9760] [Web version: ISBN 0-642-79402-2 ISSN 1445-9760]

The Australian Communications and Media Authority (ACMA) is responsible for the regulation of broadcasting, radiocommunications, telecommunications and online content. Information on EME is available at <http://emr.acma.gov.au>

The Communications Alliance Ltd Industry Code C564:2011 'Mobile Phone Base Station Deployment' is available from the Communications Alliance Ltd website, <http://commsalliance.com.au>.

Contact details for the Carriers (mobile phone companies) present at this site and the most recent version of this document are available online at the Radio Frequency National Site Archive, <http://www.rfnsa.com.au>.

To whom it may concern,

In relation to the development application DA NO:53/2017. I, [REDACTED] Turner Street Barry 2799 wish to make an objection to the development application.

The objection is being made on medical grounds. I have a medically implanted neurostimulator, which is a highly sensitive device that is connected to my brain.

I am unable to be exposed to the following items. See attached paperwork.

- Diathermy Therapy
- Magnetic Resonance Imaging (MRI)
- Cardioverter defibrillators
- Theft Detectors
- Metal Screening Devices

In regards to Electromagnetic Interference (EMI) I am required to turn the stimulator off until I have moved away from the area, as the stimulator is on 24 hours a day I am unable to move away from the area as I live 40 meters away from the proposed mobile phone tower being erected.

Every time I am required to visit my specialist who is in North Shore Sydney I have to turn the neurostimulator off due to mobile phone towers. Every time I pass near these towers my stimulator emits very high stimulation that causes immense pain both in my brain and chest where the box is located.

I get affected not only in Sydney but anywhere there is a mobile phone tower close as well as high voltage power line.

Also every time I am near a theft detector located outside of most stores I need to turn the stimulator of and exit the store very quickly.

I have also been advised by a medical technician not to place a mobile phone near the neurostimulator box in my chest or near the electrodes in my brain. I must use the speaker feature, while I am carrying the mobile phone it must be in my handbag not directly on me.

The neurostimulator device cost \$50000 with each new battery costing \$20000 approx every 10 years.

I have included copies of relevant paperwork to confirm my statement that was included from the patient handbook from the devices manufacturer.

All types of wireless communications equipment can affect the device, see attached paperwork.

Thank You



Prodigy™ Patient Programmer
User's Guide

Recommended Separation Distances Between Portable and Mobile RF Communications Equipment and the Device

The device is intended for use in the electromagnetic environment in which radiated RF disturbances are controlled. The customer or the user of the device can help prevent electromagnetic interference by maintaining a minimum distance between portable and mobile RF communications equipment (transmitters) and the device as recommended below, according to the maximum output power of the communications equipment.

Rated Maximum Output Power of Transmitter (W)	Separation Distance According to Frequency of Transmitter (m)	Separation Distance According to Frequency of Transmitter (m)
	1.50 MHz to 80 MHz $d = 1.17\sqrt{P}$	80 MHz to 2.5 GHz $d = 0.35\sqrt{P}$
0.01	0.12	0.02
0.1	0.37	0.06
1	1.16	0.18
10	3.67	0.55
100	11.6	1.75
		3.5

NOTE: Wireless communications equipment, such as wireless home network devices, mobile and cordless telephones, and walkie-talkies, can affect the device. Keep the device away from wireless communication equipment at least the distance d as listed in the 800 MHz to 2.5 GHz column in the above table.

NOTE: For transmitters rated at a maximum output power not listed above, the recommended separation distance d in meters (m) can be estimated using the equation applicable to the frequency of the transmitter, where P is the maximum output power rating of the transmitter in watts (W) according to the transmitter manufacturer.

NOTE: At 80 MHz and 800 MHz, the separation distance for the higher frequency range applies.

NOTE: These guidelines may not apply in all situations. Electromagnetic propagation is affected by absorption and reflection from structures, objects, and people.



About This Guide

This guide explains how to use the St. Jude Medical Prodigy™ patient programmer (Model 3855) with your Prodigy neurostimulation system. If you have any questions about your system, contact Customer Service.

Symbols and Definitions

The following symbols are used in this document and on some of the products and packaging:



Denotes that the user should pay special attention to avoid serious consequences. This document presents the symbol, the word **WARNING** or **CAUTION**, and a brief explanation of the seriousness of the situation.

A warning alerts the user to a situation which, if not avoided, could result in (1) death or serious injury, (2) serious or adverse reactions, or (3) safety hazards.

A caution alerts the user to a situation which, if not avoided, may result in (1) minor or moderate injury or (2) damage to the equipment or other property.

This symbol advises the reader to consult this document for important safety-related information.

Denotes that the user must consult this document for important safety-related information (This symbol is blue and white on the device.)



Denotes device contains a type BF applied part to protect you from shock. The device is internally powered and is intended for continuous operation.



Denotes to keep the device dry



Denotes expiration date



Denotes date of manufacture



Denotes temperature limits for storage conditions



Denotes humidity limits



Prescription and Safety Information

Read this section to gather important prescription and safety information.

Intended Use

The Prodigy™ neurostimulation system is a rechargeable system designed to deliver low-intensity electrical impulses to nerve structures. The system is intended to be used with leads and associated extensions that are compatible with the Prodigy system.

Indications for Use

The Prodigy™ neurostimulation system is indicated as an aid in the management of chronic, intractable pain of the trunk and/or limbs, including unilateral or bilateral pain associated with the following: failed back surgery syndrome and intractable low back and leg pain.

Contraindications

This system is contraindicated for patients who are unable to operate the system or who have failed to receive effective pain relief during trial stimulation.

Warnings

The following warnings apply to the use of this neurostimulation system:

Diathermy therapy. You cannot have any short-wave diathermy, microwave diathermy, or therapeutic ultrasound diathermy (all now referred to as diathermy) on your body if you have any part of a neurostimulation system implanted. Energy from diathermy can be transferred through the implanted system and can cause tissue damage at the location of the implanted electrodes, resulting in severe injury or death.

Diathermy is further prohibited because it may also damage the neurostimulation system components. This damage could result in loss of therapy, requiring additional surgery for system implantation and replacement. Injury or damage can occur during diathermy treatment whether the neurostimulation system is turned on or off. You are advised to inform your healthcare professional that you cannot be exposed to diathermy treatment.

Operation of machines, equipment, and vehicles. Do not drive or operate heavy machinery or power tools with the stimulator turned on. Postural changes or abrupt movements could cause overstimulation (jolting sensation) that might cause you to lose control of your vehicle or equipment.

Magnetic resonance imaging (MRI). You should not be subjected to an MRI. The electromagnetic field generated by an MRI may dislodge implanted components, damage the device electronics, and induce voltage through the lead that could cause a jolting or shocking sensation.

