

Introduction

This Development Control Plan (DCP) applies to the City of Broken Hill. It establishes and outlines development guidelines relating to rural and Rural Small Holdings development in the City.

The DCP sets out in greater detail than is possible in the Local Environmental Plan (LEP) the Council's development intentions for the City.

This DCP in conjunction with the Environmental Planning and Assessment Act, 1979 (as amended), and other planning instruments having effect within the City of Broken Hill, will now be used as a guide in determining Development Applications for Rural Small Holdings development.

Developers are required to liaise with relevant Council officers prior to the preparation of plans for Rural Small Holdings development to ensure proposals comply with this DCP.

In the event of any inconsistencies between this Plan and the Broken Hill LEP 1996, or the Draft Broken Hill Local Environmental Plan Exempt & Complying Development, 1998 the provisions of the LEP shall prevail.

Objectives of Development Control Plan

- enable development for the purposes of small holdings to be carried out on the land;
- maintain a high degree of environmental quality and minimum conflict between Rural Small Holdings land use and the rural activities and amenity within the area;
- prevent land degradation and ensure that development is carried out in a manner which protects, enhances and does not adversely affect the environmental qualities of the land or adjoining land;
- ensure that Rural Small Holdings development is well designed and located;
- ensure that development is adequately serviced, thus not placing a strain on Council's services or those of other service providers such as Country Energy;
- ensure Rural Small Holdings development meets the relevant objectives of the Broken Hill Local Environmental Plan 1996.
- provide land suitable for the cohabitation of residential land use with the use of land for stables and the keeping of horses generally. Note: Commercial operations may not be considered as appropriate for 1 (c) zones.
- Other planning objectives which should be taken into consideration in the development of rural areas are:
 - provide a wider range of Rural Small Holdings living choices;
 - ensure that allotments created in a small holdings subdivision provide potential building sites with minimal risk of damage by bush fires or flooding.
 - ensure that developments comply with the provisions of the Threatened Species Conservation Act, 1995.

Definitions used in this Plan

Advertised development

Development within a Residential Precinct that is of such a nature as to require the proposal to be advertised. All such items as listed within the LEP will fall into this category.

Boarding House

A building or place which is not licensed to sell liquor, where accommodation, together with meals and laundry facilities, is provided, but only to residents.

Complying Development

Works identified under the provisions of the Complying Development criteria of the Broken Hill Local Environmental Plan as amended

Council

Broken Hill City Council

DCP

Development Control Plan

Dual Occupancy

Development that results in two dwellings (attached or detached) on a single allotment of land.

Dwelling

A room or number of rooms occupied, or used or so constructed or adapted so as to be capable of being occupied or used as a separate domicile.

Dwelling House

A building containing one but not more than one dwelling.

ESD

Ecologically Sustainable Development is defined as:-

“using, conserving and enhancing the community’s resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased.”

Council, as part of its charter, has responsibilities to ensure that all of its functions and decision-making processes take account of the principles of ESD. This means that Council must consider the following principles prior to carrying out any of the functions for which it has responsibility:-

- **Precautionary Principle** - *“This principle requires that lack of scientific certainty is not used as a reason for postponing measures to prevent environmental degradation.”*
- **Inter-generational Equity** - *“Requires that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.”*
- **Conservation of Biological Diversity and Ecological Integrity** - *“is the fundamental consideration of ESD to promote human well-being through the maintenance of ecological services and the protection of intrinsic environmental values.”*
- **Improved Valuation, Pricing and Incentive Mechanisms** - *“Requires that environmental factors be included in the valuation of assets and services such that the principles of - user pays, payment for full lifecycle of goods – including disposal of wastes, and the cost effective achievement of environmental goals.”*

Exempt Development

Is works identified under the provisions of the Exempt Development criteria of the Broken Hill Local Environmental Plan as amended.

Height

The distance measured vertically from any point on the ceiling of the top most floor of the building to the ground level immediately below that point of where there is a Cathedral ceiling to the top plate.

Home industry

An industry carried on in a building (other than a dwelling house or a dwelling in a residential flat building) under the following circumstances:

- a) the building does not occupy a floor space exceeding 50 square metres and is erected within the cartilage of the dwelling house or residential flat building occupied by the person carrying on the industry or an adjoining land owned by that person; and
- b) the industry does not:
 - (i) interfere with the amenity of the locality,
 - (ii) involve exposure to view from adjacent premises of unsightly matter,
 - (iii) require provision of any essential service main of capacity greater than that available in the locality.

Home occupation

An occupation carried on in a dwelling house or in a dwelling in a residential flat building by the permanent residents of the dwelling house or dwelling which does not involve:

- a) the registration of the building under the Factories, Shops & Industries Act, 1962;
- b) the employment of persons other than those residents) interference with the amenity of the neighborhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapor, steam, soot, ash, dust, waste products, oil or otherwise;
- c) the display of goods, whether in a window or otherwise;
- d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling house or dwelling to indicate the name and occupation of the resident).

(Note: a home business may, where it does not interfere with the amenity of the neighborhood, be classified as exempt development. Applicants should consult with Council prior to determining the status of the development.)

Landscaped Area

The part of the site or building which is designed, or developed, or capable of being maintained and used as lawn or planted gardens and is available for use and enjoyment of the occupants of the development and,

- includes rooftop spaces, swimming pools, walkways, gazebos; but
- excludes storage areas and any setbacks or open space, which is less than 2 metres in width.

LEP

Broken Hill Local Environmental Plan 1996, as amended.

Local Development

Development which is not exempt or complying development and does not fall under the provisions of state significant development. It may include:-

- a) the erection of a building or structure;
- b) the installation of major plant or equipment;
- c) carrying out of site works involving landfill, excavation or drainage;
- d) use of land, buildings or work;
- e) subdivision of land.

Residential Flat Building

A building containing two or more dwellings, and includes dwellings located above business premises.

Retailing

The sale of goods individually or in small quantities to consumers.

Setback

A requirement that a building be a specified minimum distance from a boundary (usually from a road reserve).

Development Applications

Stables

A structure, yards etc. used for the keeping of horses and like animals as defined in Development Control Plan No. 7 – Keeping of Horses. Details of construction and usage requirements are provided therein.

The following information shall be required with applications for Development Applications and Construction Certificates under the provisions of the Environmental Planning & Assessment Act, 1979 as amended:

- a completed Development Application Form;
- owners consent to the application;
- prescribed fee;
- two copies of plans which indicate:
 - a) appropriate scale and north point
 - b) location of subject land with respect to adjoining land and roads
 - c) relationship of the proposed development with surrounding development and sites
 - d) floor plans and elevations of proposed and existing buildings.
 - e) description of proposed works.
 - f) full construction details, engineering certifications and specifications.
 - g) All relevant insurance and long service levy payments

Permissible uses

This plan represents Council's policy relating to Rural Small Holdings development within Rural Small Holding – 1 (c) and Rural General 1 (a) Zones within the City of Broken Hill. This Development Control Plan does not override the activities as allowed within the Development Control Tables under the Broken Hill Local Environmental Plan, 1996.

Rural Small Holdings development will be permitted only where there is suitable access, adequate water supply (both quantity and quality) and electricity available.

Development which has the potential to have an adverse effect on the landscape will be discouraged. Landscape plans will be required to be submitted with a development application.

Where required, landscape plans shall show:

- outline of proposed buildings;
- existing trees (species, height and spread) with an indication of those trees likely to be adversely affected by the development ; and
- proposed tree planting - quality species, mature height and spread.

The following restrictions will apply to development on land affected by this plan:

- no excavation or work which in any way alters the subject landform from its natural state shall be made except with the consent of Council;
- no signs whatsoever excluding names or number plates but including without limitation commercial, political or similar signs shall be erected or maintained on the subject land except where those signs are required to be displayed by any local authority or those expressly permitted in writing by Council.

- no part of any land within a 1 (c) zone shall be used for any purpose, other than for the erection of a private residence and/or primary production, without the consent of Council;
- no earth or gravel may be removed or excavated from the subject land without the approval of Council, except where such removal and excavation is necessary for the erection of a pre approved building structure or for the safety of the occupants or prospective occupants of the land;
- no building shall be erected on the subject land unless:
- the building shall be constructed wholly of new materials or pre-used bricks,
- the said building shall be of an area of not less than 90 square metres assessed from plans and specifications not including verandahs, carports or ancillary buildings;
- no temporary dwelling, other than those approved pursuant to the Environmental Planning & Assessment Act, 1979 as amended and the Building Code of Australia 1996 shall be erected on the subject land;
- each main building erected on the subject land shall contain an approved waste water treatment system and no exterior toilets or water closet out buildings shall be erected on the subject land;
- where Council considers it appropriate for any purposes, development on land to which this plan applies shall incorporate buffer areas set aside for tree plantation;
- the Broken Hill Council shall have the right to vary these restrictions

Minimum Requirements for Erection of Dwelling in 1(c) Zone

- having regard to the topography, trees and locality of the site.

Although there is no specific size requirements under the Broken Hill Local Environmental Plan, 1996 for the erection of a dwelling in a 1 (c) zone, practical requirements are such that parameters are laid down as follows:-

- Allotments greater than 4000m² are considered suitable for the erection of a dwelling with an associated waste water treatment system. Proof of suitable soil structures will still be required in order to determine location and size of disposal areas. Although the area of the allotment is generally such that disposal of septic wastes is unlikely to cause nuisance, siting of disposal areas should still be carefully considered.
- Allotments less than 4000m² will generally not be considered suitable unless proof is provided by the applicant that the soils, location of disposal areas and all other structures can be installed upon the said block whilst maintaining suitable clearances from adjoining properties, such that no nuisance is created whereby waste material could escape and contaminate such properties.

The erection of a second dwelling house will only be permitted where the land is equivalent to two normal allotments or the applicant can demonstrate that the land is capable of supporting the erection of a second dwelling taking into account the requirements for the safe disposal of septic wastes.

Note: Other considerations such as buffer zones from 1 (a) land should also be considered.

Minimum Requirements for Erection of Dwelling in 1 (a) Zone

Requirements for 1 (a) zones shall be as for those required under the Broken Hill Local Environmental Plan, 1996. A minimum of 40 hectares shall be required and a soil suitability test shall be undertaken to ensure the safe disposal of septic waste materials.

Selection of Land Suitable for Rural Small Holdings Development

It is important that Rural Small Holdings development is located on land that is appropriate for this form of subdivision and development.

