

### Exempt Development - Signage

Schedule 1 of SEPP (Infrastructure) 2007 specifies general exempt development which may be carried out by public authorities. In accordance with Clause 20A of the SEPP, development for a purpose specified in Schedule 1 is exempt development if:

- (a) it is carried out by or on behalf of a public authority, and
- (b) it meets the development standards for the development specified in Schedule 1, and
- (c) it complies with clause 20.

Schedule 1 includes identification, directional, community information or safety signs, which are exempt development if the following criteria are met:

- The surface area does not exceed 3.5m<sup>2</sup>.
- The sign is located wholly within property boundary or attached to existing boundary fence and not projecting more than 100mm from fence.
- Obtrusive effects of outdoor lighting can be controlled in accordance with AS 4282-1997, *Control of the obtrusive effects of outdoor lighting*.

In addition, Clause 20 states that, to be exempt development, the development:

- (a) must meet the relevant deemed-to-satisfy provisions of the Building Code of Australia, or if there are no such relevant provisions, must be structurally adequate, and
- (b) must not, if it relates to an existing building:
  - (i) cause the building to contravene the Building Code of Australia, or
  - (ii) compromise the fire safety of the building or affect access to any fire exit, and
- (c) must be carried out in accordance with all relevant requirements of the Blue Book, and
- (d) must not be designated development, and
- (e) if it is likely to affect a State or local heritage item or a heritage conservation area, must involve no more than minimal impact on the heritage significance of the item or area, and
- (e1) must not involve the demolition of a building or work that is, or is part of, a State or local heritage item, and
- (e2) if it involves the demolition of a building, must be carried out in accordance with Australian Standard AS 2601—2001, *The demolition of structures*, and
- (f) must be installed in accordance with the manufacturer's specifications, if applicable, and
- (g) must not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent, and

- (h) must not involve the removal of asbestos, unless that removal is undertaken in accordance with Working with Asbestos: Guide 2008 (ISBN 0 7310 5159 9) published by the WorkCover Authority.

The proposed wayfinding and car parking signage within the property boundary complies with the requirements for exempt development under SEPP (Infrastructure) 2007. Therefore, it does not require development consent.

### **5.3.2. State Environmental Planning Policy No. 55 – Remediation of Land**

The objective of SEPP 55 is to provide for a Statewide planning approach to the remediation of contaminated land. In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

- (a) by specifying when consent is required, and when it is not required, for a remediation work, and
- (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- (c) by requiring that a remediation work meet certain standards and notification requirements.

Clause 7 of the SEPP requires that a consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The SEPP also requires that the issue of contamination be considered whenever a consent authority considers a development proposal on certain land (listed in Table 1 of the contaminated land planning guidelines) where the new use may increase risk from contamination if it is present. Table 1 includes agricultural/horticultural activities as an activity that may cause contamination, and the site has been used previously for agricultural activities.

The site is not known to be contaminated. This would be confirmed as part of geotechnical/site investigations undertaken for the proposed development.

### **5.3.3. Mid-Western Regional Local Environmental Plan 2012**

#### **Zoning**

The *Mid-Western Regional Local Environmental Plan (MWR LEP 2012)* is the applicable planning instrument for development on the site. The site lies within RU4 - Primary Production and SP2 - Air Transport Facilities land zones (refer to Figure 5-1).





**Figure 5-1: Land Zonings on the site**

Source: NSW Planning Portal, accessed January 2018

Development for the purposes of community facilities can be carried out with development consent under the MWRLEP within the RU4 – Primary Production. A community facility is defined under the MWRLEP 2012 to mean:

*a building or place owned or controlled by a public authority or non-profit community organisation and used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.*

It is considered that the RFS CEC and FCC could be defined as a community facility.

Development for the purposes of community facilities is prohibited within the SP2 – Air Transport Facilities.

However, the development is permitted with consent due to the provisions of *State Environmental Planning Policy (Infrastructure) 2007* (refer to Section 5.3.1).