Lead movement. Avoid bending, twisting, stretching, or lifting objects over five pounds for six to eight weeks postimplantation. Extension of the upper torso or neck may cause lead movement and alter the stimulation field (especially with leads in the cervical area), resulting in overstimulation or ineffective stimulation.

Explosive or flammable gases. Do not use the patient programmer in an environment where explosive or flammable gases are present.

Pediatric use. Safety and effectiveness of neurostimulation for pediatric use have not been established.

Pregnancy and nursing. Safety and effectiveness of neurostimulation for use during pregnancy and nursing have not been established.

Cardioverter defibrillators. Neurostimulation systems may adversely affect the programming of implanted cardioverter defibrillators.

Device modification. This equipment is not serviceable by the customer. To prevent injury or damage to the system, do not modify the equipment. If needed, return the equipment to St. Jude Medical for service.

Precautions

The following precautions apply to the use of this neurostimulation system:

Keep the programmer dry. Your programmer is not waterproof. Keep it dry to avoid damage. Do not use the programmer when engaging in activities that might cause it to get wet, such as swimming or bathing.

Handle the programmer with care. The programmer is a sensitive electronic device that can be damaged by rough handling, such as dropping it on the ground.

Battery care. Batteries can explode, leak, or melt if disassembled, shorted (when battery connections contact metal), or exposed to high temperature or fire.

Disconnecting the wand. Do not pull directly on the cord to disconnect the wand from the programmer. Doing so can damage the cord and make the wand inoperable. To disconnect the wand, grasp the connector at the contoured finger grips and gently pull downward.

Medical tests and procedures. Before undergoing medical tests or procedures, contact your physician to determine if the procedure will cause you injury or damage your neurostimulation system. Specifically, you should be aware that medical devices such as electrohydraulic lithotripsy, therapeutic X rays, cobalt machines, and linear accelerators may cause damage to the electronic circuitry of an implanted neurostimulation system.

Electromagnetic interference (EMI). Certain commercial electrical equipment (for example, arc welders, induction furnaces, resistance welders), communication equipment (for example, microwave programmers, linear power amplifiers, high-power amateur transmitters), and high-voltage power lines may generate sufficient EMI to interfere with neurostimulation system operation if approached too closely. Use caution when approaching such devices, and turn your IPG off if you feel any unusual sensations. Do not turn the IPG on again until you are away from the area of EMI.

Postural changes. Changes in posture or abrupt movements can change the level of stimulation and potentially cause unpleasant sensations. Turn your IPG off or lower the amplitude before stretching, lifting your arms over your head, or exercising. If unpleasant sensations occur, turn off the IPG.

Theft detectors and metal screening devices. Certain types of anti-theft devices, such as those used at entrances/exits of department stores, libraries, and other public establishments, and/or airport security screening devices may affect stimulation. It is possible that patients who are implanted with nonadjacent multiple leads and/or patients who are sensitive to low stimulation thresholds may experience a momentary increase in their perceived stimulation, which has been described by some patients as uncomfortable or jolting. Use caution when approaching such a device and request assistance to bypass the device. If you must proceed through the device, turn off the stimulator and proceed with caution, ensuring to move through the device quickly.

Control of your programmer. Keep your programmer out of the hands of children in order to avoid potential damage or unauthorized change in stimulation parameters.

Physician instructions. Always follow the programs and therapy instructions established for you by your physician. If you do not, the therapy may be less effective in providing pain relief.

Unauthorized programming changes. Do not make unauthorized changes to physician-established stimulation parameters. If you find yourself in an unfamiliar screen display, press the Previous Screen key.

Device components. The use of non-St. Jude Medical components with this system may result in damage to the system and increased risk of injury.

Magnet usage. The magnet provided with the system is a high-powered magnet intended for use solely with the system. Keep it away from watches, credit cards, computer disks, and other magnetically sensitive items to avoid damaging them. Always place the keeper bar on the magnet when not in use.

Mobile phones. The effect of mobile phones on implantable neurostimulation systems is unknown; patients should avoid placing mobile phones directly over the device.

High-output ultrasonics and lithotripsy. The use of high-output devices, such as an electrohydraulic lithotripsy, may cause damage to the electronic circuitry of an implanted IPG. If lithotripsy must be used, do not focus the energy near the IPG.

Ultrasonic scanning equipment. The use of ultrasonic scanning equipment may cause mechanical damage to an implanted neurostimulation system if used directly over the implanted device.

External defibrillators. The safety of discharge of an external defibrillator on patients with implanted neurostimulation systems has not been established.

Therapeutic radiation. Therapeutic radiation may damage the electronic circuitry of an implanted neurostimulation system, although no testing has been done and no definite information on radiation effects is available. Sources of therapeutic radiation include therapeutic X rays, cobalt machines, and linear accelerators. If radiation therapy is required, the area over the implanted IPG should be shielded with lead.

Adverse Effects

In addition to those risks commonly associated with surgery, the following risks are associated with implanting or using this neurostimulation system:

2 July 2017

Dear Sir / Madam,

In relation to the development application DA No: DA 53/2017. I, Darlene Brodin, wish to make an objection to the development application.

The objection being for health concerns. Having been diagnosed and treated for breast cancer in 2015, I intend to move from a city area to 9 Turner Street, Barry to decrease environmental factors impacting on my health, both physical and mental.

I therefore have concerns about the proximity of the tower to my future home.

Evidence of previous diagnosis included.

Thank you for your consideration of this submission.

Yours faithfully,

Patsy Morpett,
Senior Town Planner,
Blayney Shire Council.

4th July, 2017.

Dear Patsy,

RE: Visionstream Development Application.

Your Reference: IAPPD/33219

I wish to lodge my objection to the development application for a Telstra Tower at 11 Sawyer St. Barry.

1. This is far too close to Residential Properties, especially mine. I am directly next door to this block and it causes me great concern.
2. The health risks from Electromagnetic Energy emitted from these towers.
3. This is a very dangerous intersection. I have attended to many accidents at this intersection. These towers are huge. I believe this tower will cause people to look up momentarily, especially if they have children in the car, and it only takes a split second to take your eyes off the road and have an accident.
4. This Tower will also reduce the value of my property if I wish to sell in the future.

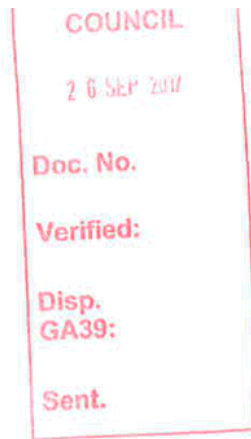
If you stand on this site and look around there is any number of possible sites for one of these towers. It would be on rural land and would not have the health and safety concerns that I have.

Thank You for taking the time to read my submission.