Landowners or developers should evaluate the land that is proposed to be developed having regard to the following criteria:

- poor drainage - areas which are flat and/or low lying may sometimes have poor drainage which, in times of high rainfall, could affect access to properties and/or onsite disposal of sewage.
- slope - excessive slopes should be avoided as they are potentially unstable and increase the cost of housing.
- landscape/habitat significance - Rural Small Holdings development should not be located in areas of habitat or landscape significance. The applicant must take into account the impact of the proposal and in particular the provisions of the Threatened Species Conservation Act. 1995.
- services - the adequacy of and need for extension of services to the proposed development and the cost/economics thereof should be assessed.
- Adjoining land use may or may not be compatible. In some cases, buffer zones will be required due to the practice of spraying of agricultural chemicals as part of rural land use.

The above criteria is not an exhaustive list and, in some cases, other relevant matters may need to be taken into consideration.

Any application for Rural Small Holdings subdivision should include an analysis of the land in terms of the criteria listed above.

Matters for consideration

Council shall not grant consent to the development of Rural Small Holdings land unless it has made an assessment of those matters as listed under section 79 (c) of the Environmental Planning & Assessment Act, 1979 as amended. Some of the issues to be considered are:

- the impact of the development on the environment and the means of protection to be employed against any harmful effect;
- the availability of adequate access to a service center;
- the impact of the development on adjoining land use activities;
- the potential benefit and viability of proposed tourist development;
- provision of permanent water supply;
- provision of waste disposal facilities;
- the likelihood of the land being subject to flooding, bush fire or other risk; and
- the need for and availability of electricity and telephone services.

(see also Council's notes and guidelines for the lodgment of DA's)

Landscape Guidelines

When planting trees on small holdings, there are three points to consider:

- the purpose of the trees (windbreaks, shade, aesthetics)
- choice of an appropriate type (shade, wood type, evergreen or deciduous)
- choice of species which is suited to area (considering soils, rainfall, purpose of planting).

Subdivision

Council will not grant consent to subdivision for Rural Small Holdings purposes unless the layout provides for:

- proper spacing of access points to an existing road to allow for appropriate visibility set backs. Spacing between access points would generally be in the order of 90 metres. Subdivision design should encourage joint use of access points to eliminate an excessive number of intersections;
- design geometry of access ways both vertical and horizontal alignment that will ensure the safety of pedestrian cyclists and vehicular traffic.
- the allotment/s are in accordance with the provisions of the Broken Hill Local Environmental Plan, 1996 and in particular with relation to size of allotments.

Note: Requirements for subdivision may vary considerably between 1 (a) and 1 (c) zones.

Council will not grant consent to a subdivision for Rural Small Holdings development unless it is satisfied that the site is suitable for effluent disposal. This may require the applicant to undertake a soil assessment to determine suitability of the site for this purpose.

Guidelines for Erecting Dwelling Houses on Rural Land

- **Energy conservation:** to achieve the maximum benefit from the sun's energy the house should be sited with its longest sides facing north/south. The use of pergolas on the northern side shade summer sun but permit winter sun to penetrate inside the house. Appropriate tree planting can also protect the house from the elements.
- **Vegetation:** plants can be used to protect the house from undesirable winds, screen the house and surrounds from the road and neighboring properties, to stabilize fragile soils and to assist in the absorption of effluent. Deciduous plants can be used to shade windows and areas in summer whilst permitting winter sunlight.
- **Materials:** the relationship of the house to the colours and textures of the landscape in which it is sited, should be a major influence on the selection of materials and colours. Materials should also be chosen which contribute to the energy efficiency of the house. The use of fiber cement sheets or planks should generally be avoided as the material has low insulation and heat storage properties. However where used, fiber cement cladding should be painted in browns, gray-greens or other natural earth colours suited to the region and used with stained timber frames to blend with the landscape.
- **Finishes:** roof and wall finishes of all rural buildings should comprise low reflective surface materials and colours in natural earth shades (fawns, mid-browns, silver-gray, gray blues and greens) to blend with the rural setting. Galvanized iron or steel deck, preferably colour-bonded or painted in colours mentioned above, is a good match for simple timber or brick structures.
- **Roofs:** roof pitch (slope) should relate to the surrounding landform in flat areas; the most suitable roofs are low-pitched. For more undulating land hip roofs and split gable roofs are more appropriate. Verandahs and pergolas should relate to the main rooflines. Galvanized iron or steel sheeting makes suitable roofing material in rural areas (being relatively inexpensive and flexible to use).
- **Access:** the point of entry to the property should be clearly visible for a considerable distance, either side of the entrance along the road, to maximize road safety.
- **Siting:** of houses may require the provision of buffer zones to ensure that suitable separation distances are maintained from existing rural lands where spraying of chemicals occurs as part of the normal activities associated with rural production.
- **Siting of Structures:** Any permanent structure that requires the consent of Council, that is located within 500mm of a boundary, or in any other case where the assessing officer is of the opinion that the boundary of the site is uncertain, shall be subject to a Surveyors Report.

Detached Rural Dual Occupancy

Council has placed a number of restrictions on detached rural dual occupancy, these are listed below:

- the erection of a secondary dwelling will not result in more than two dwellings being established on the land;
- where the secondary dwelling is not physically attached to the primary dwelling, the secondary dwelling should be sited and landscaped so as to cluster development within a “homestead” grouping of buildings;
- the land area is not less than 40 hectares in the case of Rural General 1(a) and 4000 m² in the case of Rural Small Holdings 1 (c).

Commercial And Industrial Uses

The use of the land for commercial and industrial development is generally discouraged, however in some circumstances it may be permitted, especially where the activity is closely related to a rural activity. In these circumstances, the activity will require the approval of Council in the form of a Development Application and Construction Certificate.

Keeping of Horses and Other Animals

The keeping of animals is generally associated with normal agricultural activities and is part and parcel of activities of a 1 (a) zone.

Similarly, the activities and lifestyle associated with 1 (c) Rural Small Holdings is such that the keeping of animals usually as pets, is considered to be a primary reason for the desire to locate in these zones. Although it could be argued that the keeping of an animal such as a horse could be considered as an ancillary use, the erection of shelters and or stables requires Council approval. It should also be noted that the keeping of animals in numbers that could result in a nuisance to adjoining neighbors will require consent of Council. Commercial operations will also require Council approval. Development Control Plan No. 7 – Keeping of Horses will also apply to 1 (c) zones.

Statement of Environmental Effects

Applications for subdivision of Rural or Rural Small Holdings land must be accompanied by a Statement of Environmental Effects. This should include:

- full description development proposed by the DA;
- the statement of the objectives of the proposed development;
- full description of the existing environment likely to be affected by the proposed development if carried out;
- analysis of the likely environmental impact and consequences of carrying out the proposed development.

Contributions

Council does not currently have a section 94 Contributions plan, however any costs associated with provision of services will be at the cost of the applicant. Council may consider such payments in the form of dedicated land (appropriate for use in providing such facilities/services) and/or monetary contribution and/or provision of certain facilities/services to a recognized standard. Council is also enabled to recoup the costs of services already provided if there is a nexus to the proposed development. Note: applicants should check with Country Energy re: its policy for the extension of services.

TABLE OF CONTENTS

Introduction.....	1
Objectives of Development Control Plan.....	2
Definitions used in this Plan	3
Advertised development	3
Boarding House	3
Complying Development	3
Dual Occupancy	3
Dwelling	3
ESD	3
Exempt Development	4
Height	4
Home industry	4
Home occupation.....	5
Landscaped Area	5
Local Development.....	5
Residential Flat Building	6
Retailing.....	6
Setback.....	6
Stables	6
Development Applications	6
Permissible uses.....	7
Where required, landscape plans shall show:	7
The following restrictions will apply to development on land affected by this plan:.....	7
Minimum Requirements for Erection of Dwelling in 1(c) Zone	9
Minimum Requirements for Erection of Dwelling in 1(a) Zone	9
Selection of Land Suitable for Rural Small Holdings Development	10
Matters for consideration	11
Landscape Guidelines	11
Subdivision	12
Guidelines for Erecting Dwelling Houses on Rural Land.....	13
Detached Rural Dual Occupancy.....	14
Commercial And Industrial Uses.....	14
Keeping of Horses and Other Animals	14
Statement of Environmental Effects	15
Contributions	15

CITY OF BROKEN HILL
DEVELOPMENT CONTROL PLAN NO. 8
RURAL SMALL HOLDINGS

Adopted by Council

May 3, 2000

Amendment Adopted

July 26, 2000

Amendment Adopted

September 28, 2005

(Form P.8.)

What is the Purpose of This Plan?

This Development Control Plan (DCP) applies to the Local Government area of Broken Hill. It establishes and outlines development guidelines relating to development on land which is known to be or is potentially contaminated within the definitions of State Environmental Planning Policy 55 – Remediation of Land and associated Guidelines for Contaminated Land and the Contaminated Land Management Act, 1997. It does not deal with issues relating to lead contamination other than those relating to contamination which is combined with other contaminants. Eg. Service stations. All other lead issues are dealt with by the Broken Hill Development Control Plan for Dealing with Lead Contamination.

The DCP sets out in greater detail than is possible in the Local Environmental Plan (LEP) the Council's development intentions for the City.

This DCP in conjunction with the Environmental Planning and Assessment Act, 1979 (as amended), and other planning instruments having effect within the City of Broken Hill, will now be used as a guide in determining Development Applications for development within the City of Broken Hill.

Where This Plan Applies

This plan applies to all land within the Local Government area of the City of Broken Hill. This plan should be used wherever land is known to be contaminated; is reasonably suspected of being contaminated or has been subject to remediation works in the past.

Objectives of Policy

This policy is designed to comply with the requirements imposed upon Council by the Contaminated Land Management Bill, 1997, State Environmental Planning Policy 55 and the Guidelines for Managing Contaminated Land.

Issues of concern in this policy are:-

1. Determining appropriate guidelines for the remediation of contamination from materials, other than lead, as outlined by the Guidelines for Managing Contaminated Land.
2. Providing information to prospective purchasers of land within the City by means of section 149 (2) certificates.
3. Determination of sites known to be or likely to be contaminated as defined by State Environmental Planning Policy 55 and the Guidelines, by means of researching and identifying past uses of specific sites wherever possible.
4. Determining appropriate procedures for assessing applications for development that allow the continuing development of the City of Broken Hill whilst maintaining appropriate controls on land use within the boundaries of the City. Such procedures shall take into account the proposed use and the

risks associated with that use given the presence of contaminants on the site.

Definitions:

Contaminated Land

For the purpose of this policy, the definition of Contaminated Land is that adopted by State Environmental Planning Policy 55, being the definition under section 145A of the Environmental Planning & Assessment Act, 1979.