#### **Groundwater Vulnerability**

MWRLEP 2012 identifies the site as groundwater vulnerability (Figure 5-2). Before determining a development application for development on identified land the consent authority must consider:

- (a) *the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),*
- (b) *any adverse impacts the development may have on groundwater dependent ecosystems,*

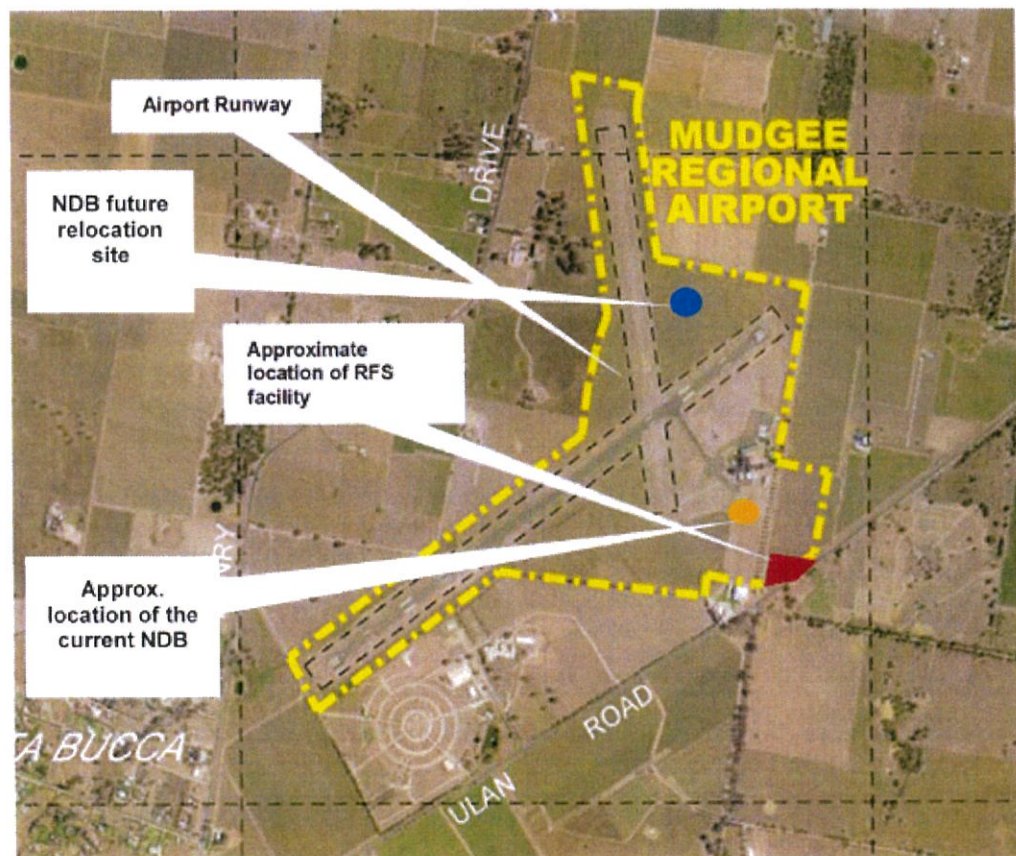




### Mudgee Airport Master Plan 2015

Section 7.6 of Mudgee Airport Regional Plan 2015 defines the OLS of being any obstacle on or in the vicinity of an aerodrome, whether natural features or man-made structures, may prevent its optimal utilisation by aircraft through:

- Reducing the runway distances available for take-off or landing;
- Reducing the authorised take-off and landing weights for some aircraft;
- Restricting certain types of aircraft; and/or
- Limiting the range of weather conditions in which aircraft can operate.



**Figure 5-3: Mudgee Airport location map in relation to the proposed RFS facility**

Source: Mudgee Airport masterplan 2015, Accessed January 2018

The proposal includes a 13-metre telecommunication tower that is located more than 250 metres south-east of the (16/34) runway, and the proposed tower is below the 45m OLS, as per the Mudgee Airport Master Plan and OLS map. Therefore, the facility and the associated communications tower will not impinge on the OLS, and will not prevent the optimal utilisation of the airport, as they are outside both runways OLS approach surfaces and are not taller than 45m (refer to plans in Section 4 and Figure 5-4).