Yours Faithfully,



General Manager
Blayney Shire Council
PO Box 62
Blayney NSW 2799



25th July 2017

Dear Sir/Madam,

Re: Development Application for proposed telecommunications facility at 11 Sawyer Street, Barry NSW 2799 (Lot 10, SP 21, DP 758062).

Thank you for your letter on **14 July 2017**. Your correspondence requested further information from Telstra on the proposed telecommunications facility. As such we wish to respond to you with the following information: EME and Health Effects; information to neurostimulators; site selection process; road safety; and impacts to property values. See **Attachment 1**.

Mobile connectivity has grown in importance as the combination of smart phones and tablets with increased mobile broadband speeds and capacity are changing the way we live and the availability of these services is often taken for granted in metropolitan locations. Over 400 communities who currently have no coverage in or around their towns will benefit from a new 3G/4G service. This has been made possible by the support of not just the Federal Government, but very significant contribution's by State and Local Governments as well.

Telstra has identified a need to improve mobile service for our customers in and surrounding the Barry area. A Proposed Facility is required to:

- ✓ Improve mobile coverage to the area where there is currently only poor service available; and
- ✓ Add mobile network capacity to the local community through the **Federal Governments Mobile Black Spot Programme**.

EME and Health Effects

EME and perceived health effects is a matter Telstra take concerns seriously. The below matters have been provided in response to these concerns raised.

Conditions of Carrier Licence to Operate

Telstra acknowledges that there is a substantial amount of information available to the public on EME and perceived health effects, particularly from mobile phones and mobile phone base stations. It is important to note that research and information should be taken only from credible scientific sources and from accredited scientific bodies.

As a condition of licence to operate radiocommunications transmitters, Telstra are obligated to ensure that electromagnetic energy (EME) levels from their facilities do not exceed mandatory exposure limits. The levels of electromagnetic fields must comply with the limits imposed by the Australian

Visionstream Pty Ltd ABN 85 093 384 680
Suite2.02, Lvl 2, 9 Help Street, Chatswood NSW 2067
www.visionstream.com.au



Communications and Media Authority (ACMA). These limits are based on the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Radiation Protection Standard - Maximum Exposure Levels to Radiofrequency Fields - 3kHz to 300GHz.

All mobile phone base stations must adhere to strict safety regulations set by the ACMA. The ARPANSA standard mentioned above provides reference levels for the safety of all people. These levels are determined to be safe for 24-hour, 365 days a year exposure.

ARPANSA states that the standards which protect people from EME exposure do not set any distances between mobile base station locations and areas, which may be considered sensitive. ARPANSA highlights that:

"Similarly, the Deployment Code does not specify arbitrary distances at which infrastructure must be sited from community sensitive locations, because arbitrary distances do not necessarily reflect a precautionary approach. In fact, infrastructure sited further from a community sensitive area may need to operate at a higher power and may result in higher EME exposures in that sensitive area. Furthermore, it must be remembered that evidence gathered by ARPANSA confirms that exposure levels in public areas are typically hundreds or many of times less than the exposure limit set by the ACMA."

Attached is a summary of estimated RF EME Levels around the Proposed Mobile Phone Base Station at **11 Sawyer Street, Barry NSW 2799 (Lot 10, SP 21, DP 758062)**. This report shows that the maximum predicted EME Level (as a worst-case scenario) would be 0.19% of the mandated Australian Standard. See **Attachment 2**.

Regulation by ARPANSA

Telstra highlights that we are the regulated party, not the regulator, and are not the appropriate party to direct queries regarding the adequacy of the safety standard mandated by the Australian Radiation Protection & Nuclear Safety Agency (ARPANSA). We recommend that these matters should be addressed directly to ARPANSA.

As a regulated party, our legal, *ethical*, and environmental responsibility is to operate within the safety standards established by public health experts; and Telstra has demonstrated that our network facilities operate at signal strengths *many of times below* the scientifically-mandated safety limits.

Information to neurostimulators

Telstra understands that there is a genuine concern in the community on this issue. We can advise that there is an existing small cell facility already located at the site and is located on the roof of the existing SCAX facility at 4.36m in elevation. This small cell facility operates at a predicted EME level of 0.0017% (refer to the Turner Street resident point of interest) (See **Attachment 4**). Telstra will be decommissioning the existing small cell facility, which will be replaced by the proposed black spot facility. (See **Attachment 2**).

This means, that when the small cell facility is replaced by the proposed blackspot facility, the predicted EME levels at the objectors Turner St residence will remain extremely low at 0.0035% (refer **Attachment 2**).

Site Selection Process

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Suite2.02, Lvl 2, 9 Help Street, Chatswood NSW 2067
www.visionstream.com.au



In the initial stage of the deployment process a thorough drive of the search area was undertaken to identify potential suitable site locations. Candidates are ranked and selected with consideration given the following factors: environmental impact of the proposal, radio engineering performance, willing property owner, planning constraints, construction and maintenance, health and safety, and network connectivity. Please see **Attachment 3** of the alternative locations considered for a facility in this area and the below comments outlining why these were/were not considered feasible options:

✓ Candidate A, 11 Sawyer Street, Barry NSW 2799 (Lot 10, SP 21, DP 758062)

The proposed candidate provides the required radio-frequency coverage, and provides access to those located within and around the surrounding area of Barry rather than the installation of a new tower out side of its radio-frequency coverage. A site located outside this area would not satisfy Telstra's mobile service coverage objectives to service this "Mobile Black Spot" area of Barry.

✓ Candidate B, 2145 Hobbys Yards Road Barry, NSW 2799 (Lot 30 DP 750399)

The proposed siting and location was identified more than 1.3km away from the rural village area and would be too far to provide adequate coverage for this black spot area in Barry NSW. It is understood that if this site was selected it would defeat the purpose of the project and a site well away from the target area will result in poorer coverage and reception quality. Consequently, this site was not considered.

✓ Candidate C, 2574 Hobbys Yards Road Barry, NSW, 2799 (Lot 11 DP 226012)

Similar to candidate B, Candidate C is located 2.3km north from the small township area of Barry. However, Telstra identified that this candidate would be unsuitable based on its distance to the Barry township. Consequently, Candidate C was not selected.

With reference to the above, Telstra found Candidate A is the most preferred site because it is better for those reasons it is located within and around the target area of the Barry township.

Road Safety

We understand that some residents have raised concern regarding the location of the proposed facility near a dangerous intersection. However, Telstra believe that the location is appropriate because it will be located towards the "rear" of the existing shelter already located at the site, which increases its safety to oncoming vehicles. The proposed facility will be erected within the compound keeping away from any existing road activity in the area. Further, while the proposed facility will be visible we believe that the grey neutral colours and overall monopole design will fade due to the sky line in the background. As such, Telstra believe that any road safety issues will be mitigated by appropriately locating the site within the compound and installed behind the existing shelter.