“Contaminated land” means land in, on or under which any substance is present at a concentration above that naturally present in, on or under the land and that poses, or is likely to pose, an immediate or long term risk to human health or the environment.”

Detailed Investigation

A detailed investigation should provide information about the extent and degree of contamination. It should also include an assessment of the risk posed by the contaminants to health and the environment.

ESD

Environmentally Sustainable Development is defined as:-

“using, conserving and enhancing the community’s resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased.”

Council, as part of its charter, has responsibilities to ensure that all of its functions and decision making processes take account of the principles of ESD. This means that Council must consider the following principles prior to carrying out any of the functions for which it has responsibility:-

- **Precautionary Principle** - *“This principle requires that lack of scientific certainty is not used as a reason for postponing measures to prevent environmental degradation.”*
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services such that the principles of - user pays, payment for full lifecycle of goods – including disposal of wastes, and the cost effective achievement of environmental goals.”

Guidelines

The guidelines referred to in this policy are the “Guidelines for Managing Land Contamination” as prepared by the Department of Urban Affairs & Planning and the Environmental Protection Authority.

Planning Instrument

A planning instrument referred to in this policy is either a State Environmental Planning Policy, Regional Environmental Planning Policy or the Broken Hill Local Environmental Plan, 1996 and associated Development Control Plans. Planning instruments are used to determine land uses within a given area, which in this case is the Broken Hill Local Government area.

Preliminary Investigation

A preliminary investigation contains a detailed appraisal of the site’s history and a report based on a visual site inspection and assessment.

Remedial Action Plan

Is a plan, which demonstrates how the proponent or their consultant proposes to reduce risks to acceptable levels and achieve the clean-up objectives for the site.

Remediation

There are many different ways to remediate an allotment of land. The purpose of remediation is to remove the cause of contamination, reduce, disperse or destroy the contamination, or eliminate or reduce the hazard arising from contamination. It is not always necessary or even possible to remove all contamination from a given parcel of land. As such, alternatives must be found to minimise risk.

State Environmental Planning Policy 55 provides definitions for the various categories of remediation and the circumstances in which they should apply. This Development Control Plan adopts those definitions in their entirety for the purpose of all remediation works.

Relationship With Other Environmental Planning Instruments

This policy is an adopted policy of Council. As such it holds legal stature in so far as it has been adopted in accordance with the provisions of the Local Government Act, 1993. The document also has reference to the Contaminated Land Management Act, 1997, Environmental Planning & Assessment Act and Regulations, State Environmental Planning Policy No. 55, - Remediation of Land and the Broken Hill Local Environmental Plan, 1996 and associated Development Control Plans. It, in conjunction with Council’s register of potentially contaminated sites, will be

extensively used in relation to the approval of development applications and the issue of S.149 certificates within the Local Government area of the City of Broken Hill.

Planning System

The Broken Hill Local Environmental Plan, 1996 and associated Development Control Plans, are the instruments used to determine land use planning within the boundaries of the City of Broken Hill. Wherever possible, a risk based analysis approach will be used to determine applications for the development of sites identified as potentially contaminated. This means that if a land use is similar to a previous land use, or would not impose a greater risk to human health and the environment, then that use may be permitted without the need for remediation works to be carried out. It should be noted however, that this would not prevent the owner of the land from being liable for remediation works at a future time should the contamination:-

- Become worse and or subject to migration from the site;
- Become subject to a further change of use which is incompatible with the levels of contamination;
- The Environmental Protection Agency issue an order to investigate and or remediate the site.

In the event that one of the above circumstances occurs, it is the responsibility of the owner of the site to carry out any testing and or remedial works required to alleviate the problem.

Rezoning of the site to allow for residential purposes may require remediation of the site to a level suitable for such use. The degree of remediation will be dependant upon the type, location and extent of contamination for that particular site. The method of remediation will differ from site to site but will be subject to the requirements of the Contaminated Land Act, State Environmental Planning Policy 55 and the Contaminated Land Guidelines as well as any notice served by the Environmental Protection Authority.

Remediation Methods

Remediation methods, apart from existing residential allotments, will in most cases, be subject to an evaluation and recommendations from an accredited person under the Contaminated Lands Management Bill.

Remediation from contaminants, other than lead, will require an approach as outlined in the "Guidelines for Consultants Reporting on Contaminated Sites", produced by the Environmental Protection Authority NSW. The four steps outlined therein are

1. Preliminary Site Investigation

2. Detailed Site Investigation
3. Remedial Action Plan
4. Validation & Ongoing Site Monitoring

Depending upon the type and degree of contamination, the proposed course of action may require one or more of the above steps and in some more severe cases, may require all of the above steps.

Remediation techniques and the degree of remediation required will also depend upon the proposed use of the land and the risks associated therein. This determination will be undertaken as part of the development approval process and as such will give the applicant the right to an appeal to the Land & Environment Court against the conditions of the approval if aggrieved by them.

In the event that an investigation order or remediation order has been issued by the Environmental Protection Authority and/or by Council subject to direction by the Environmental Protection Authority, then appeal rights will be available against that order under the provisions of Part 6 of the Contaminated Land Management Act, 1997.

Impact On Development

Changes to legislation in recent times has placed a considerable burden on Council to ensure the protection of the environment and to implement the requirements for Environmentally Sustainable Development. As such Council must take into account the aspects of contamination or potential for contamination in regard to it's decision making process. This may require the applicant to provide additional information in regard to levels, types and extent of contamination prior to Council making a determination on a particular development.

Development Process

The process for the determination of Development Applications has been altered by these legislative changes. Council must now consider the impact of contamination on any development. The flow chart within the guidelines and reproduced herein as attachment 3 sets out the steps that must be followed in order to consider a development application. Similarly, a flow chart (attachment 4) provides details of the steps involved in determining an application to re-zone land.

Duty To Provide Information

Council, under the provisions of the Contaminated Land Management Bill, 1997 and State Environmental Planning Policy 55, has a duty to provide information to future purchasers of land by means of section 149 (2) planning certificates. Such information also needs to be applied to any decisions made by Council. Wherever Council holds information which could be relied upon by an applicant or potential purchaser, then Council is obligated to provide that information.

It is Council's position that, with regard to issues of potential contamination, it is essential that decisions on the issue of information err on the side of caution. (The precautionary principle). I.e. if information is suspected, but not confirmed, then that information will be provided in the form of advice. Where the information is available but not confirmed, the owner or purchaser should avail themselves of whatever testing is required to confirm the status of the site. Owners have a duty to report contamination to the Environmental Protection Agency under S 60 of the Protection of the Environment Operations Act.

Council reserves the right to request confirmation prior to determining any approvals for a change in use for land and prospective purchasers should make themselves aware of restrictions applicable to that land prior to making a decision to purchase.

The following flow charts are reproduced from the "*Guidelines for Managing Land Contamination*" by the Department of Urban Affairs & Planning and the Environmental Protection Authority

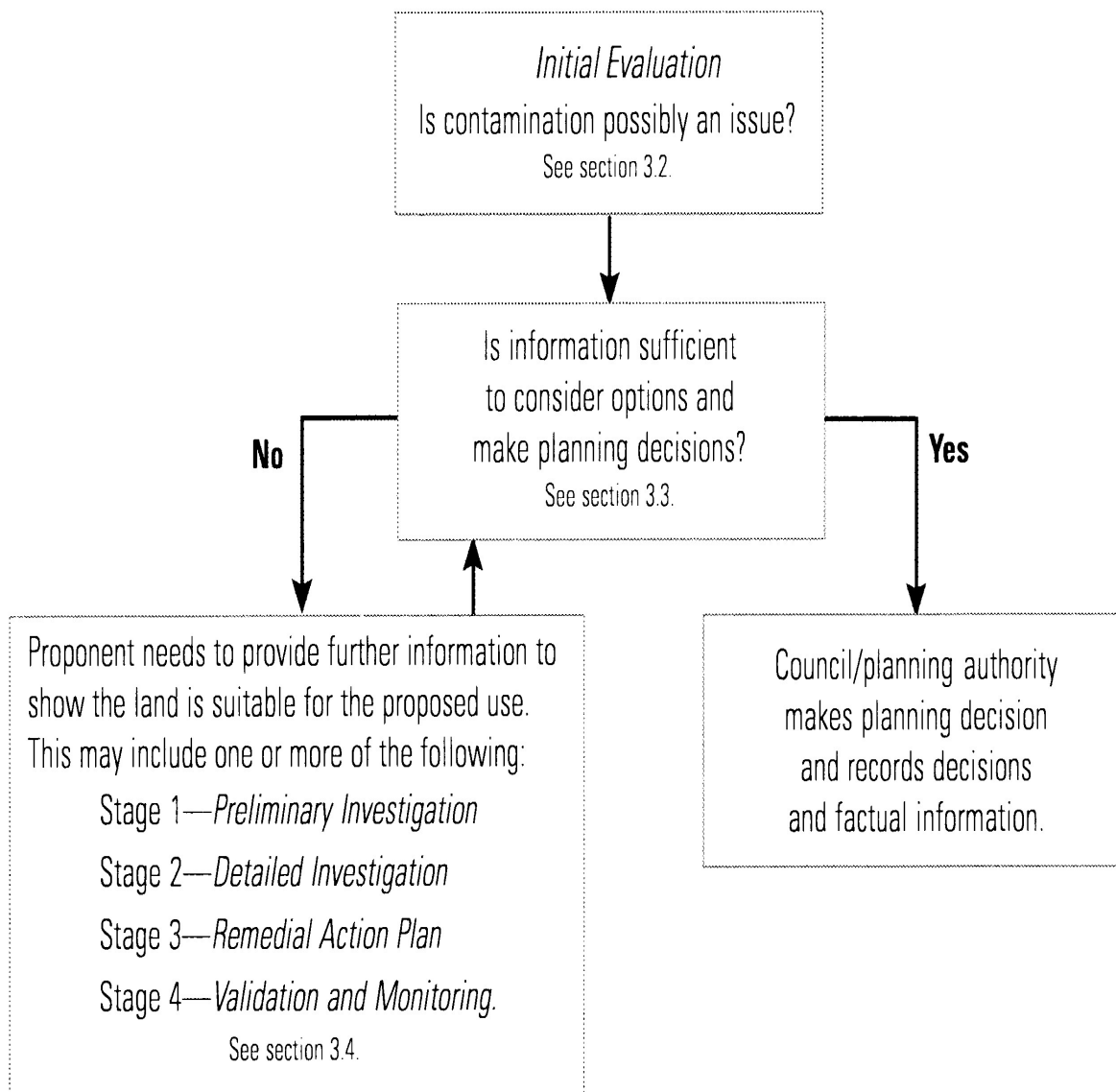
ATTACHMENT 1

TABLE OF POTENTIALLY CONTAMINATING ACTIVITIES

- acid/alkali plant and formulation
 - agricultural/horticultural activities
 - airports
 - asbestos production and disposal
 - chemicals manufacture and formulation
 - defence works
 - drum re-conditioning works
 - dry cleaning establishments
 - electrical manufacturing (transformers)
 - electroplating and heat treatment premises
 - engine works
 - explosives industry
 - gas works
 - iron and steel works
 - landfill sites
 - metal treatment
 - mining and extractive industries
 - oil production and storage
 - paint formulation and manufacture
 - pesticide manufacture and formulation
 - power stations
 - railway yards
 - scrap yards
 - service stations
 - sheep and cattle dips
 - smelting and refining
 - tanning and associated trades
 - waste storage and treatment
 - wood preservation
-