#### Non- Directional Beacon

The existing Non-Directional Beacon (NDB) is located to the south of the airport's apron areas, which is approximately 100 m away to the north west of the proposed RFS facility

site. However; the airport masterplan identifies the NDB as a secondary service which is planned to be relocated to the northern end of the airport, approximately 900 m to the north of the proposed RFS facility site. According to the masterplan, the relocation of the NDB is necessary to accommodate the future expansion and development of Mudgee Airport (see Figure 5-4).

Therefore, the Civil Aviation Safety Authority (CASA) may need to be consulted as to the proximity of the existing NDB, and the proposed communications tower which will be part of the FCC.

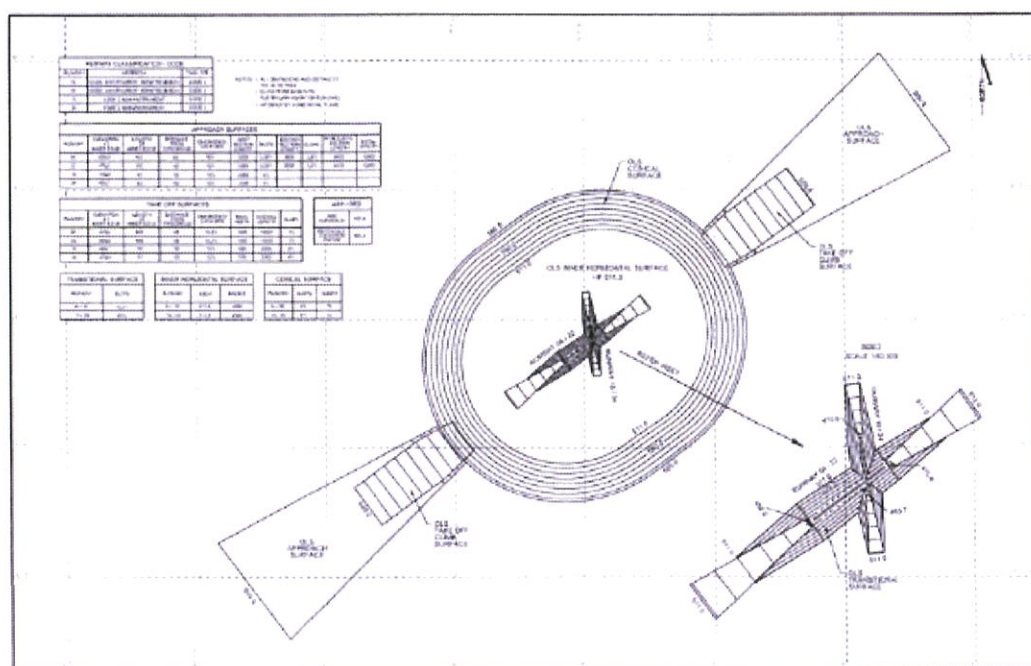


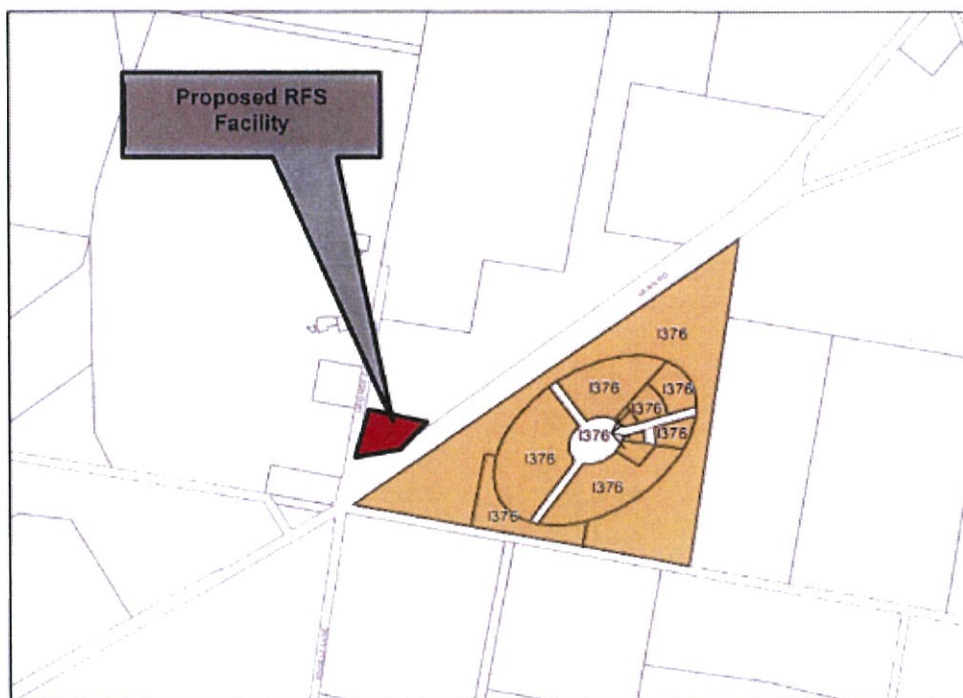
Figure 5-4: Mudgee Airport Obstacle Limitation Surface Map

Source: Mudgee Airport masterplan 2015. Accessed January 2018



## Heritage

The MWRLEP 2012 heritage map shows that the site is located within close proximity to Mudgee Cemetery Local Heritage Item no. 1376 located on Cassilis Road, Parish of Bumberra, approximately 250m to the east of the site (Refer to Figure 5-5). There would be no direct impact on the local heritage item as a result of the works.



**Figure 5-5: Subject site proximity to local heritage item**

Source: MWRLEP 2012, Heritage Map 006F, accessed January 2018

### 5.3.4. Draft Environmental Planning Instruments

There are no draft Environmental Planning Instruments relevant the proposed development.

### 5.3.5. Mid-Western Regional Development Control Plan 2013 (MWR DCP 2013)

MWR DCP 2013 applies to all categories of development and includes the site. The purpose of this plan is to provide Council's requirements for sustainable quality development and environmental outcomes within Mid-Western Region.

