Part E

Other Land Uses

PART E

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E.1 Introduction

E.1.1 Application of this Part

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

E.1.2 Other Parts of this DCP

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

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

E.2 Advertising and Signage

E.2.1 Application of this Section

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

Note: *In order to use this section please review:*

a) *Section E.2.5 General Controls for Advertising and Signage – to see the types of signs permitted for each use or activity; and*

b) *Section E.2.6 Types of Signs – to see additional controls for each sign type that is permitted.*

E.2.2 Relationship to other Plans or Policies

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

E.2.3 Signs that do not require Development Consent

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

E.2.4 Objectives

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

E.2.5 General Controls for Advertising and Signage

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

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

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

E.2.6 Types of Signage

The following additional controls apply to specific types of signage:

E.2.6.1 Under Awning Sign

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

Under Awning sign(s) must:

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

E.2.6.2 Above Awning Sign

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

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

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

Above Awning Sign(s) must:

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

E.2.6.3 Temporary Content Sign or A-Frame Sign

Temporary content signs (external to building):

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

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

A-Frame sign(s) must:

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

E.2.6.4 Fascia Sign

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

Fascia sign(s) must:

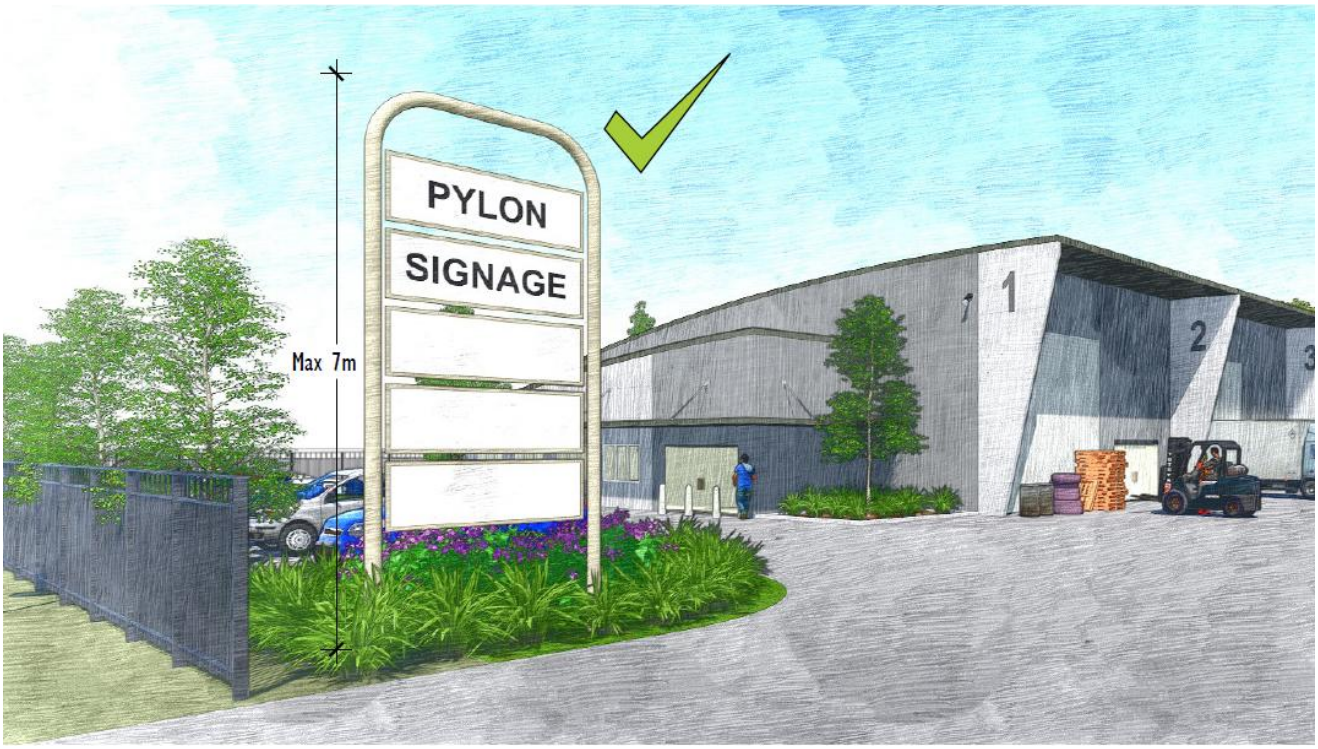
1) Not exceed one (1) sign per property.
2) Not project above or below the fascia to which it is attached; and
3) Be at least 600mm behind the alignment of any kerb within the adjacent road.

E.2.6.5 Pylon and Pole Sign

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

Pole and/or pylon sign(s) must:

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



E.2.6.6 Top Hamper Sign

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

Top hamper sign(s) must:

1) Not exceed one (1) sign of this type for each ground floor tenancy; and

2) Not extend beyond any wall/boundary and/or below top of door / window head.