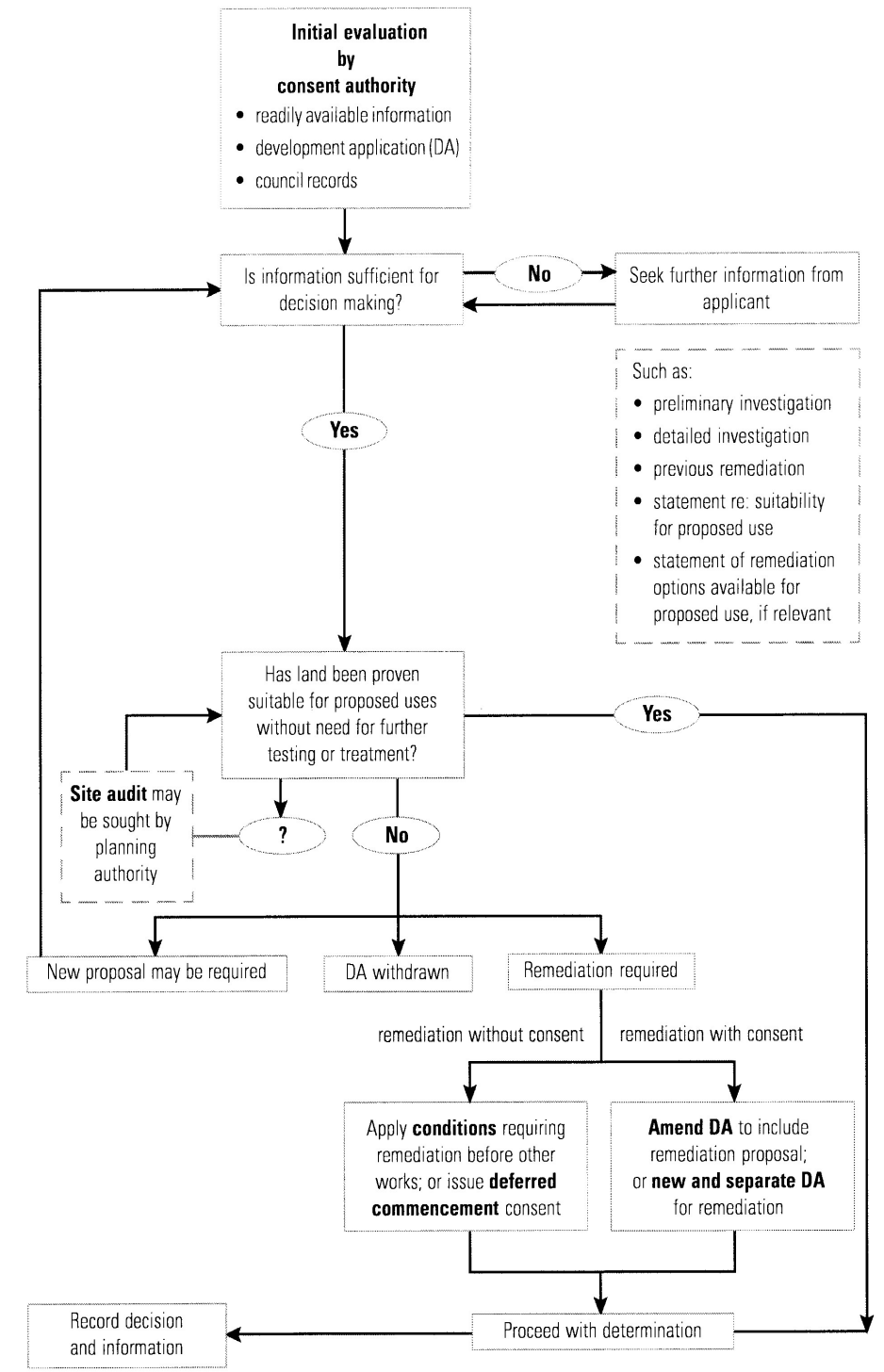
ATTACHMENT 2

DECISION PROCESS FOR LAND USE CHANGES



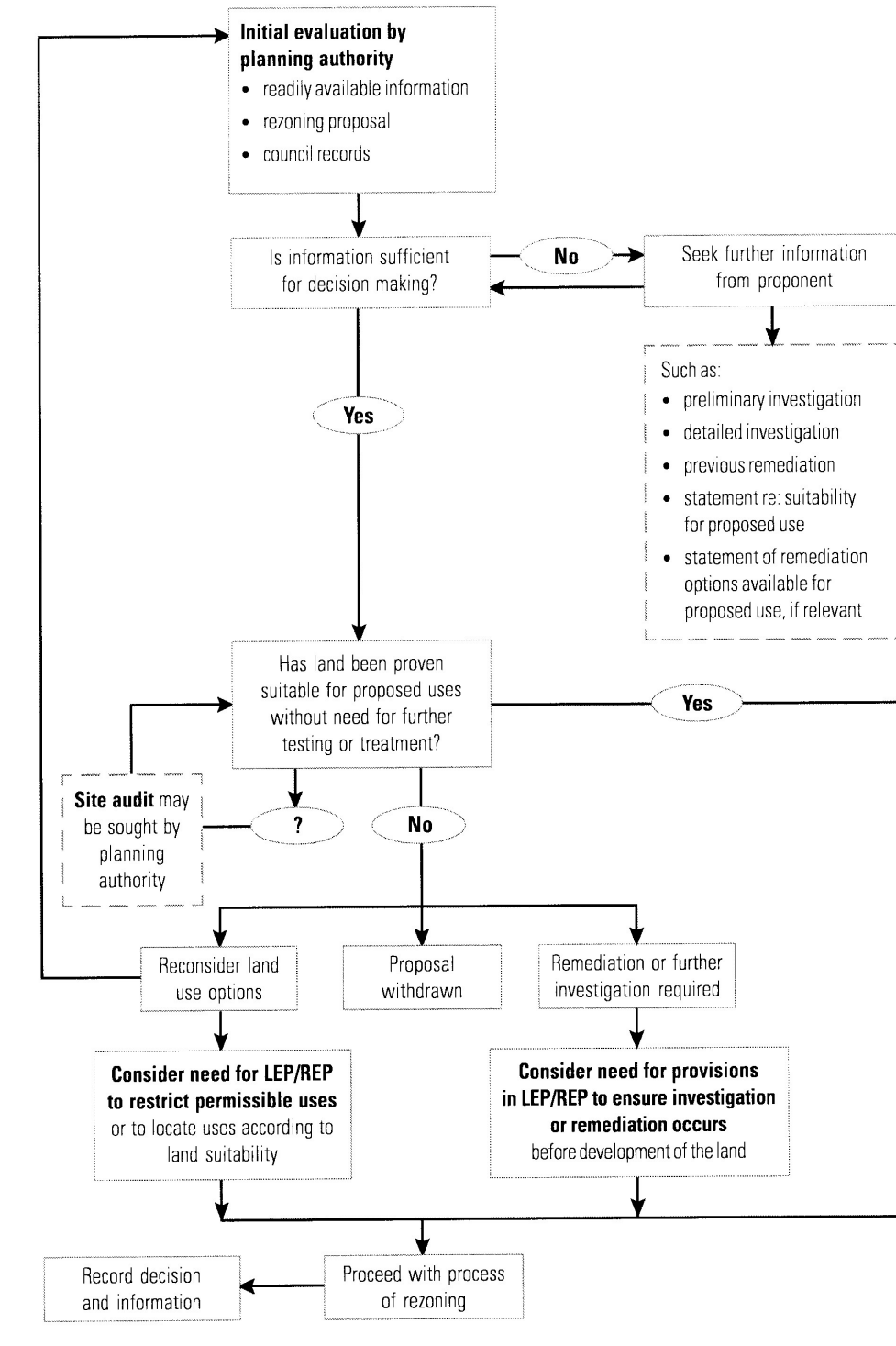
ATTACHMENT 3

DEVELOPMENT APPLICATION PROCESS



ATTACHMENT 4

REZONING PROCESS – END USE KNOWN



ATTACHMENT 5

REMEDIATION WORKS – CATEGORY 1

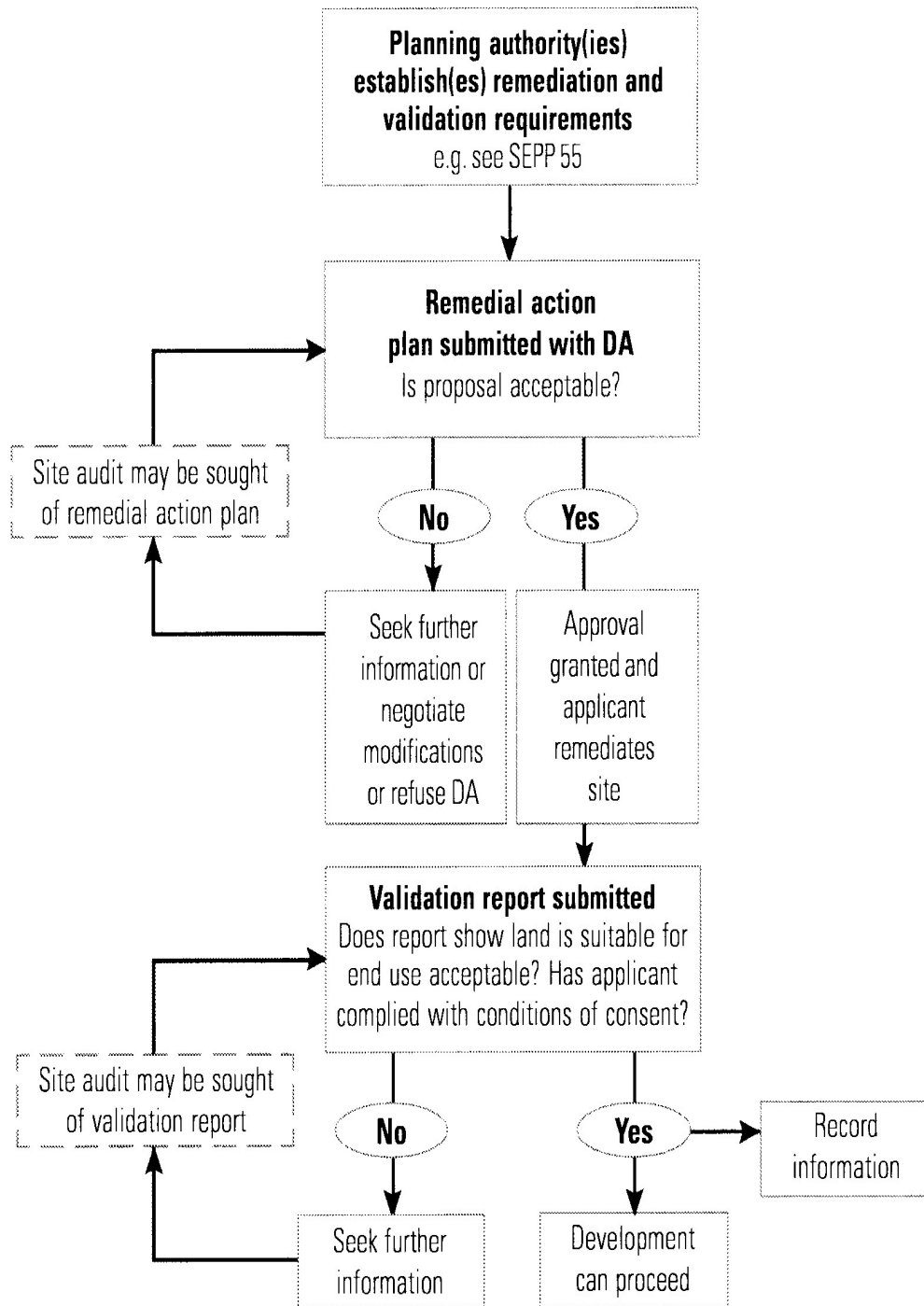


TABLE OF CONTENTS

What is the Purpose of This Plan? _____	1
Where This Plan Applies _____	1
Objectives of Policy _____	1
Definitions: _____	2
Contaminated Land _____	2
Detailed Investigation _____	2
ESD _____	2
Guidelines _____	3
Planning Instrument _____	3
Preliminary Investigation _____	3
Remedial Action Plan _____	3
Remediation _____	3
Relationship With Other Environmental Planning Instruments _____	3
Planning System _____	4
Remediation Methods _____	4
Impact On Development _____	5
Development Process _____	5
Duty To Provide Information _____	5
ATTACHMENT 1 _____	7
TABLE OF POTENTIALLY CONTAMINATING ACTIVITIES _____	7
ATTACHMENT 2 _____	8
DECISION PROCESS FOR LAND USE CHANGES _____	8
ATTACHMENT 3 _____	9
DEVELOPMENT APPLICATION PROCESS _____	9
ATTACHMENT 4 _____	10
REZONING PROCESS – END USE KNOWN _____	10
ATTACHMENT 5 _____	11
REMEDIAL WORKS – CATEGORY 1 _____	11

CITY OF BROKEN HILL
DEVELOPMENT CONTROL PLAN NO. 10
CONTAMINATED LANDS
(Other than Lead Contamination)

Adopted by Council

May 3, 2000

Amended

July 30, 2003

Amended

September 28, 2005

(Form P.10)

CITATION

This document may be cited as Broken Hill Development Control Plan No. 11 – Management of Lead Contamination – adopted by Council on the (enter date).

WHAT IS THE PURPOSE OF THIS PLAN?

This Development Control Plan (DCP) applies to the Local Government area of Broken Hill. It establishes and outlines development guidelines relating to the management of issues relating to lead contamination on land within Broken Hill as per the requirements of State Environmental Planning Policy 55 – Remediation of Land and associated Guidelines for Contaminated Land and the Contaminated Land Management Act, 1997.

The Development Control Plan sets out in greater detail than is possible in the Local Environmental Plan (LEP) the Council's development intentions for the City as they relate to issues of lead contamination, either from past mining practices or other sources such as lead paint etc.

This Development Control Plan in conjunction with the Environmental Planning and Assessment Act, 1979 (as amended), and other planning instruments having effect within the City of Broken Hill, will now be used as a guide in determining Development Applications for development within the City of Broken Hill.

WHERE THIS PLAN APPLIES

This plan applies to all land within the Local Government area of the City of Broken Hill. This plan should be used wherever land is known to be contaminated, is reasonably suspected of being contaminated or has been subject to remediation works in the past.

AIMS AND OBJECTIVES

This policy is designed to comply with the requirements imposed upon Council by the Contaminated Land Management Act, 1997, State Environmental Planning Policy 55 and the Guidelines for Managing Contaminated Land.

It is also the aim of this plan to minimise lead exposure to the public, particularly young children and to minimise the impact of lead within the environment through lead safe work practices, controls and proper disposal procedures.

Issues of concern in this policy are:-

1. Determining appropriate guidelines for the remediation of existing residential land in relation to contamination due to high levels of lead, whether naturally occurring or as a result of past activities.
2. Providing information to prospective purchasers of land within the City by means of section 149 (2) & (5) planning certificates.
3. Determination of sites known to be or likely to be contaminated by lead as defined by State Environmental Planning Policy 55 and the Guidelines, by means of researching and identifying past uses of specific sites and or previous or future testing of sites as required.
4. Determining appropriate procedures for assessing applications for development that allow the continuing development of the City of Broken Hill whilst maintaining appropriate controls on land use within the boundaries of the City. Such procedures shall take into account the proposed use and the risks associated with that use given the presence of contaminants on the site.
5. This policy, whilst accepting the requirements imposed by State Environmental Planning Policy 55 and the associated guidelines, also takes into account the existence of other agencies and programs associated with mitigating the effects of lead contamination within the City of Broken Hill.
6. To minimise lead exposure to the public and lead pollution in the environment through lead safe work practices and controls; and proper disposal procedures.

More specifically, the objectives of the Plan are to:-

- ensure that all development/activities, including exempt, complying, local and integrated development, complies with acceptable environmental planning practices and standards;