DCP 2013 is written in an Objectives / Requirements format. For specific issues, a set of objectives has been devised to communicate the intent of the controls, along with a set of requirements, considered to be appropriate to meet the intent of the objectives. The various development types, specific site controls, development precincts and relevant issues are detailed within the Chapters of this DCP.

Table 5-1 below addresses the relevant provisions of MWRDCP 2013. The specific chapters of the DCP relevant to the proposal include:

- Signage;
- Parking;



*Cudgegong Community Education Centre and Fire Control Centre  
Statement of Environmental Effects*

- Stormwater Management; and
- Environmental Controls.

Table 5-1: Compliance with DCP 2013 Requirements

Objectives and Requirements		Compliance/ How Addressed
<b>Part 4 Specific Type of Developments</b>		
<b>4.4 Signs</b>		
<b>Requirement</b>	<p>Full details of sign type, size, lettering, location, colours etc. must be provided with a development application</p> <p>The following criteria must be met for businesses in rural areas and includes signs relating to Landcare and Community Projects:</p> <ul style="list-style-type: none"> <li>(a) Advertising signs must describe premises and be located on private land, not in the road reserve</li> <li>(b) Maximum of one sign only per site</li> <li>(c) Maximum height of 2.5m</li> <li>(d) Maximum area 2m<sup>2</sup></li> <li>(e) Made of Non-reflective material.</li> <li>(f) Must be free standing post sign</li> <li>(g) Must be set back 3m if located on a corner or intersection of a road</li> <li>(h) Not illuminated</li> </ul>	<p><b>Complies</b></p> <p>The proposal includes wayfinding and parking signage at the entrance and within the carpark which is exempt development under Schedule 1 of SEPP (Infrastructure) 2007 (refer to section 5.3.1).</p>
<b>Part 5 Development Standards</b>		
<b>5.1 Car parking</b>		
<b>Requirements</b>	<p>Community Facilities</p> <p>1 space per 4 seats or 1 space per 10m<sup>2</sup> of Gross Floor Area (GFA) whichever is the greater</p>	<b>Complies</b>