Impacts to property value of home

Telstra understands that there is a perception in the public arena that residing close to a telecommunications base station has an impact on property values. Unlike a transmission line or power easement, utility installations such as mobile phone base stations do not materially affect the ability of adjoining landowners to develop or enjoy the use of their properties. There is no physical impediment imposed on neighbouring properties. As such, it is considered that the potential impacts of the proposed works will be minimised as a result of the planned installation. The location and monopole design of the facility has been undertaken to *minimise* the visual impact on surrounding public areas.

Visionstream Pty Ltd ABN 85 093 384 680
Suite2.02, Lvl 2, 9 Help Street, Chatswood NSW 2067
www.visionstream.com.au



Further, the issue of property value is an extremely fluxed, with variations in price being subject to a vast number of factors – many of which are subjective such as amenity, access to transport, condition of land improvements, views and, increasingly, the quality / availability of telecommunications services. However, often more significant are broader market forces affecting supply and demand for housing.

Accordingly, whilst Telstra recognises that property value is a genuine concern for some members of the community there is no evidence to suggest that existing/proposed telecommunications or power infrastructure has adversely impacted local values.

Attachments

- 1 Attachment_Resident Objections via Council
- 2 Attachment_Environmental EME Report
- 3 Attachment_Alternative Locations
4. Attachment_EME Report Sml Cell

Kind regards,

Mr Daniel Hay

Senior Environmental Town Planner | Visionstream



Blayney Shire Council

Council Office 91 Adelaide Street, Blayney Postal Address PO Box 62, Blayney NSW 2799
Telephone (02) 6368 2104 Facsimile (02) 6368 3290
Email council@blayney.nsw.gov.au Web www.blayney.nsw.gov.au
ABN 47 619 651 511

14 July 2017

Our Reference: IAPPD/33219

Mr R Tandog
Suite 2.02 Level 2
9 Help Street
CHATSWOOD NSW 2067

redentor.tandog@visionstream.com.au

Dear Mr Tandog

**RE: Development Application – Telecommunications Facility – Lot 10
Section 21 DP 758062, 11 Sawyer Street, Barry**

Reference is made to the abovementioned development application lodged with Council on 9 June 2017.

Council is currently assessing this application and three submissions have been received during the exhibition period. The issues raised in the submissions are provided below for your consideration:

1. Object for health reasons – recently diagnosed and treated for breast cancer in 2015. Moving to Barry was supposed to decrease environmental factors impacting upon her health, both physical and mental. The proximity of the house to the tower (100m) causes concerns.
2. Proximity of tower to home (40m) causes great concern, due to health risks from electromagnetic energy emitted from these towers.
3. Tower is on a dangerous intersection, where many accidents have occurred. A momentary glance up at this huge tower at the intersection would cause distraction from the road and another accident will occur.
4. Reduction in the value of adjoining properties for future sales.
5. There are many alternate possible sites in the vicinity. It should be placed out on rural land.
6. Objection on medical grounds: This writer also lives 40m from the proposed tower location. She has a medically implanted neurostimulator, which is a highly sensitive device that is connected to her brain. She is unable to be exposed to the following items:
 - Diathermy therapy
 - Magnetic Resonance Imaging (MRI)
 - Cardioverter defibrillators
 - Theft detectors
 - Metal Screening devices

In regards to electromagnetic interference (EMI) she is required to turn the stimulator off until she has moved away from the source, as the stimulator

is on 24 hours a day. She is unable to move away from the Barry area and would live 40m away from the proposed mobile phone tower being erected.

Every time she is required to visit her specialist who is in North Shore Sydney she has to turn the neurostimulator off due to mobile phone towers. Every time she passes near these towers her stimulator emits very high stimulation that causes immense pain in both her brain and her chest where the box is located.

She gets affected not only in Sydney but anywhere there is a mobile phone tower close as well as high voltage power lines.

Also every time she is near a theft detector located outside of most stores she needs to turn off the stimulator off and exit the store very quickly.

She has been advised by a medical technician not to place a mobile phone near the neurostimulator box in her chest or near the electrodes in her brain. She must use the speaker feature, while she is carrying the mobile phone it must be in her handbag not directly on her.

The neurostimulator device cost \$50,000.00 with each new battery costing \$20,000.00 approximately every ten years.

The writer has included copies of relevant paperwork to confirm her statement that is from the patient handbook from the devices manufacturer. See attached.

All types of wireless communications equipment can affect the device.

The writer has indicated that she will provide documentation from her doctor upon his return from leave.

You are invited to comment in writing on these matters at your earliest possible convenience, to assist in Council's assessment process.

Should you have any further questions regarding this matter please contact Council's Planning & Environmental Services Department on (02) 6368 2104.

Yours faithfully



Patsy Moppett
Senior Town Planner

Environmental EME Report

Barry Exchange, 11 Sawyer Street, BARRY NSW 2799

This report provides a summary of Calculated RF EME Levels around the wireless base station

Date 30/8/2017

RFNSA Site No. 2799010

Introduction

The purpose of this report is to provide calculations of EME levels from the existing facilities at the site and any proposed additional facilities.

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at origin of Fixed Point Radial BARRY NSW 2799. These levels have been calculated by Telstra using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

The maximum EME level calculated for the proposed systems at this site is 0.019% of the public exposure limit.

The ARPANSA Standard

ARPANSA, an Australian Government agency in the Health and Ageing portfolio, has established a Radiation Protection Standard specifying limits for general public exposure to RF transmissions at frequencies used by wireless base stations. The Australian Communications and Media Authority (ACMA) mandates the exposure limits of the ARPANSA Standard.

How the EME is calculated in this report

The procedure used for these calculations is documented in the ARPANSA Technical Report "Radio Frequency EME Exposure Levels - Prediction Methodologies" which is available at <http://www.arpansa.gov.au>.

RF EME values are calculated at 1.5m above ground at various distances from the base station, assuming level ground.

The estimate is based on worst-case scenario, including:

- wireless base station transmitters for mobile and broadband data operating at maximum power
- simultaneous telephone calls and data transmission
- an unobstructed line of sight view to the antennas.

In practice, exposures are usually lower because:

- the presence of buildings, trees and other features of the environment reduces signal strength
- the base station automatically adjusts transmit power to the minimum required.

Maximum EME levels are estimated in 360° circular bands out to 500m from the base station.

These levels are cumulative and take into account emissions from all wireless base station antennas at this site.

The EME levels are presented in three different units:

- volts per metre (V/m) – the electric field component of the RF wave
- milliwatts per square metre (mW/m²) – the power density (or rate of flow of RF energy per unit area)
- percentage (%) of the ARPANSA Standard public exposure limit (the public exposure limit = 100%).

Results

The maximum EME level calculated for the proposed systems at this site is 0.53 V/m; equivalent to 0.75 mW/m² or 0.019% of the public exposure limit.