- assist in achieving a consistent approach to the management of lead contamination;
- minimise the overall environmental impacts of lead contamination;
- minimise the effects of lead on the health of residents;
- provide advice to people and organisations on how to manage lead in their premises and the environment, matters that need to be considered and the actions to be carried out;
- provide advice to applicants when assessing the effects of a variety of applications made under the Environmental Planning and Assessment Act 1979;
- provide advice to intending applicants on how to reduce and handle waste during the demolition and construction phase;
- provide for on-going control of lead in premises;
- provide guidance for council in undertaking its infrastructure management and maintenance functions.

DEFINITIONS

Accredited Certifier

A person who is accredited to approve the design and or construction of complying development under the Environmental Planning and Assessment Act 1979 as amended.

ANZECC

Australia and New Zealand Environment Conservation Council

Contaminated Land

For the purpose of this policy, the definition of Contaminated Land is that adopted by State Environmental Planning Policy 55, being the definition under section 145A of the Environmental Planning & Assessment Act, 1979.

“Contaminated land” means land in, on or under which any substance is present at a concentration above that naturally present in, on or under the land and that poses, or is likely to pose, an immediate or long term risk to human health or the environment”.

Detailed Investigation

A detailed investigation should provide information about the extent and degree of contamination. It should also include an assessment of the risk posed by the contaminants to health and the environment.

Dwelling

A room or number of rooms occupied or used, or, so constructed or adapted as to be capable of being occupied or used, as a separate domicile

ESD

Ecologically Sustainable Development is defined as:-

“using, conserving and enhancing the community’s resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased”.

Council, as part of its charter, has responsibilities to ensure that all of its functions and decision-making processes take account of the principles of ESD. This means that Council must consider the following principles prior to carrying out any of the functions for which it has responsibility:-

- **Precautionary Principle** - *“This principle requires that lack of scientific certainty is not used as a reason for postponing measures to prevent environmental degradation”.*
- **Inter-Generational Equity** - *“Requires that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations”.*
- **Conservation of Biological Diversity and Ecological Integrity** - *“Is the fundamental consideration of ESD to promote human well-being through the maintenance of ecological services and the protection of intrinsic environmental value”.*
- **Improved Valuation, Pricing and Incentive Mechanisms** - *“Requires that environmental factors be included in the valuation of assets and services such that the principles of - user pays, payment for full lifecycle of goods – including disposal of wastes, and the cost effective achievement of environmental goals”.*

EPA

NSW Environment Protection Authority

Guidelines

The guidelines referred to in this policy are the “Guidelines for Managing Land Contamination” as prepared by the Department of Urban Affairs & Planning and the Environment Protection Authority.

HEPA

High Efficiency Particulate Air vacuum cleaner.

Lead Level

The concentration of lead found in paint, dust or soil.

Lead Paint

A paint containing lead. See Technical Note 3.

Lead Poisoning

Under the Public Health Act 1996, blood lead test results above 15 ug/dL (2.413 umol/L) in children and adults are defined as lead poisoning.

LRC

Lead Reference Centre.

NEHF

National Environmental Health Forum.

NHMRC

National Health and Medical Research Council.

Planning Instrument

A planning instrument referred to in this policy is either a State Environmental Planning Policy, Regional Environmental Planning Policy or the Broken Hill Local Environmental Plan, 1996 and associated Development Control Plans. Planning instruments are used to determine land uses within a given area, which in this case is the Broken Hill Local Government area.

Preliminary Investigation

A preliminary investigation contains a detailed appraisal of the site's history and a report based on a visual site inspection and assessment.

Remedial Action Plan

Is a plan which demonstrates how the proponent or their consultant proposes to reduce risks to acceptable levels and achieve the clean-up objectives for the site.

Units of Measurement

Blood lead levels - modern laboratory practice express blood lead levels in micromoles per litre (umol/L). However, as the formerly used units of micrograms per decilitre (ug/dL) appear to have been used more uniformly in international medical literature, this document expresses blood lead levels in micrograms per decilitre. The conversions are: 1 umol/L = 20.7 ug/dL; 1 ug/dL = 0.0483 umol/L.