Objectives and Requirements	Compliance/ How Addressed																
	<p>The following parking spaces are proposed for RFS facility:</p> <table><tr><th>Building</th><th>GFA</th><th>Required Parking</th><th>Allocated Parking</th></tr><tr><td>CEC</td><td>266 m<sup>2</sup></td><td>28</td><td>8</td></tr><tr><td>8 Bay Mitigation Shed</td><td>193 m<sup>2</sup></td><td>19.3</td><td>2</td></tr><tr><td>FCC</td><td>935 m<sup>2</sup></td><td>93.5</td><td>26</td></tr></table>	Building	GFA	Required Parking	Allocated Parking	CEC	266 m <sup>2</sup>	28	8	8 Bay Mitigation Shed	193 m <sup>2</sup>	19.3	2	FCC	935 m <sup>2</sup>	93.5	26
Building	GFA	Required Parking	Allocated Parking														
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<p><b>Other Uses</b></p> <p>Other uses not listed in this Development Control Plan shall be assessed individually having regard to the expected traffic generation.</p>	<p>However, the MWRC advised that parking could be provided based on the number of permanent employees or justified visitors, and therefore the proposed parking spaces are as follows:</p> <table><tr><th>Building</th><th>Number of Staff and visitors</th><th>Proposed Parking</th></tr><tr><td>CEC</td><td>3 volunteers 30 Visitors at one time</td><td>8</td></tr><tr><td>8 Bay Mitigation Shed And FCC</td><td>12 employees Up to 15 visitor at one time</td><td>28</td></tr><tr><td>Total</td><td>15 employees and volunteers 45 Visitors at one time</td><td>36 Parking spaces</td></tr></table>	Building	Number of Staff and visitors	Proposed Parking	CEC	3 volunteers 30 Visitors at one time	8	8 Bay Mitigation Shed And FCC	12 employees Up to 15 visitor at one time	28	Total	15 employees and volunteers 45 Visitors at one time	36 Parking spaces				
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Objectives and Requirements	Compliance/ How Addressed
	<p>The proposal will involve entry and exist roads from Goodger Place. All visitors to the facility will turn off the Ulan Road and enter Goodger Place. The entry to Goodger Place is open and there are good sight distances (up to 750m) for vehicles entering or leaving.</p> <p>There are 36 onsite car parking spaces proposed for a total of 15 employees and 45 visitors. Visitors would utilise a variety of vehicles to access the site, including small/personal motor vehicles, caravans and buses.</p> <p>Caravans and buses will park off-site, and will be allowed to use the internal roads to drop off passengers and turn around if necessary, as the site has been designed to cater for staff parking and personal motor vehicles only.</p> <p>In case of major fire incidents the CEC will not be operational and therefore in those instances the proposed car parking spaces are anticipated to be sufficient.</p> <p>Goodger Place will only be used for temporary "overflow" parking should all on-site parking be exhausted.</p>



Objectives and Requirements		Compliance/ How Addressed
<b>5.3 Stormwater Management</b>		
<b>5.3 -C Quality Management During Construction</b>		
<b>Requirement</b>	<p>Water quality management requirements during construction.</p> <p>For large development with more than 2,500 m<sup>2</sup> of disturbed area, a Soil and Water Management Plan (SWMP) must be prepared in accordance with Landcom's Managing Urban Stormwater (2006) otherwise known as 'The Blue Book'.</p>	<p><b>Complies</b></p> <p>The required SWMP will be prepared.</p>
<b>5.3 – E Water Conservation for non-Residential Developments</b>		
<b>Requirement</b>	<p>A Water Conservation Report is to be prepared and submitted with the DA which demonstrates how the water consumption on the proposed development will be reduced by 40% when benchmarked against a development which only uses potable water and does not have any water conservation measures. The measures proposed in the Water Conservation Report shall form a statement of commitment and be included on the conditions of consent. Compliance with the target can be achieved by firstly reducing the demand for water (known as demand management), and secondly by substituting rainwater, stormwater or wastewater sources for town potable water.</p> <p>With respect to refurbishments and refits and; where consumption is relatively minor, compliance might be achieved simply by implementing demand management measures alone. In all cases evidence must be provided to Council by way of the Water Conservation Report which defines current demand and demonstrates how future demand will be reduced by the relevant performance target. Demand Management Measures include the following examples noting the list is not exhaustive:</p> <ul style="list-style-type: none"> <li>• Use of minimum AAA rated fixtures and appliances;</li> </ul>	<p><b>Complies</b></p> <p>A Water Conservation Report will be prepared during the design phase to comply with the requirements of the DCP.</p>

