

Part A:

Preliminary & Introduction



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Approved Date	Version Number	Summary of changes
25/06/2018	N/A	Council Adopted – 1806/020

A1 Introduction to Blayney Development Control Plan 2017

A1.1 Name of this Plan

This Plan is called the *Blayney Shire Development Control Plan 2018* (DCP or Plan). The DCP has been prepared in accordance with Section 3.43 of the *Environmental Planning and Assessment Act 1979 No 203 (EP&A Act)*.

A1.2 Date of Commencement of DCP

The DCP was approved by Blayney Shire Council (Council) on the 25 June 2018 and came into operation on 2 July 2018.

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 Policies 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 3.43 of the *EP&A Act*.

At the commencement date of this DCP the following existing Development Control Plans are repealed in accordance with section 22 of the Environmental Planning and Assessment Regulation 2000;

- North Blayney,
- Millthorpe – Heritage Conservation,
- Blayney – Rural Residential Development,
- Carcoar – Heritage Conservation,
- Blayney – Medium Density Housing,
- North Millthorpe.

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 2018
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 assessment process undertaken in determining the Development Application. Development Advice should not be taken as a guarantee of approval or refusal of your proposal. Additional matters may need to be addressed during the development assessment.

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:

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

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

A1.13 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. Definitions and references are identified in **BOLD font**.

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