Environmental samples - (mg/kg = ppm = ug/g); milligrams per kilogram = parts per million = micrograms per gram.

Particle size (um) micrometre or micron, 1/1,000,000 of a metre or 1/1,000 of a millimetre.

Unsafe Renovation

Activities which create lead dust, waste or fumes and result in lead contamination of buildings, atmosphere or land.

GENERAL REQUIREMENTS

These requirements apply to any activity associated with Exempt, Complying Local and Integrated developments where there may be a lead hazard or risk. Some types of development/activities will require a Lead Management Plan to be submitted to Council (or the Minister for Urban Affairs and Planning in the case of State Significant Development). State Significant Development would need to comply with all requirements relating to Local Development, as a minimum.

In cases of Exempt Development, the onus should be placed on the person engaged in the activity to demonstrate to Council (if required) that the activity is being carried out in a manner consistent with the requirements of this Development Control Plan. Developers should check with Council about best practice methods.

LEAD RISK

As a result of the natural occurrence of lead in the soil, as well as mining activities over the last 100 years, most, if not all, of Broken Hill is potentially contaminated with lead. Lead has been distributed from the ore body through a combination of wind, and water erosion contaminating the soils, ceiling spaces, wall cavities and internal areas of homes within Broken Hill.

SOIL CONTAMINATION

Lead levels of “old” soil are known to be generally well above the Health Investigation Lead level of 300 PPM in nearly all cases. It is therefore necessary for Council to undertake the precautionary principle, ie. To assume that all land is contaminated unless proven otherwise.

Some of the following questions will provide additional insights into the degree of lead contamination present:-

- Is the soil and land around the building or structure likely to be contaminated with lead due to previous lead paint or protective coating use or industrial activities?
- Has fill which may have been sourced from lead contaminated land been used on the site?
- Has the land been used for orchards, market gardens or other agricultural purpose in which lead arsenate could have been used?
- What was the previous use of the land/property? Could any of the activities contaminated the land with lead ie. previous petrol station, previous rifle range?
- Has the land been built on prior to 1970 and was there an unsafe demolition or renovation?
- Has there been fill or slag that may be contaminated used on the property?

Note: It is acknowledged that there may be insufficient information to answer some of these questions. Where lack of knowledge exists, it is suggested that the precautionary principle be applied. ie. it should be assumed that contamination may be present and consideration given to remediation works.

RENOVATION/DEMOLITION

As a result of over 100 years of wind erosion, lead dust has accumulated to varying degrees in all Broken Hill homes. During renovation and demolition works dust that has been accumulating in the ceiling space, wall cavities and floor space will be exposed and mobilized. This will result in a high health risk to occupants and workers. Lead levels in ceiling dust are known to be very high. Paints used prior to 1970 contained high levels of lead. Lead levels in paint of almost all Broken Hill homes is known to be well over the acceptable limit.

It is therefore again necessary for Council to adopt the precautionary principle and to assume all land is contaminated unless proven otherwise.

The following questions may help identify possible contamination issues as to the degree of contamination present on site:-

- Is there evidence that demolition or renovations have been carried out on the site which may have resulted in lead contamination?
- Did part of the building or structure contain lead paint or protective coatings or use lead products?
- Has the building or structure been used in the manufacture or use of lead? (e.g. printing, pigment production or mixing, lead sinker production).

LEAD MANAGEMENT PLAN

Where Council has ascertained that an unacceptable risk applies it may require the preparation of a Lead Management Plan. Council, has prepared a number of development standards which outline the circumstances where Council will or will not require a lead management plan. In most cases, compliance with the standard will be sufficient. If required, the report must be prepared on behalf of the developer, and must provide Council or the accredited certifier with the following details:-

- history of any relevant structures, buildings or land;
- details regarding any testing which has been carried out to ascertain the extent of lead contamination;
- type of lead contamination (*internal / external lead paint, lead dust in ceiling or wall cavities, contaminated soil, slag or fill*);
- how the lead is to be controlled or removed;
- how the lead is to be disposed of;
- a statement outlining the ways in which the lead related environmental and health effects of the proposal will be minimised; and
- Occupation Health & Safety Precautions.

The person preparing the lead management plan will need to be an appropriately qualified person experienced in lead assessment. The EPA's Pollution Line (ph. 131555) has a list of accredited contaminated site auditors. Other Environmental consultants or private building surveyors may be qualified to make a lead assessment.

REMEDIATION

There are many different ways to remediate an allotment of land. The purpose of remediation is to remove the cause of contamination, reduce, disperse or destroy the contamination, or eliminate or reduce the hazard arising from contamination. It is not always necessary or even possible to remove all contamination from a given parcel of land. As such, alternatives must be found to minimise risk.

Council, has prepared a number of policies and guidelines for the safe development of land as well as safe work practices when dealing with lead. This approach also revolves around dust suppression within the residence, which is a somewhat different approach to the land use approach of the planning system. This approach is considered to be the most suitable method of dealing with health issues arising from lead contamination in Broken Hill.

State Environmental Planning Policy 55 provides definitions for the various categories of remediation and the circumstances in which they should apply. This Development Control Plan adopts those definitions in their entirety for the purpose of all remediation works.

RELATIONSHIP WITH OTHER ENVIRONMENTAL PLANNING INSTRUMENTS

This policy is an adopted policy of Council. As such it holds legal stature in so far as it has been adopted in accordance with the provisions of the Local Government Act, 1993. The document also has reference to the Contaminated Land Management Act, 1997, Environmental Planning & Assessment Act and Regulations, State Environmental Planning Policy no. 55, - Remediation of Land and the Broken Hill Local Environmental Plan, 1996 and associated Development Control Plans. It will be extensively used in relation to the approval of development applications and the issue of S. 149 certificates within the Local Government area of the City of Broken Hill.

PLANNING SYSTEM

The Broken Hill Local Environmental Plan, 1996 and associated Development Control Plans, are the instruments used to determine land use planning within the boundaries of the City of Broken Hill. Wherever possible, a risk based analysis approach will be used to determine applications for the development of sites identified as being potentially contaminated. The development standards adopted by this Development Control Plan outline the requirements of Council in relation to development and also the conduct of safe work practices when dealing with lead contamination.

It should be noted however, that this will not prevent the owner of the land from being liable for remediation works at a future time should the contamination:-

- Become worse and or subject to migration from the site;
- Become subject to a further change of use which is incompatible with the levels of contamination;
- The Environment Protection Authority issue an order to investigate and or remediate the site.

In the event that one of the above circumstances occurs, it is the responsibility of the owner of the site to carry out any testing and or remedial works required to alleviate the problem.

Rezoning of a site to allow for residential use may require remediation of the site to a level suitable for such use. The degree of remediation will be dependant upon the type, location and extent of contamination for that particular site.

The method of remediation will differ from site to site but will be subject to the requirements of the Contaminated Land Act, State Environmental Planning Policy 55 and the Contaminated Land Guidelines as well as any notice served by the Environment Protection Authority and this Development Control Plan.

REMEDIATION METHODS

Remediation methods - Existing residential sites contaminated by lead may be dealt with by remediation techniques determined by Broken Hill City Council. Information regarding acceptable remediation techniques for lead contamination in existing residential allotments are available from Council.

Remediation techniques and the degree of remediation required will also depend upon the proposed use of the land and the risks associated therein. This determination will be undertaken as part of the development approval process and as such will give the applicant the right to an appeal to the Land & Environment Court against the conditions of the approval if aggrieved by them.

In the event that an investigation order or remediation order has been issued by the Environment Protection Authority and/or by Council subject to direction by the Environment Protection Authority, then appeal rights will be available against that order under the provisions of clause 6 of the Contaminated Land Management Act, 1997.

IMPACT ON DEVELOPMENT

Changes to legislation in recent times has placed a considerable burden on Council to ensure the protection of the environment and to implement the requirements for Ecologically Sustainable Development. As such Council must take into account the aspects of contamination or potential for contamination in regard to it's decision making process. This may require the applicant to provide additional information in regard to levels, types and extent of contamination prior to Council making a determination on a particular development.

DEVELOPMENT PROCESS

The process for the determination of Development Applications has been altered by these legislative changes. Council must now consider the impact of contamination on any development. The flow chart within the guidelines and reproduced herein as attachment 2 sets out the steps that must be followed in order to consider a development application. Similarly, a flow chart (attachment 3) provides details of the steps involved in determining an application to re-zone land.

DUTY TO PROVIDE INFORMATION

Council, under the provisions of the Contaminated Land Management Act, 1997 and State Environmental Planning Policy 55, has a duty to provide information to future purchasers of land by means of section 149 (2) & (5) planning certificates. Such information also needs to be applied to any decisions made by Council. Wherever Council holds information which could be relied upon by an applicant or potential purchaser, then Council is obligated to provide that information. It is Council's position that, with regard to issues of potential contamination, it is essential that decisions on the issue of information err on the side of caution. I.e. if information is suspected, but not confirmed, then that information will be provided in the form of advice.