Objectives and Requirements		Compliance/ How Addressed
	<ul style="list-style-type: none"> <li>• Use of aerators on existing and proposed taps;</li> <li>• Flush arresters on existing toilets, and</li> <li>• Selection of plants and landscaping that require little or no watering</li> </ul> <p>If source substitution such as the use of rainwater tanks, grey water recycling systems or other measures are proposed then the applicant shall ensure that all water shall be fit for its intended purpose, including:</p> <ul style="list-style-type: none"> <li>• Recycled water (treated wastewater or stormwater) may be used for non-potable purposes such as toilet flushing or irrigation and washdown.</li> <li>• Rainwater may be used for both potable and non-potable uses.</li> <li>• Applicants are encouraged to maintain a town water supply (where available) to top up a rainwater tank when needed. Mid-Western Regional Development Control Plan Page 59</li> <li>• Where town water supply is available but not to be installed, agreement on adequate provisions for fire-fighting shall be made with the NSW Fire Brigade who may permit the use of rainwater for fire-fighting purposes provided it is stored in such a manner that it cannot be drawn down for any other purpose.</li> </ul>	
<b>5.4 Environmental Controls</b>		
<b>Pollution and Waste Control</b>		
<b>Requirement</b>	(a) Proponents should indicate all waste streams i.e. trade, liquid, chemical, solid, medical, and clarify how they will be managed and contained safely on-site and disposed of such that there are no	<p><b>Complies</b></p> <p>In the event of any accidental hazardous firefighting material spills, RFS are equipped with spill kits to handle small to medium incidents</p>



Objectives and Requirements		Compliance/ How Addressed
	<p>environmental impacts or effects on adjoining properties, stormwater or sewerage systems or waterways.</p> <p>(c) Proponents will refer to Groundwater Vulnerability Mapping associated with Mid-Western Regional Council Local Environmental Plan 2012.</p>	<p>Major spills will be managed as per other major incidents in the community and with the appropriate resources. All potential impacts on water quality will be managed in accordance with the requirements of the POEO Act.</p> <p>The site is identified as Groundwater Vulnerable under MWRLEP 2012. Any hazardous or potentially contaminating materials stored on site, such as fuel for the fire engine, generator or lawn mowing, will be of a similar nature and quantity to those used in a typical domestic setting.</p> <p>To prevent groundwater impacts, any toxic and firefighting materials would be stored in hardstand areas only. These areas would be protected (surrounded by low bunds to ensure that the material cannot reach local ground surfaces).</p> <p>The site is located in cleared grassland, and no groundwater dependant ecosystems are anticipated to occur on site.</p>
Threatened Species and Vegetation Management		
Requirement	<p>(a) An assessment of any potential impact on native flora and fauna is to accompany a development application. If considered necessary by Council a Flora and Fauna Impact Assessment will be required from a suitably qualified professional. This Assessment will determine whether a Species Impact Statement will be required.</p> <p>(b) Development applications should indicate all existing vegetation.</p> <p>(c) Buildings and access areas should be sited to avoid removal of trees.</p>	<p><b>Complies</b></p> <p>The site is located in cleared grassland. Few landscaping trees are planted on the western boundary of the site and will not be impacted by the proposal. The site has been utilised previously for agriculture, and therefore no threatened flora and fauna species are anticipated to occur on site.</p>