E.2.6.7 Portable Signs

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

Portable sign(s) must:

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

E.2.6.8 Window Sign

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

Window signage must:

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

E.3 General Controls for all Other Land Uses

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

E.4 Animal Boarding & Training Establishments

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

E.4.1 Objectives

To ensure that all animal boarding or training establishments:

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

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

E.4.2 Controls

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

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

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

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

Eco-tourist facility means a building or place that:

(a) provides temporary or short-term accommodation to visitors on a commercial basis, and

(b) is located in or adjacent to an area with special ecological or cultural features, and

(c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

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

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

E.5.1 Objectives

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

E.5.2 Tourist & Visitor Accommodation in Rural Zones

Tourist and visitor accommodation:

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

iv. a minimum of 250 metres from a boundary for land used for the purpose of forestry, intensive livestock agriculture, intensive plant agriculture, mines, extractive industries, railway lines or rural industries.

4) Must provide a Management Plan that address the operational and environmental for an eco-tourism facility, as per Clause 5.13 of **BLEP2012.**

5) Landscaping should be used to minimise the physical and visual dominance of development for animal and tourist accommodation, including any car parking and vehicle circulation areas, and should include plants native to the local area.

E.5.2.1 Agritourism in Rural Zones

Agritourism:

1) Must be integrated with the agricultural use of the land and/or rural industries on the site.

2) The building design and materials should complement and integrate with the existing landscape including scenic values.

3) A building, structure or activity for farm experience premises or farm gate premises must be located:

i. a minimum of 250 metres from residential accommodation on adjacent land or on land that is separated from the landholding by a road
ii. a minimum of 50 metres from a property boundary or road
iii. a minimum of 50 metres from a waterway
iv. a minimum of 250 metres from a boundary for land used for the purpose of forestry, intensive livestock agriculture, intensive plant agriculture, mines, extractive industries, railway lines or rural industries.

4) Amplified noise from farm gate premises and / or farm experience premises must be no more than 5dB above background noise at the property boundary of the closest residential dwelling.

5) Landscaping should be used to minimise the physical and visual dominance of development for farm gate premises or farm experience premises, including any car parking and vehicle circulation areas, and should include plants native to the local area.

E.6 Restaurants, Functions Centres in Rural Zones

BLEP 2012 defines:

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

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

E.6.1 Objectives

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

E.6.2 Controls

Restaurants, cafes and function centres:

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

E.7 Roadside Stalls and Cellar Door Premises

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

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

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

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

E.7.1 Objectives

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

E.7.2 Controls

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

E.8 Intensive Agriculture

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

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

E.8.1 Objectives

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

E.8.2 Controls

1) Relevant industry guidelines must be followed in the design of intensive agricultural developments and will form an important part of Council's assessment of proposed developments.

Note: *Refer to the NSW Department of Primary Industries document, preparing a development application for intensive agriculture in NSW when preparing a Development Application (DA).*

2) Separation of intensive agricultural developments from existing off-farm dwellings should be based upon potential land use conflict investigations including, noise, odour, spray drift etc. and must prepare a Site (Analysis) Plan in accordance with site planning in **Part C –Commercial, Community and Industrial Development.**

3) Applications for development likely to generate noise, odour or other environmental nuisance within the buffers to a sensitive land use (see Buffers in **Part F – Environmental Management & Hazards**) must be accompanied by an assessment report *prepared* by a suitably qualified practitioner considering the environmental standards of the Department of Environment and Conservation. Consideration must be given to amelioration techniques and the location of existing surrounding rural dwellings in regard to prevailing winds.

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

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

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

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

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

E.9 Temporary Events

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

E.9.1 Objectives

To ensure that temporary events:

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

E.9.2 Temporary Event Application

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

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

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

E.10 Extractive Industries & Mining

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

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

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

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

a) the construction, operation and decommissioning of associated works, and

b) the rehabilitation of land affected by mining, as outlined in the **BLEP2012.**

E.10.1 Objectives

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

E.10.2 Controls

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

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

BLEP 2012 defines:

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

(a) making or generating electricity, or

(b) electricity storage.

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

Solar energy system means any of the following systems—

(a) a photovoltaic electricity generating system used for the primary purpose of generating electricity for a land use—

(i) carried out on the land on which the system is located, or

(ii) carried out by the owner of the system on adjoining land,

(b) a solar hot water system,

(c) a solar air heating system.