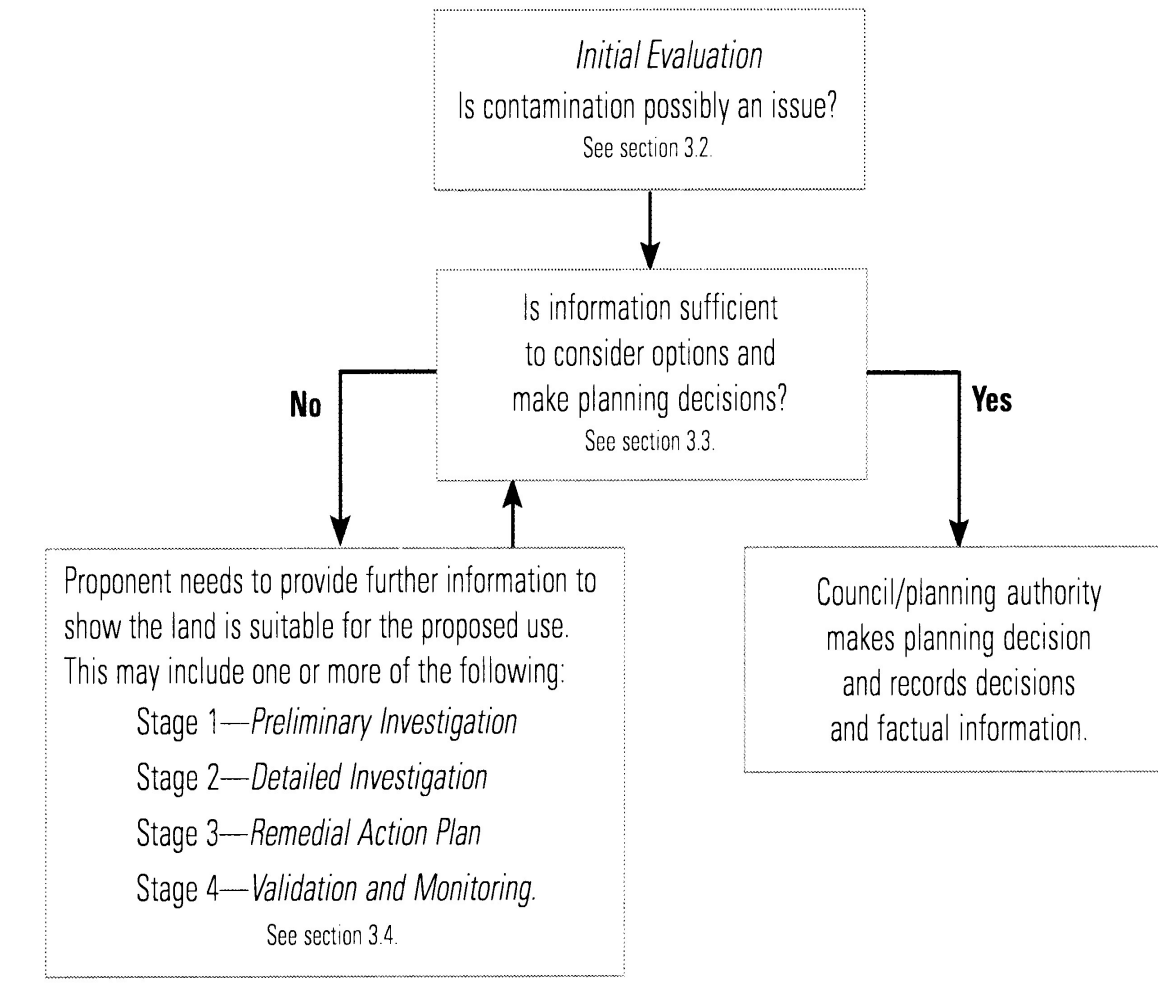
Where such information is available but not confirmed the owner or purchaser should avail themselves of whatever testing is required to confirm the status of the site.

Council reserves the right to request such confirmation prior to determining any approvals for a change in use for the said land and prospective purchasers should make themselves aware of restrictions applicable to that land prior to making a decision to purchase.

The following flow charts are reproduced from the "*Guidelines for Managing Land Contamination*" by the Department of Urban Affairs & Planning and the Environment Protection Authority.

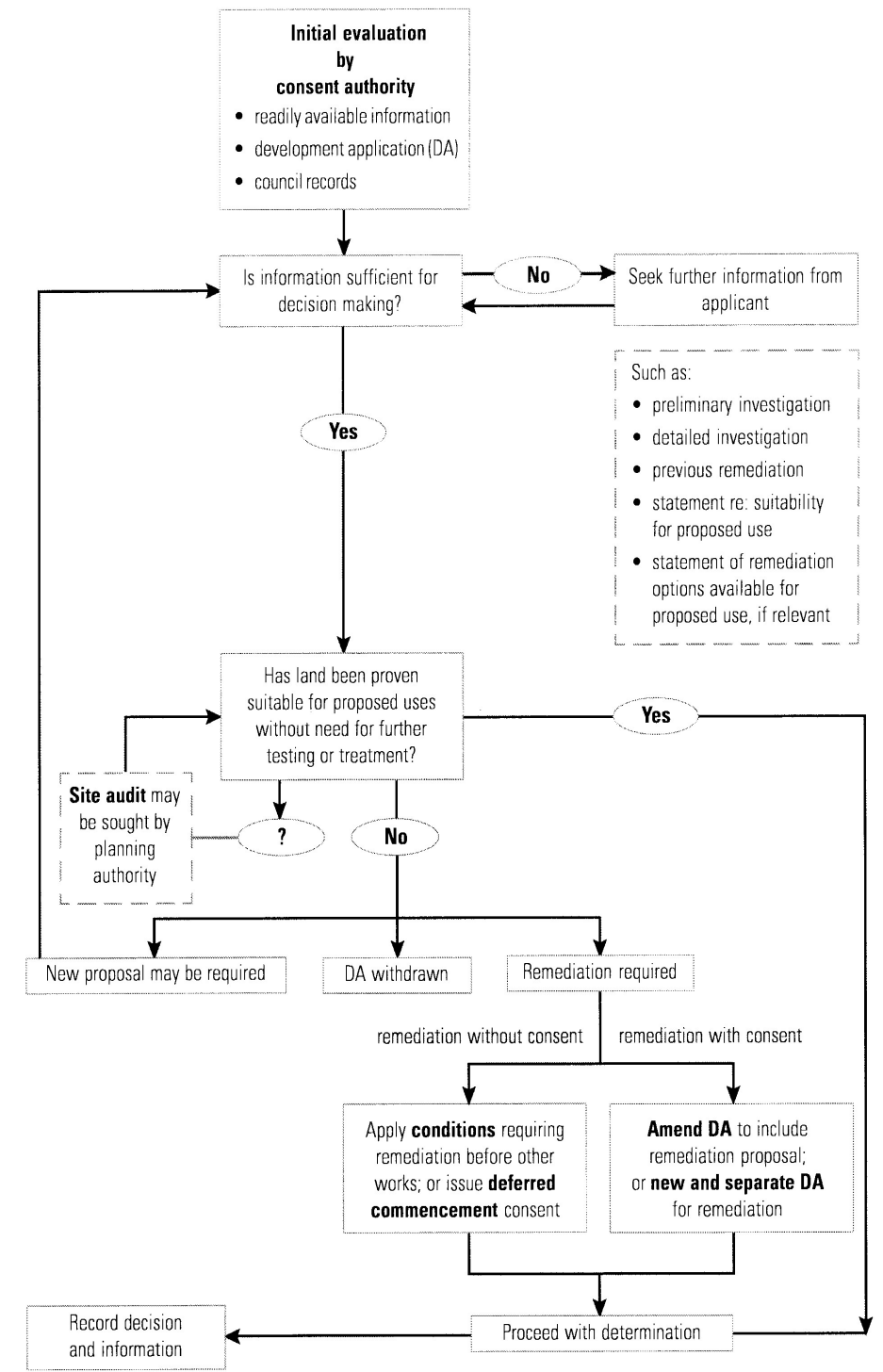
ATTACHMENT 1

DECISION PROCESS FOR LAND USE CHANGES



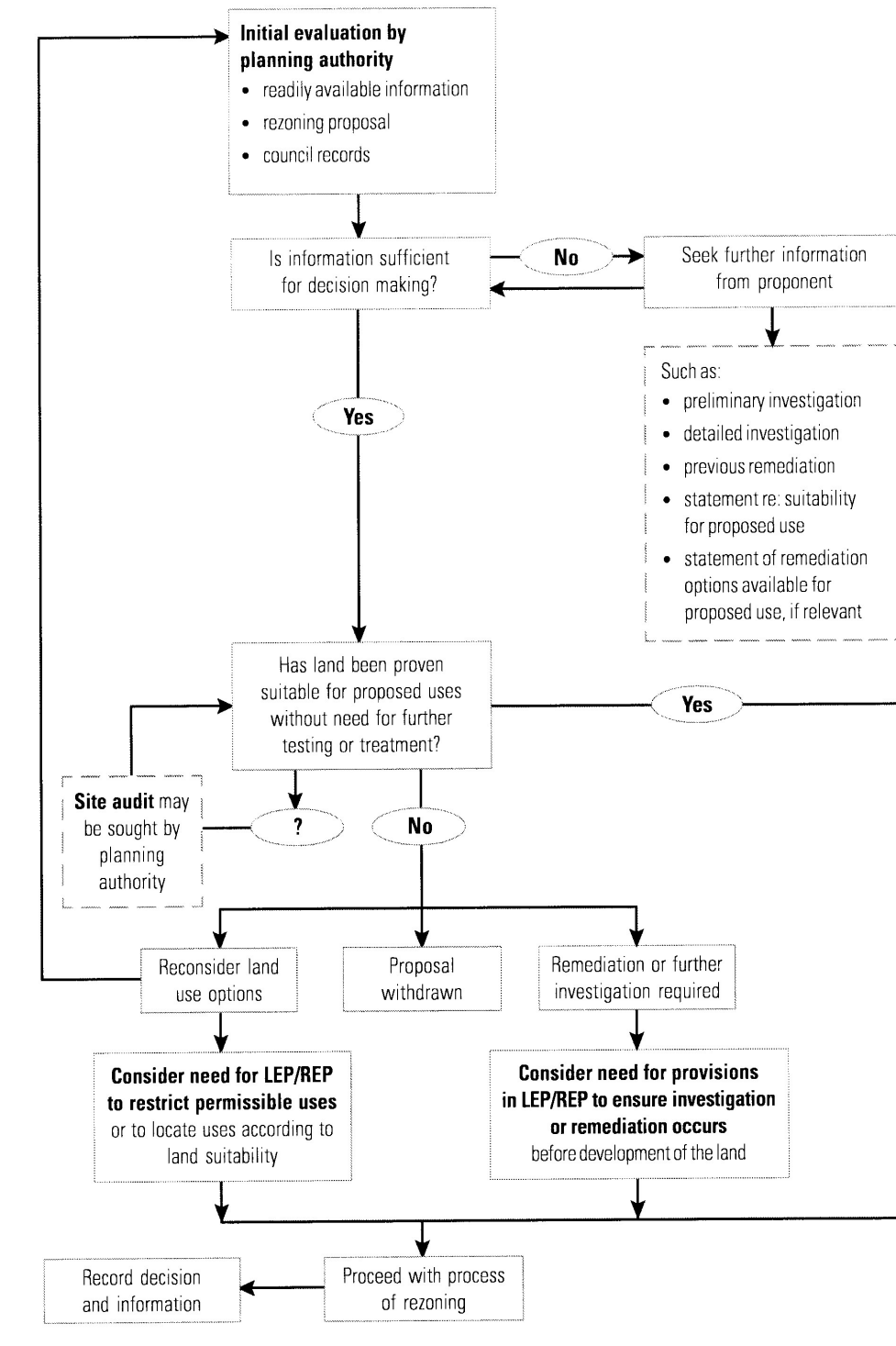
ATTACHMENT 2

DEVELOPMENT APPLICATION PROCESS



ATTACHMENT 3

REZONING PROCESS – END USE KNOWN



APPENDIX 4

DEVELOPMENT STANDARDS FOR DEALING WITH LEAD CONTAMINATION.