Radio Systems at the Site

There are currently no existing radio systems for this site.

It is proposed that this base station will have equipment for transmitting the following services:

Carrier	Radio Systems
Telstra	WCDMA850 (proposed), LTE700 (proposed)

Calculated EME Levels

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined.

Distance from the antennas at origin of Fixed Point Radial in 360° circular bands	Maximum Cumulative EME Level at 1.5m above ground – all carriers at this site					
	Existing Equipment			Proposed Equipment		
	Electric Field V/m	Power Density mW/m ²	% ARPANSA exposure limits	Electric Field V/m	Power Density mW/m ²	% ARPANSA exposure limits
0m to 50m				0.53	0.75	0.019%
50m to 100m				0.42	0.47	0.012%
100m to 200m				0.2	0.11	0.0027%
200m to 300m				0.41	0.44	0.012%
300m to 400m				0.46	0.57	0.015%
400m to 500m				0.46	0.57	0.015%
Maximum EME level				0.53	0.75	0.019
				35.96 m from the antennas at origin of Fixed Point Radial		

Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest that have been identified through the consultation requirements of the Communications Alliance Ltd Deployment Code C564:2011 or via any other means. The calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

Additional Locations	Height / Scan relative to location ground level	Maximum Cumulative EME Level All Carriers at this site Existing and Proposed Equipment		
		Electric Field V/m	Power Density mW/m ²	% of ARPANSA exposure limits
1 Residence, Turner Street	0m to 3m	0.23	0.14	0.0035%

RF EME Exposure Standard

The calculated EME levels in this report have been expressed as percentages of the ARPANSA RF Standard and this table shows the actual RF EME limits used for the frequency bands available. At frequencies below 2000 MHz the limits vary across the band and the limit has been determined at the Assessment Frequency indicated. The four exposure limit figures quoted are equivalent values expressed in different units – volts per metre (V/m), watts per square metre (W/m²), microwatts per square centimetre (µW/cm²) and milliwatts per square metre (mW/m²). Note: 1 W/m² = 100 µW/cm² = 1000 mW/m².

Radio Systems	Frequency Band	Assessment Frequency	ARPANSA Exposure Limit (100% of Standard)
LTE 700	758 – 803 MHz	750 MHz	37.6 V/m = 3.75 W/m ² = 375 µW/cm ² = 3750 mW/m ²
WCDMA850	870 – 890 MHz	900 MHz	41.1 V/m = 4.50 W/m ² = 450 µW/cm ² = 4500 mW/m ²
GSM900, LTE900, WCDMA900	935 – 960 MHz	900 MHz	41.1 V/m = 4.50 W/m ² = 450 µW/cm ² = 4500 mW/m ²
GSM1800, LTE1800	1805 – 1880 MHz	1800 MHz	58.1 V/m = 9.00 W/m ² = 900 µW/cm ² = 9000 mW/m ²
LTE2100, WCDMA2100	2110 – 2170 MHz	2100 MHz	61.4 V/m = 10.00 W/m ² = 1000 µW/cm ² = 10000 mW/m ²
LTE2300	2302 – 2400 MHz	2300 MHz	61.4 V/m = 10.00 W/m ² = 1000 µW/cm ² = 10000 mW/m ²
LTE2600	2620 – 2690 MHz	2600 MHz	61.4 V/m = 10.00 W/m ² = 1000 µW/cm ² = 10000 mW/m ²
LTE3500	3425 – 3575 MHz	3500 MHz	61.4 V/m = 10.00 W/m ² = 1000 µW/cm ² = 10000 mW/m ²

Further Information

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is a Federal Government agency incorporated under the Health and Ageing portfolio. ARPANSA is charged with responsibility for protecting the health and safety of people, and the environment, from the harmful effects of radiation (ionising and non-ionising).

Information about RF EME can be accessed at the ARPANSA website, <http://www.arpansa.gov.au>, including:

- Further explanation of this report in the document "Understanding the ARPANSA Environmental EME Report"
- The procedure used for the calculations in this report is documented in the ARPANSA Technical Report; "Radio Frequency EME Exposure Levels - Prediction Methodologies"
- the current RF EME exposure standard

Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), 2002, 'Radiation Protection Standard: Maximum Exposure Levels to Radiofrequency Fields — 3 kHz to 300 GHz', Radiation Protection Series Publication No. 3, ARPANSA, Yallambie Australia.

[Printed version: ISBN 0-642-79400-6 ISSN 1445-9760] [Web version: ISBN 0-642-79402-2 ISSN 1445-9760]

The Australian Communications and Media Authority (ACMA) is responsible for the regulation of broadcasting, radiocommunications, telecommunications and online content. Information on EME is available at <http://emr.acma.gov.au>

The Communications Alliance Ltd Industry Code C564:2011 'Mobile Phone Base Station Deployment' is available from the Communications Alliance Ltd website, <http://commsalliance.com.au>.

Contact details for the Carriers (mobile phone companies) present at this site and the most recent version of this document are available online at the Radio Frequency National Site Archive, <http://www.rfnsa.com.au>.

