NORTH BLAYNEY

DEVELOPMENT CONTROL PLAN

No. 1/96
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LIST OF DIAGRAMS

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1. **STATUTORY REQUIREMENTS**

1.1 This is a Development Control Plan under the *Environmental Planning and Assessment Act, 1979*.

1.2 The aim of this Plan is to establish Councils standards and guidelines for development in North Blayney, and to identify the requirements of other authorities.

1.3 The Plan applies to the whole of the land outlined in Diagram No. 1 and relates to Interim Development Order No. 1 – Shire of Blayney (Lyndhurst); Blayney Local Environmental Plan 1995; and to any future Local Environmental Plan for the land.

1.4 All development is required to conform to the provisions of this Policy. It applies to new development, redevelopment, alterations, additions and changes of use.

1.5 The requirements of this Plan are in addition to those of any:

   - Environmental Planning Instrument;
   - Deemed Environmental Planning Instrument;
   - Development Control Plan; or
   - Section 94 Contributions Plan;

   Made pursuant to the provisions of the *Environmental Planning and Assessment Act 1979*, which affect this land.

1.6 In exceptional circumstances, where it can be shown to Councils satisfaction that it is unnecessary and unreasonable for the full provisions to be met, Council may relax one or more of the requirements for particular developments. More rigorous standards may be required for developments having significant environmental impact.
2. **INTRODUCTION**

The North Blayney Development Control Plan seeks to do four things:

a. Encourage appropriate development;

b. Protect the amenity of the existing and future inhabitants;

c. Protect and improve the environment; and

d. Conserve natural and cultural resources.

All buildings works and most changes of use require Council approval. Planning, building and health controls are administered over development to regulate any activities which might have an adverse effect on the community at large. In addition, the State Government has a large number of regulations designed to improve and protect the local environment.

 Currently the land is zoned for Village or Township purposes in the Interim Development Order No. 1 Shire of Blayney (Lyndhurst) and is proposed for Village or Urban purposes in the Draft Local Environmental Plan 1995. In both of these instruments a wide range of activities is permissible, but only with the consent of Council. In each there are a number of constraints on development, which apply to this land.

There are also a number of matters, which the Council must take into account when determining a Development Application. These are set out under the heads of consideration in Section 90 of the *Environmental Planning and Assessment Act, 1979.*
3. LAND USE CONTROLS

Diagram 2 divides the North Blayney Area into four sub-zones each of which has a different purpose and offers different opportunities and constraints to development.

3.1 Sub-zone No.1 Residential

Objectives The objectives of this sub-zone are to:-

1. Provide land primarily for detached housing with gardens in an environment free from commercial, industrial and unsympathetic activities and buildings; and
2. Allow existing residential uses to continue.

Compliance Within this sub-zone all development must comply with the objectives and:-

1. The only industry permitted will be a home industry;
2. Activities must be compatible with a residential environment;
3. The only commercial or retail development to be permitted will be a home occupation or office; and
4. New dwellings must be constructed more than 10 metres from any boundary with sub-zone 3.

3.2 Sub-zone No.2 Community

Objectives The objectives of this sub-zone are:-

1. To retain the existing school and open space land for the benefit of the community; and
2. To allow for modest expansion of school activities.

Compliance Within this sub-zone all development must comply with the objectives and:-

1. Respect the existing historic buildings in the sub-zone; and
2. Seek to reduce traffic conflicts.
3.3 Sub-zone No.3 Commercial

Objectives

The objectives of this sub-zone are to:-

1. Cater for a wide range of manufacturing and service activities which do not interfere with the amenity of any nearby residents;

2. Allow limited commercial and service activities which compliment and do not compete with the Blayney Town Centre;

3. Provide land for tourism and highway related activities; and

4. To act as a buffer between the existing residential sub-zone and potential industrial development to the north.

Compliance

Within this sub-zone development must comply with the objectives and:-

1. Proposals for industrial storage developments, or for transport terminals, must demonstrate beyond all doubt that the activity will not adversely affect the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, stream, soot, ash, dust, waste water, waste products, grit, oil or otherwise;

2. Where the land has a boundary with Sub-zone No.1, the development must:-
   a. Provide for, and ensure the maintenance of a heavily landscaped buffer of at least 5 metres in width against the boundary; and
   b. Locate and orientate buildings on the site in such a way that they shield the residential development from any outdoor activities or plant which might otherwise cause some noise or nuisance;

3. Commercial or retail development, other than that related to tourism, should be such that it is inappropriate for it to be located in a shopping centre and should preferably include a storage, warehousing or industrial component, or deal with bulky goods;

4. No development can have direct access to the Mid Western Highway unless it is of such a size and scale that separate access is appropriate.
3.4 Sub-zone No.4 Industrial

Objectives

The objectives of this sub-zone are to:-

1. Provide suitable areas for those industrial enterprises which should be kept away from residential neighbourhoods; and

2. Require all development to be environmentally responsible and not adversely affect either adjoining sites or existing residences.