1. Demolition of Buildings
2. Residential Construction - Additions & Minor Structures
3. Residential Construction – New Dwellings
4. Filling of Land and Subdivisions
5. Commercial/Industrial Development
6. Procedures for Disposal of Materials

DEVELOPMENT STANDARDS FOR DEALING WITH LEAD CONTAMINATION

Standard No. 1 - Demolition of Buildings

The demolition of buildings within Broken Hill has the potential to mobilise large amounts of dust trapped, over time, within the cavities of the building. This dust will most likely contain high levels of lead, which is potentially a major health hazard to surrounding neighbours. The following requirements must be dealt with in order for Council to issue approvals to demolish buildings within Broken Hill. Note: In some cases approval to demolish is not required as the work may fall under the category of exempt development as provided by Council's Development Control Plan No. 9 – Exempt & Complying Development. It will still be necessary in this situation, to comply with the requirements of the standard.

1. Approval shall be obtained from Council as required under Development Control Plan No. 9 – Exempt & Complying Development.
2. Works shall be undertaken in a lead safe manner.
3. Where necessary, cavities shall be vacuumed using an approved HEPA style Vacuum Cleaner and dust collected and disposed of in an approved method.
4. Works will be undertaken so as to minimise the escape of dust into the atmosphere. To achieve this, all internal linings shall be removed whilst the external fabric of the building is essentially intact. Dust should be vacuumed in an approved manner and disposed of as per standard No. 6.
5. Works shall not be undertaken during periods of high winds. Although subjective, as a general guide any wind strong enough to raise dust is defined as a high wind.
6. All materials removed from site are to be disposed of as per standard No. 6.
7. During works, the site shall be continually dampened down with water to suppress dust. Water should not escape into the street as this will result in contaminated dust being washed into the street and mobilised by traffic.
8. Site to be thoroughly cleaned prior to finishing.
9. On completion, the site shall be stabilised with a 50 mm cover of clean material. In the event that further development is to take place, Council may allow this condition to be dispensed with provided it is satisfied that works will commence within a reasonable period of time.

Standard No. 2 – Residential Construction – Additions & Minor Structures

The alteration of and or addition to buildings within Broken Hill has the potential to mobilise large amounts of dust trapped, over time, within the cavities of the building. This dust is most likely to contain high levels of lead and as such, is a major health hazard to workers and family living in the house during the period of refurbishment.

- 1) Approval shall be obtained from Council as required under Development Control Plan No. 9 – Exempt & Complying Development.
- 2) Although there is no legal requirement, works should be undertaken in a lead safe manner. It is strongly recommended that the tradesman is an accredited Lead Safe Tradesman.
- 3) Where necessary, cavities shall be vacuumed using an approved HEPA style Vacuum Cleaner and dust collected and disposed of in an approved method.
- 4) Work areas should be sealed off from living areas and work areas regularly cleaned to minimise the risk of dust.
- 5) Wet mopping should be used wherever possible to remove dust.
- 6) Care should be taken to ensure that work clothes etc. do not transport dust into clean areas at the end of the day.
- 7) Care should also be taken not to contaminate external areas such as ground outside of the proposed work area.
- 8) All materials removed from site are to be disposed of as per standard No. 6.
- 9) During works, the site shall be continually damped down with water to suppress dust. Water should not escape into the street as this will result in contaminated dust being washed into the street and mobilised by traffic.
- 10) Site to be thoroughly cleaned prior to finishing. I.e. By wet wiping of all ledges, sills, benches, surfaces and wet mopping of floors to restore site to a “lead safe” environment – safe to live in.

Standard No. 3 – Residential Construction – New Dwellings

The erection of new dwellings within Broken Hill also has the potential to mobilise large amounts of dust, usually during earthworks, drainage works etc. This dust could possibly contain high levels of lead and is potentially a major health hazard to surrounding neighbours. The following requirements must be dealt with in order for Council to issue approvals.

- 1) Approval shall be obtained from Council as required under Development Control Plan No. 9 – Exempt & Complying Development.
- 2) Although there is no legal requirement, works should be undertaken in a lead safe manner. It is strongly recommended that the tradesman is an accredited Lead Safe Tradesman.
- 3) Care should also be taken not to contaminate external areas such as ground outside of the proposed work area.
- 4) All materials removed from site are to be disposed of as per standard No. 6.
- 5) During works, the site shall be continually dampened down with water to suppress dust. Water should not escape into the street as this will result in contaminated dust being washed into the street and mobilised by traffic.
- 6) Site to be thoroughly cleaned prior to finishing.

Standard No. 4 - Filling of Land & Subdivisions

Subdivisions and filling of allotments traditionally involves substantial earthworks. In such circumstances the potential to create dust is considerable. As such dust is potentially contaminated with high lead levels, care needs to be undertaken when conducting such works.

1. Approval shall be obtained from Council as required under Development Control Plan No. 9 – Exempt & Complying Development.
2. Works shall be undertaken in a lead safe manner.
3. Works will be undertaken so as to minimise the escape of dust into the atmosphere. To achieve this, only necessary removal of vegetation shall be allowed.
4. Fill brought into the site shall be sourced from a lead free source. Excavated material from other locations within Broken Hill will not be accepted.
5. Fill removed as a result of earthworks shall be disposed of at Council's Waste Depot.
6. All materials removed from site are to be properly covered to prevent their escape during transport.
7. Works shall not be undertaken during periods of high winds. Although subjective, as a general guide any wind strong enough to raise dust is defined as a high wind.
8. All materials removed from site are to be disposed of as per standard No. 6.
9. During works, the site shall be continually dampened down with water to suppress dust. Water should not escape into the street as this will result in contaminated dust being washed into the street and mobilised by traffic.
10. Site to be thoroughly cleaned prior to finishing.

Standard No. 5 – Commercial/Industrial Development

1. Approval shall be obtained from Council as required under Development Control Plan No. 9-Exempt & Complying Development.
2. Works shall be undertaken in a lead safe manner.
3. All materials removed from site are to be disposed of as per standard No. 6.
4. During works, the site shall be continually dampened down with water to suppress dust. Water should not escape into the street as this will result in contaminated dust being washed into the street and mobilised by traffic.
5. Site to be thoroughly cleaned prior to finishing.
6. Works will be undertaken so as to minimise the escape of dust into the atmosphere. To achieve this, only necessary removal of vegetation shall be allowed.
7. Fill brought into the site shall be sourced from a lead free source. Excavated material from other locations within Broken Hill will not be accepted.
8. Fill removed as a result of earthworks shall be disposed of at Council's Waste Depot.
9. All materials removed from site are to be properly covered to prevent their escape during transport.
10. Works shall not be undertaken during periods of high winds. Although subjective, as a general guide any wind strong enough to raise dust is defined as a high wind.

Standard No. 6 – Procedures for Disposal of Material

Apart from the commitment you have to yourself, family, tradesmen and neighbours, there is also a moral obligation on the part of everyone living in Broken Hill to minimise the environmental hazards associated with lead. So even if you have undertaken your works in a lead safe manner, the problem does not stop at your boundary. Windblown dust, soil washed into streets and excavated material wrongly disposed off all have the potential to create significant problems for our community. These problems always have a way of returning, whether in the form of health issues in the community or increased rates caused by clean up operations, you, the tax payer, eventually pay for it. Make sure you do the right thing in the first place and we will all be better off.

Things to do when disposing of waste are:-

1. Always work in a Lead Safe manner.
2. Cover loads.
3. Dispose of all fill and excavated material to an approved waste site.
4. Never accept material unless you know it is from a lead free source. You may think your getting a bargain, but in the long run you may just be getting a big headache and a bigger remediation bill.
5. Do not disturb materials unnecessarily.
6. Keep a check on the activities of your contractors and wherever possible, use a lead safe accredited trades person.
7. Use a plastic membrane as a base when stacking materials for disposal.

TABLE OF CONTENTS

CITATION	1
WHAT IS THE PURPOSE OF THIS PLAN?	1
WHERE THIS PLAN APPLIES	1
AIMS AND OBJECTIVES	1
DEFINITIONS	3
<i>Accredited Certifier</i>	3
<i>ANZECC</i>	3
<i>Contaminated Land</i>	3
<i>Detailed Investigation</i>	3
<i>Dwelling</i>	3
<i>ESD</i>	3
<i>EPA</i>	4
<i>Guidelines</i>	4
<i>HEPA</i>	5
<i>Lead Level</i>	5
<i>Lead Paint</i>	5
<i>Lead Poisoning</i>	5
<i>LRC</i>	5
<i>NEHF</i>	5
<i>NHMRC</i>	5
<i>Planning Instrument</i>	5
<i>Preliminary Investigation</i>	5
<i>Remedial Action Plan</i>	5
<i>Units of Measurement</i>	6
<i>Unsafe Renovation</i>	6
GENERAL REQUIREMENTS	6
LEAD RISK	6
SOIL CONTAMINATION	7
RENOVATION/DEMOLITION	7
LEAD MANAGEMENT PLAN	8
REMEDATION	9
RELATIONSHIP WITH OTHER ENVIRONMENTAL PLANNING INSTRUMENTS	9
PLANNING SYSTEM	9
REMEDATION METHODS	10
IMPACT ON DEVELOPMENT	11
DEVELOPMENT PROCESS	11
DUTY TO PROVIDE INFORMATION	11
ATTACHMENT 1	12
<u>DECISION PROCESS FOR LAND USE CHANGES</u>	12
ATTACHMENT 2	13
<u>DEVELOPMENT APPLICATION PROCESS</u>	13
ATTACHMENT 3	14
<u>REZONING PROCESS – END USE KNOWN</u>	14
APPENDIX 4	15
<u>DEVELOPMENT STANDARDS FOR DEALING WITH LEAD CONTAMINATION</u>	15
DEVELOPMENT STANDARDS FOR DEALING WITH LEAD CONTAMINATION	16
<i>Standard No. 1 - Demolition of Buildings</i>	16
<i>Standard No. 2 – Residential Construction – Additions & Minor Structures</i>	17
<i>Standard No. 3 – Residential Construction – New Dwellings</i>	18
<i>Standard No. 4 - Filling of Land & Subdivisions</i>	19
<i>Standard No. 5 – Commercial/Industrial Development</i>	20
<i>Standard No. 6 – Procedures for Disposal of Material</i>	21

CITY OF BROKEN HILL
DEVELOPMENT CONTROL PLAN NO. 11
MANAGEMENT OF LEAD CONTAMINATION

Adopted by Council

August 30, 2000

Amended

July 30, 2003

Amended

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