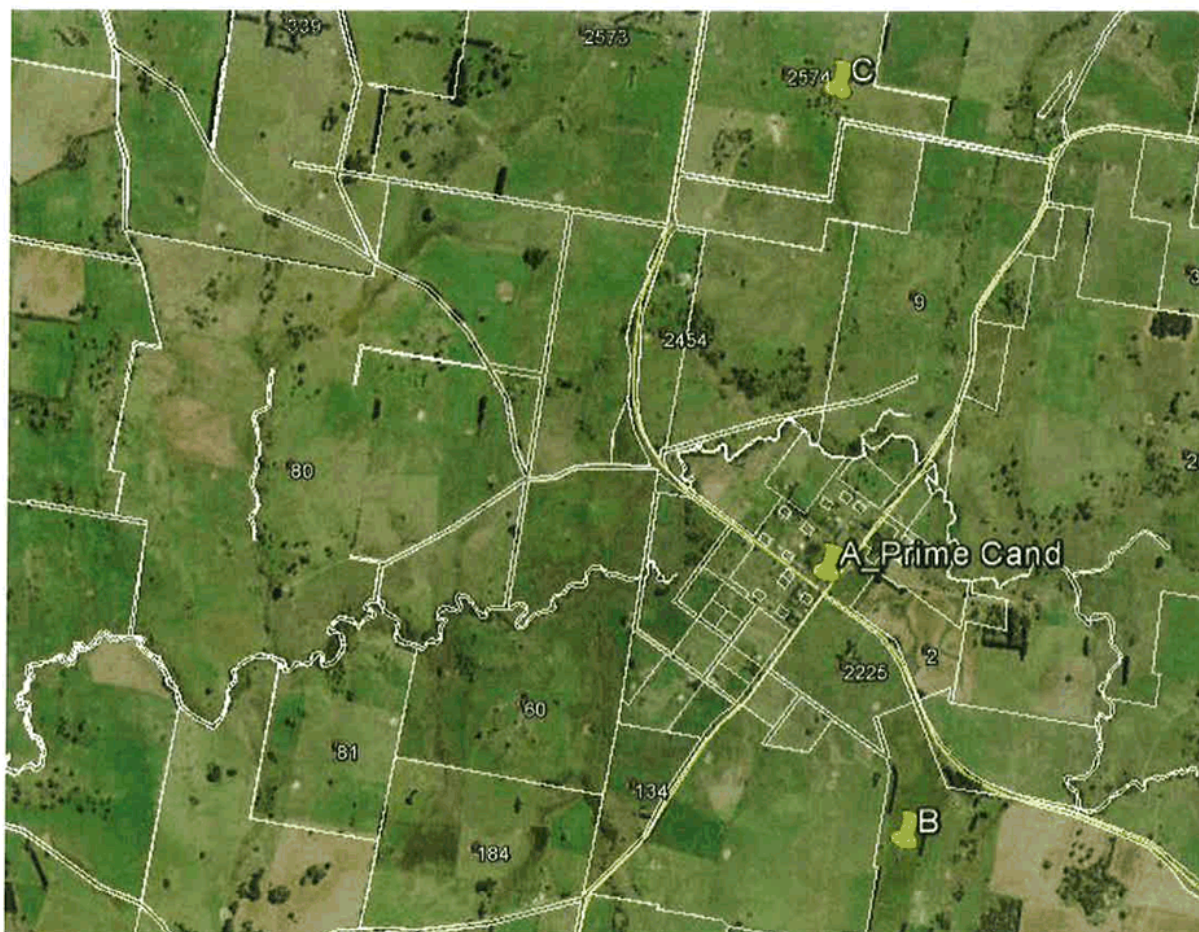


Figure 1: Alternative sites considered within the Barry area. Source: Google Earth.

Environmental EME Report **Barry Exchange, 11 Sawyer Street, BARRY NSW 2799**

This report provides a summary of Calculated RF EME Levels around the wireless base station

Date 30/8/2017

RFNSA Site No. 2799010

Introduction

The purpose of this report is to provide calculations of EME levels from the existing facilities at the site and any proposed additional facilities.

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at origin of Fixed Point Radial BARRY NSW 2799. These levels have been calculated by Telstra using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

The maximum EME level calculated for the existing systems at this site is 0.083% of the public exposure limit.

The ARPANSA Standard

ARPANSA, an Australian Government agency in the Health and Ageing portfolio, has established a Radiation Protection Standard specifying limits for general public exposure to RF transmissions at frequencies used by wireless base stations. The Australian Communications and Media Authority (ACMA) mandates the exposure limits of the ARPANSA Standard.

How the EME is calculated in this report

The procedure used for these calculations is documented in the ARPANSA Technical Report "Radio Frequency EME Exposure Levels - Prediction Methodologies" which is available at <http://www.arpansa.gov.au>.

RF EME values are calculated at 1.5m above ground at various distances from the base station, assuming level ground.

The estimate is based on worst-case scenario, including:

- wireless base station transmitters for mobile and broadband data operating at maximum power
- simultaneous telephone calls and data transmission
- an unobstructed line of sight view to the antennas.

In practice, exposures are usually lower because:

- the presence of buildings, trees and other features of the environment reduces signal strength
- the base station automatically adjusts transmit power to the minimum required.

Maximum EME levels are estimated in 360° circular bands out to 500m from the base station.

These levels are cumulative and take into account emissions from all wireless base station antennas at this site.

The EME levels are presented in three different units:

- volts per metre (V/m) – the electric field component of the RF wave
- milliwatts per square metre (mW/m²) – the power density (or rate of flow of RF energy per unit area)
- percentage (%) of the ARPANSA Standard public exposure limit (the public exposure limit = 100%).

Results

The maximum EME level calculated for the existing systems at this site is 1.68 V/m; equivalent to 7.47 mW/m² or 0.083% of the public exposure limit.

Radio Systems at the Site

This base station currently has equipment for transmitting the following services:

Carrier	Radio Systems
Telstra	LTE1800

There are currently no proposed radio systems for this site.

Calculated EME Levels

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined.

Distance from the antennas at origin of Fixed Point Radial in 360° circular bands	Maximum Cumulative EME Level at 1.5m above ground – all carriers at this site					
	Existing Equipment			Existing and Proposed Equipment		
	Electric Field V/m	Power Density mW/m ²	% ARPANSA exposure limits	Electric Field V/m	Power Density mW/m ²	% ARPANSA exposure limits
0m to 50m	1.68	7.47	0.083%			
50m to 100m	0.52	0.72	0.008%			
100m to 200m	0.27	0.19	0.0021%			
200m to 300m	0.13	0.047	0.00053%			
300m to 400m	0.088	0.021	0.00023%			
400m to 500m	0.067	0.012	0.00013%			
Maximum EME level	1.68	7.47	0.083			
	9.41 m from the antennas at origin of Fixed Point Radial					

Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest that have been identified through the consultation requirements of the Communications Alliance Ltd Deployment Code C564:2011 or via any other means. The calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

Additional Locations	Height / Scan relative to location ground level	Maximum Cumulative EME Level All Carriers at this site Existing and Proposed Equipment		
		Electric Field V/m	Power Density mW/m ²	% of ARPANSA exposure limits
1 Residence, Turner Street	0m to 3m	0.24	0.15	0.0017%

RF EME Exposure Standard

The calculated EME levels in this report have been expressed as percentages of the ARPANSA RF Standard and this table shows the actual RF EME limits used for the frequency bands available. At frequencies below 2000 MHz the limits vary across the band and the limit has been determined at the Assessment Frequency indicated. The four exposure limit figures quoted are equivalent values expressed in different units – volts per metre (V/m), watts per square metre (W/m²), microwatts per square centimetre (µW/cm²) and milliwatts per square metre (mW/m²). Note: 1 W/m² = 100 µW/cm² = 1000 mW/m².