Objectives and Requirements		Compliance/ How Addressed
<b>All Buildings</b>		
<b>Requirement</b>	<p>The following measures must be used for all buildings:</p> <ol style="list-style-type: none"> <li>1. Once installed the damp proof course or the vapour barrier must not be breached by any later works or additions such as; steps, verandas, walls, rendering, bagging, pointing, paving or landscaping</li> <li>2. Appropriate sub-soil drainage must be installed for all slabs, footings, retaining walls and driveways.</li> <li>3. The dwelling must be designed to suit the sites existing topography and any cut and fill required must not exceed 1000 mm in total.</li> </ol> <p>Additional controls recommended for all buildings</p> <ul style="list-style-type: none"> <li>• Landscaping and garden designs should not be placed against walls and be designed to minimise the use of water on the site.</li> <li>• Low water requiring plants and water-wise garden designs are required in accordance with the requirements of the Building Sustainability Index.</li> <li>• Buildings shall be maintained in accordance with the requirements of AS2870 Australian Standard Residential Slabs and Footings – Construction. Drainage is to be designed and constructed to avoid the ponding of water against or near footings.</li> </ul>	<p><b>Complies</b></p> <p>Existing landscaping trees along the Goodger Place boundary will be retained.</p> <p>A simple landscape plan is proposed to be implemented on the boundaries of the development utilising suitable species, so as to minimise water use and provide sufficient setback from Ulan Road and Goodger Place.</p>



## 6. Conclusions

### 6.1. Environmental Planning Instruments – Section 4.15(a)

The provisions of relevant environmental planning instruments relating to the proposed development are provided in this SEE and have been satisfactorily addressed.

### 6.2. Impacts of the Development – Section 4.15(b)

An assessment of key issues relating to the proposed development is provided in this SEE. It is considered that the likely impacts of the development, including traffic, noise, ground and surface water and the like have been satisfactorily addressed and that the proposed development has social and environmental benefits.

### 6.3. Suitability of the Site – Section 4.15(c)

The subject site is identified as being zoned RU4 Primary Production and SP2 Air Transport Facility pursuant to the *Mid-Western Regional LEP 2012*.

Development for the purposes of community facilities can be carried out with development consent within the RU4 – Primary Production. It is considered that the proposed RFS facility could be defined as a community facility. The development is prohibited under the LEP in the SP2 zone.

However, both RU4 and SP2 are prescribed zones as defined under Clause 46 of *State Environmental Planning Policy (Infrastructure) 2007*, and therefore the proposed emergency service facility is permitted with consent under the SEPP.

The site context is described in Section 3. There is not anticipated to be to adverse/detrimental overshadowing or amenity impacts from the new development and it is not anticipated to be a prominent feature in the landscape, due to:

- the setbacks within the development
- the distances between the new development and the nearest rural residences
- the generally flat topography of the site
- the adjoining existing air strip, which is also a non-agricultural development in the rural setting
- the inclusion of landscaped areas in appropriate locations within the development site.

Overall, the subject development is considered satisfactory in terms of the likely impacts of the development and, as such, the subject site is considered suitable for the proposed development.

### 6.4. The Public Interest – Section 4.15(e)

The proposal is for a new facility that complies with current standards, health and safety standards and is to be used for emergency fire services.

The proposed RFS FCC facility will have a positive economic impact in the locality, as the development will generate employment opportunities for local communities.

The operation of the proposed RFS FCC is anticipated to have a positive impact on the safety of the community, as the addition of the regional office within the RFS facility will

assist in the effective control of operational emergencies, and will contain emergency operational base that comprise advanced telecommunications.

Accordingly, it is considered that the development is in the public interest and is worthy of the support of the Council.

## References

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Brown, 2014, *Site Investigation Report South West Slopes Zone Fire Control Centre*

Department of Environment and Climate Change, 2009, *Interim Construction Noise Guideline*

CASA, 1999, *Obstacles in Air Space* Chapter 10-  
<https://www.casa.gov.au/file/491/downloadDCPad?token=3DWUzYIs>

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Landcom, 2004, *Managing Urban Stormwater: Soils and Construction*, 4th Edition (The Blue Book)

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