Compliance

Within this sub-zone all development must comply with the objectives and:-

1. Heavy industrial development or transport terminals must be more than 100 metres from sub-zone No.1 and from any occupied dwelling, unless it can be demonstrated beyond all doubt that the activity will not adversely affect the amenity of the neighbourhood by reasons of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise;

2. All other development must not further adversely affect local amenity and must respect nearby existing occupied dwellings, by locating buildings in such a way that they shield them from any outdoor activities or plant which might otherwise cause some noise or nuisance; and

3. Proper provision is made to control all emissions from the site.
4. INDUSTRIAL CONTROLS

Industrial development has the potential to pollute the environment so the controls are complex and often need consideration by a number of Authorities, depending on the scale of development and the risks involved.

4.1 Designated Development

Industrial activities which could affect the environment significantly are designated in Schedule 3 to the Regulations under the Environmental Protection and Assessment Act, 1979, which should be consulted for precise definitions. Only specific industry types of a nominated size and with particular characteristics are designated. They include a wide range of food, mineral and chemical processors, mining, waste disposal and intensive agricultural activities. In fact, any major complex which could create unacceptable levels of noise, smell, water or air pollution is included.

Development applications for these kinds of activities must be accompanied by an Environmental Impact Statement prepared in accordance with the requirements of the Director of the Department of Urban Affairs and Planning. They are also unique in that they are the only development for which objectors have the right to appeal to the Land and Environment Court on the merits of the proposal against an approval by Council.

4.2 Other Acts

A development approval does not imply that the proposal meets with the requirements of other Acts. In particular, the discharge of pollutants requires a licence under the Clean Waters Act 1972 and the making or disposal of chemicals requires an order under the Environmentally Hazardous Chemicals Act, 1985. To complicate matters further, premises are also scheduled for the purpose of the Noise Act, 1975 and the Clean Air Act, 1961. These “licences to pollute” are administered by the State Environmental Protection Authority and not Council. They also administer the Waste Minimisation and Management Act, 1995.

The requirements of the Department of Industrial Relations and the Work Cover Authority of New South Wales must also be satisfied.

A separate building application with more detail regarding the structure of the proposed development must be lodged and the proposal must comply with the requirements of other legislation, such as the Local Government Act.
5. ENVIRONMENTAL CONTROLS

5.1 Flood Liable Land

In considering development on flood liable land, Council will seek compliance with the State Government’s policy as set out in their “Flood Development Manual” – Public Works Department. The Manual categorises flood affected land and relates it to a designated flood standard, currently the 1 in 100 year Average Recurrence Interval event.

A detailed flood study may be required to determine the extent to which the land is affected by flood if the development is likely to be detrimentally affected by a flood event.

Development on flood liable land may need to have operational floor areas 0.5m above the designated flood and must only locate storage areas and parking on land where the water velocity and depth is within the limits recommended by the Floodplain Development Manual.

5.2 Liquid Waste

No industrial liquid may be discharged onto the site or neighbouring land or into any road, drain, pipeline or water course without the written consent of Council. Where approval to discharge liquid waste is sought, details of chemical or biological composition of the waste must be lodged. All domestic type wastes must go to sewer.

5.3 Air Emissions

No furnace, kiln, boiler, chemical plant or other equipment capable of discharging emissions into the atmosphere may be installed without the written consent of Council. Details of fuel quantities used and chemical discharge and dust emitted from such equipment shall be submitted with the development application. Environment Protection Authority approvals may be required. All unsealed areas and stock piles must be managed to ensure there is no dust nuisance.

5.4 Noise

All industry activity is to be conducted to avoid unnecessary or unreasonable noise, particularly at night. Special precautions must be taken to avoid nuisance to residential areas, particularly from warning sirens, compressors or cooling equipment. Details and location of machinery and plant shall be submitted with the development application. Council may require an acoustical engineer’s report if there is doubt about the noise likely to be generated. All development should comply with the Environment Authority’s Noise Control Manual.