Radio Systems	Frequency Band	Assessment Frequency	ARPANSA Exposure Limit (100% of Standard)
LTE 700	758 – 803 MHz	750 MHz	37.6 V/m = 3.75 W/m ² = 375 µW/cm ² = 3750 mW/m ²
WCDMA850	870 – 890 MHz	900 MHz	41.1 V/m = 4.50 W/m ² = 450 µW/cm ² = 4500 mW/m ²
GSM900, LTE900, WCDMA900	935 – 960 MHz	900 MHz	41.1 V/m = 4.50 W/m ² = 450 µW/cm ² = 4500 mW/m ²
GSM1800, LTE1800	1805 – 1880 MHz	1800 MHz	58.1 V/m = 9.00 W/m ² = 900 µW/cm ² = 9000 mW/m ²
LTE2100, WCDMA2100	2110 – 2170 MHz	2100 MHz	61.4 V/m = 10.00 W/m ² = 1000 µW/cm ² = 10000 mW/m ²
LTE2300	2302 – 2400 MHz	2300 MHz	61.4 V/m = 10.00 W/m ² = 1000 µW/cm ² = 10000 mW/m ²
LTE2600	2620 – 2690 MHz	2600 MHz	61.4 V/m = 10.00 W/m ² = 1000 µW/cm ² = 10000 mW/m ²
LTE3500	3425 – 3575 MHz	3500 MHz	61.4 V/m = 10.00 W/m ² = 1000 µW/cm ² = 10000 mW/m ²

Further Information

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is a Federal Government agency incorporated under the Health and Ageing portfolio. ARPANSA is charged with responsibility for protecting the health and safety of people, and the environment, from the harmful effects of radiation (ionising and non-ionising).

Information about RF EME can be accessed at the ARPANSA website, <http://www.arpansa.gov.au>, including:

- Further explanation of this report in the document "Understanding the ARPANSA Environmental EME Report"
- The procedure used for the calculations in this report is documented in the ARPANSA Technical Report; "Radio Frequency EME Exposure Levels - Prediction Methodologies"
- the current RF EME exposure standard
Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), 2002, 'Radiation Protection Standard: Maximum Exposure Levels to Radiofrequency Fields — 3 kHz to 300 GHz', Radiation Protection Series Publication No. 3, ARPANSA, Yallambie Australia.
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The Australian Communications and Media Authority (ACMA) is responsible for the regulation of broadcasting, radiocommunications, telecommunications and online content. Information on EME is available at <http://emr.acma.gov.au>

The Communications Alliance Ltd Industry Code C564:2011 'Mobile Phone Base Station Deployment' is available from the Communications Alliance Ltd website, <http://commsalliance.com.au>.

Contact details for the Carriers (mobile phone companies) present at this site and the most recent version of this document are available online at the Radio Frequency National Site Archive, <http://www.rfnsa.com.au>.



Mark Dicker
Director Planning and Environmental Services
Blayney Shire Council
PO Box 62
Blayney
NSW 2799

05/12/2017

RE: Development Application for a Proposed Telstra Mobiles facility 11 Sawyer Street, Barry, NSW, 2799 (Lot 10, SP 21, DP 758062)

Dear Mark

We write to you in response to an objection on medical grounds concerning the potential for interference to a resident's implanted neurostimulator. Whilst Telstra considers that the manufacturer of the neurostimulator, St Jude Medical, is best placed to answer questions on their product and potential interference, Telstra provides the following response to Council on the potential for electromagnetic interference (EMI) to medically implanted neurostimulators from the proposed mobile base station antennas at 11 Sawyer Street, Barry NSW 2799.

The manufacturer of the neurostimulator, St Jude Medical, provides online information about precautions to be taken to avoid EMI from sources of electromagnetic fields (EMF). Reference: <https://www.sjmglobal.com/> in <https://www.sjmglobal.com/en-int/patients/chronic-pain/living-with-neurostimulation-therapy/electromagnetic-interference-emi>.

Telstra has searched for relevant information concerning regulatory requirements for medical equipment and applicable performance standards related to EMI. Telstra has also discussed the matter directly with a St Jude representative in Sydney who provided answers regarding EMI and the types of sources of EMF that should be avoided if you have a neurostimulator.

St Jude Medical Australian office and contact details:

St Jude Medical Australia
17 Orion Rd
Lane Cove
NSW 2066
02 9936 1200

Electromagnetic Fields:

Medical devices such as Implantable neurostimulators are subject to Australia's Therapeutic Goods Administration regulations "*to ensure the device is safe and performs as intended.*" This includes ensuring that they operate normally under a range of different environmental conditions including electromagnetic fields.

Key points:

1. Neurostimulators are designed to serve different purposes, some for pain management (e.g. migraine) others to manage movement disorders (e.g. Parkinson's disease, muscle tremors). The health consequences of malfunction due to EMI would be different for different conditions being treated – a malfunctioning neurostimulator for Parkinson's disease might be more critical to the patient than one that's used for the control of muscle tremors.
2. The main sources of electromagnetic interference (EMI) to be avoided are those that generate significant EMFs, and particularly ones that generate high magnetic field strengths. St Jude Medical provide information about EMI on their website. Two examples:

(a) From "Neurostimulator Interference: Dealing With EMI"

<https://www.sjmglobal.com/en-int/patients/chronic-pain/living-with-neurostimulation-therapy/electromagnetic-interference-emi>

"When you live with an implanted device, it is important to be aware of electromagnetic interference, or EMI. EMI happens when the electromagnetic field generated by certain household objects, pieces of heavy equipment and medical equipment/procedures interferes with the way an implantable device works."

Equipment that can produce significant levels of electromagnetic fields (EMFs) include some hospital equipment (microwave diathermy and MRI machines), security systems (theft detectors and anti-theft devices such as those used at entrances/exits of department stores, libraries, and other public places) and airport security screening devices. It also suggest avoiding high-power amateur radio transmitters and mobile phones.

The advice regarding the use of mobile phones is, in our experience, similar to advice that a manufacturer would provide to users of implantable cardiac defibrillators (ICD). While ICDs are tested to minimise the risk of EMI, a manufacturer of ICDs will caution against using a mobile phone close to the body. Where a mobile needs to be used, a hands free device that keeps the phone away from the body may be acceptable. Using the speaker phone feature as described by the objector is also a good solution.

(b) From "Living With a Neurostimulator"

<https://www.sjmglobal.com/en-int/patients/chronic-pain/living-with-neurostimulation-therapy/day-to-day-concerns>

"Do not use any commercial electrical or communication equipment that involves exposure to electric fields and/or electromechanical interferences (for example, arc welders or high-power amateur transmitters)."

The important qualifier is the word "use" which suggests a person handling the equipment or in close proximity. The equipment listed are typically high power devices not generally found in the home. St Jude recommends a patient contact their doctor for advice if uncertain.

3. St Jude does not list EMF from a mobile base stations as a possible source of EMI (even though mobile phones are). Typical environmental EMF levels from base stations are significantly lower than levels close to a mobile phone (see discussion in Point 5 below).