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

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

E.11.1 Objectives of this Section

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

E.11.2 Controls

1) Lodgement: The application is supported by a Statement of Environmental Effects (SoEE) or other relevant documents[1] that address all relevant legislation and applicable policies including the following matters:

a) The location of the property, land contours, boundary dimensions and site area including:

i) Topographic map of 1:25,000 scale showing the location of the solar/wind farm;

ii) The route of transmission lines to the electricity grid;

iii) The service roads on and to the site; and

iv) The proximity to significant features such as main townships or villages, main roads, other solar farm developments, dwellings, environmentally and visually sensitive land, watercourses or drainage lines, crop and pasture land, forests, national parks, heritage items or conservation areas.

b) A Site Plan or plans showing the position of the proposed solar panel arrays or wind turbines, inverters, battery storages and all construction facilities from site boundaries, the land contours, native vegetation to be removed or retained, the proposed vehicular access points, the location and uses of all existing and proposed buildings, power lines, sub-station and fences on the land. ***(NB – Council does not support projects being within 1000 metres of residentially zoned land or projects greater than 2 MW in capacity being situated within 500 metres of each other)***

c) A description of the proposed solar arrays or wind turbine(s) including all relevant design details such as number, dimensions, generation capacity, overall height once mounted, rotational information and materials / colour (including for solar arrays if mirror or lenses are proposed). This may also be supported by an Elevation Plan; or

d) Management of temporary facilities, waste, numbers of contractors/employees, etc.

e) Details of the proposed connection to the electricity reticulation network.

f) A Land Use Conflict Risk Assessment (LUCRA) shall be prepared in accordance with the *Land Use Conflict Risk Assessment Guide* produced by the NSW Department of Primary

g) A Noise Assessment demonstrating compliance with the NSW Noise Policy for Industry 2017, Noise Construction Guidelines and any other NSW Acts, Rules or Regulations applicable to solar or farm noise including during construction and decommissioning (e.g., DECC (2012) NSW Wind Farm Guidelines).

h) A Visual Impact Assessment should assess:

i) the visual impact of the project including an assessment of the development on the

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

scenic value and character of the locality; and

ii) how the proposal will maintain the unique local character of the area, all significant vistas and also examine local community values towards key elements which form the identity of the area being impacted by the proposal; and

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

i) A Construction Program and Environmental Management Plan incorporating the proposed staging of the project, erosion and sedimentation controls, heavy vehicle movements, site access including all service roads, substation, underground wiring, construction phase impacts including facilities, waste disposal, staff/contractor numbers etc., weed control, farm impacts and all other works.

j) A Workforce Management Plan including workforce accommodation considerations are detailed in the application for the construction and operation phases of the project.

k) A Traffic Assessment that details the impact of construction vehicles on the proposed route having regard to public safety especially school bus hours and citizens' peak hour travel to work. Detailed road condition reports will be required as part of any consent.

l) A Flora & Fauna Assessment (where relevant) with specific mention of migratory species potentially impacted by the development. Where the development is in close proximity to known habitats of threatened species (Flora or Fauna), early consultation with the Office of Environment and Heritage is highly recommended.

m) A Decommissioning & Site Restoration Plan should be included that provides measures to remediate the land in accordance with SEPP No 55 – Remediation of Land along with details of appropriate disposal methods for all infrastructure and disposal/recycling of materials.

n) Details of Consultation with all State Agencies and how any feedback has been addressed (e.g., CASA for aviation safety, DPI Water for water impacts, OEH for flora and fauna impacts; AAA for aerial agriculture implications etc.).

o) A Statement of Heritage Impact (where DCP Chapter G – Heritage applies).

p) Additional information may be required depending upon the circumstances of the development proposal and level of detail, and accuracy provided within the development application.

2) Lodgement (for Solar Farms only):

a) A Preliminary Risk Screening in accordance with SEPP No. 33 – Hazardous and Offensive Development shall be included, particularly if battery storage is proposed onsite. If the proposal is deemed "potentially hazardous", a Preliminary Hazard Analysis (PHA) shall be

prepared and submitted with mitigation measures to manage the risks including but not limited to spontaneous ignition, bushfire and electro-magnetic fields in accordance with relevant Australian Guidelines.

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

3) Lodgement (for Wind Farms only):

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

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

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

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

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

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

i) land degradation;

ii) native vegetation loss;

iii) alteration to drainage patterns;

iv) pollution of surface and ground water;

v) spread of noxious plants and animals; and

vi) bushfire hazard.

c) The applicant should assess the cumulative impact of the development having regard to

solar energy or wind farms already built and those approved but not yet constructed within 10km of the Site. Council does not favour large expanses of land being covered with solar energy or wind farms where there is significant cumulative impact. (NB – Council does not support projects being within 1000 metres of residentially zoned land or projects greater than 2 MW in capacity being situated within 500 metres of each other)

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

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

5) Design (Solar Energy Farms):

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

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

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

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

6) Design (Wind Farms):

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

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

road authority;

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

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

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

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