4. The St Jude representative indicated that neurostimulators are designed to function normally in common everyday situations – e.g. home, offices, schools but subject to precautions taken in relation to sources mentioned in Point 2 above. Therefore a person with a neurostimulator should be able to move about relatively unrestricted.
5. Government agencies such as the Australian Therapeutic Goods Administration (TGA) and the US Food and Drugs Administration (FDA) regulate medical devices (e.g. neurostimulators). Both the TGA and FDA regulate the performances of medical devices in relation to EMI. Tests performed to determine the vulnerability of electrical devices to EMI are commonly referred to as electromagnetic compatibility (EMC) tests and are usually documented in EMC standards.
 - (a) FDA document titled “Information to Support a Claim of Electromagnetic Compatibility (EMC) of Electrically-Powered Medical Devices”
<https://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/UCM470201.pdf>

The FDA document lists a number of standards that apply to medical devices, including to neurostimulators. The FDA points to the EMC requirements contained in the international standard ISO 14708-3 (International Organization for Standardization (ISO) 14708 Implants for surgery – Active implantable medical devices – Part 3: Implantable neurostimulators).

- (b) TGA document titled “Clinical evidence guidelines - Medical devices”
<https://www.tga.gov.au/sites/default/files/clinical-evidence-guidelines-medical-devices.pdf>

The TGA document states that “*For a medical device to be supplied in Australia it must be demonstrated that the relevant Eps [Essential Principles] have been met to ensure the device is safe and performs as intended.*”

EMC requirements for active implantable medical devices are based on the suite of ISO 14708 standards (as per FDA above).

- (c) A 2008 technical paper presented to the French National Committee on Radio Science titled “Suitability of the EMC standards for the Medical Devices as neurostimulators and infusion pumps in their environment” describes a range of EMC tests in ISO 14708-3.
http://ursi-france.telecom-paristech.fr/fileadmin/documents/pdf/2008/Labourie_JS08.pdf

The paper describes the ISO 14708-3:2008 test in the frequency range 450MHz to 3GHz (covering mobile frequencies) as covering a handheld transmitter (e.g. mobile phone) operating at 40 milliwatts (mW) and located at 15cm from the AIMD [active implantable medical device].

Under the ISO 14708-3 test conditions (as quoted in the French paper), the calculated field strength at 15 cm from a handheld transmitter operating at 40 mW is around 9 volts per metre (V/m).

The predicted electric field level at the Turner St residence from the existing Telstra facility in Barry is currently 0.26 V/m. When the existing small cell facility is replaced by the Blackspot mobiles facility, the predicted electric field level falls marginally to 0.23 V/m.

Overall, the information suggests that a neurostimulator would be capable of operating normally (without experiencing EMI) in an environment where the field strength level did



not exceed around 9 V/m which is significantly higher than current and future predicted levels (0.26 and 0.23 V/m respectively at the objector's residence and at most 1.98 V/m within the town limits) from the proposed Telstra Barry facility at 11 Sawyer Street, Barry.

This may explain why the objector has not, to date, indicated that her neurostimulator is experiencing problems while at home.

6. St Jude Medical are willing to discuss any issues related to the operation of the objector's neurostimulator (can include their doctor in discussions).

Telstra's Chief Technology Office has undertaken this response to an objection on medical grounds concerning the potential for interference to a resident's implanted neurostimulator however should Council wish to discuss any project related matters, please contact Bob Coyne, Telstra Project Manager on 02 8576 3216.

Kind regards

Steve Iskra
Principal Domain Expert
Electromagnetic Energy Safety Research & Standards
Chief Technology Office & Innovation
Telstra

DRAFT CONDITIONS FOR DEVELOPMENT APPLICATION NO. 53/2017

STATUTORY

REASON: Statutory requirement

1. Development is to take place in accordance with the attached stamped plans (Ref No. DA 53/2017), documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent.
2. A Construction Certificate is required for the development, prior to the commencement of any site or building works. This can be issued either by Blayney Council or by an accredited certifier.
3. At least two (2) days prior to the commencement of building works, the applicant is required to submit to Council the attached "Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority".
4. The proposal is to be constructed and maintained in accordance with the requirements of the Building Code of Australia.
5. The development is to comply with all provisions of the principles within *NSW Telecommunications Facilities Guidelines* including *Broadband (July 2010)*

ENVIRONMENTAL

REASON: Statutory requirement and public interest

6. To contain soil and sediment on the property, controls are to be implemented in accordance with the blue Book – 'Managing Urban Stormwater: Soils and Construction' (Landcom 2004) prior to clearing of the site vegetation and the commencement of site works. This will include the installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment. Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation. In this regard a plan to the satisfaction of council must be submitted prior to the commencement of works onsite.
7. All rubbish and debris associated with the development, including that which can be windblown, must be contained on site in a suitable container at all times. The container shall be erected on the development site prior to work commencing. Materials, sheds or machinery to be used in association with the development must be stored and stacked wholly within the worksite unless otherwise approved by Council
Note 1: No rubbish or debris associated with the development will be placed or permitted to be placed on any adjoining public reserve, footway or road.
Note 2: Offenders are liable for prosecution without further warning.

CONSTRUCTION

REASON: Statutory requirement and public interest

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

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

	COLUMN 1	COLUMN 2
A	Concrete Footway Crossings	* After placing of formwork and reinforcement, and prior to concrete placement;

- 10.A 3m wide causeway is to be constructed in the existing table-drain, adjacent to the entrance with frontage to existing kerb and gutter, to comply with *WBC Guidelines for Engineering Works*.

- 11.A 3m wide vehicular crossing over the footway adjacent to the proposed ingress/egress point is to be designed and constructed in accordance with *WBC Guidelines for Engineering Works to the satisfaction of Councils Design Engineer. Engineering Works* and that the levels are in accordance with those issued.
Note: If other hard standing, dust free and weather proof surfaces are proposed instead of concrete, written approval is to be obtained from Council that the proposed alternative is acceptable.
Optional note: This condition may require the piping and filling of a section of the open drain fronting the property, including headwalls and safety railing.

- 12.The developer is to relocate, if necessary, at the developer's cost any utility services.

AMENITY

REASON: Statutory requirement and public interest

- 13.Construction or demolition work must only be carried out within the following times, as per the *NSW Telecommunications Facilities Guidelines*:
 - a)Monday to Friday – 7:00 am to 5:00 pm;
 - b)Saturday – 7:00 am to 5:00 pm
 - c)No work to be carried out on Sunday or Public Holidays.

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

14. All building rubbish, including that which can be wind blown, shall be suitably contained on site, until disposed of a licensed Waste Facility.

PRESCRIBED CONDITIONS OF CONSENT

REASON: So that the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulation 2000.

15. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
16. In the case of work for which a principal contractor is required to be appointed:
- (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of the Act,
- in the case of work to be done by an owner-builder:
- (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
17. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- showing the name, address and telephone number of the principal certifying authority for the work, and
 - showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work is being carried out and must be removed when the work has been completed.

18. Any development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- i. protect and support the adjoining premises from possible damage from the excavation, and
 - ii. where necessary, underpin the adjoining premises to prevent any such damage.

NOTE: The condition referred to in sub clause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.