



Chapter 9: Rural and Other Land Uses

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9.1. Introduction

9.1.1. Application

Section 9.2 of this Chapter primarily relates to land uses within the rural context, being the RU1 Primary Production zone and RU2 Rural Landscape zone. Section 9.3. specifically relates to the land uses of **farm stay accommodation** and **eco-tourist facilities**. Section 9.4. generally applies to all land to which the named land uses are permissible with consent under the *Maitland Local Environmental Plan (MLEP) 2011*.

9.1.2. Relationship to other Chapters

This section is to be read in conjunction with the following chapters and documents:

- Chapter 1: Introduction and Administration
- Chapter 2: Environmental Considerations
- Chapter 3: Site Requirements
- Chapter 4: Heritage and Cultural Conservation
- Chapter 5: Subdivision
- Chapter 6: Residential Uses
- Appendix A: Application Requirements – Other Development

Depending on where the site is located, the following area plans and associated additional development controls may also apply to a development:

- Chapter 10: Special Precincts, Locality Plans and Urban Release Areas

Note: where no site-specific Chapter or Locality Plan applies to a development site, Council may require one to be prepared prior to lodgement of development applications in the following cases:

- a. If the land is subject to Clause 6.3 of the MLEP 2011, OR
- b. where the land is subject to environmental constraints and/or more than one land parcel or ownership is involved.

9.1.3. How to use this Chapter

This Chapter has been organised to create three distinct sections:

Rural Land Uses

This section provides controls relating to a series of different rural land uses common throughout the Maitland LGA and seeks to provide additional guidance in the effective and efficient management of rural structures and operations. Additionally, it seeks to action the principles of Maitland's *Rural Land Strategy 2041* to assist in fostering a diverse and resilient rural economy.

Note: Uses within this section should generally provide a Land Use Conflict Risk Assessment (LUCRA) is to be prepared in accordance with NSW DPI's [Land Use Conflict Risk Assessment Guide](#) (as amended), that also provides a land use description of the adjoining land and/or affected lands and landscape and assessment of the likely impact.

Agritourism

This section addresses agritourism within the rural, environmental, and tourist zones of the Maitland LGA, seeking to provide further guidance for applicants around Council's expectations for these types of facilities, notably farm stay accommodation and eco-tourist facilities.

Other Land Uses

This section provides controls for a variety of different land uses that do not comfortably fit within one of the other chapters of the DCP yet still require some form of guidance to be provided. The structure of the controls and acceptable solutions reflects either the rarity, complexity, or other planning pathways available for these kinds of development.

9.1.4. Intent of this Chapter

The intent of this DCP Chapter is:

- a. To promote the efficient use of developable rural land resources in the Maitland LGA,
- b. To ensure that any rural development does not impede on the environmental integrity of the surrounding land,
- c. To ensure that the principles of Ecologically Sustainable Development (ESD) are applied to future development applications, and
- d. To facilitate and enhance a range of rural land uses whilst maintaining the agricultural and scenic environmental qualities of the locality.

9.2. Rural Land Uses

9.2.1. Intensive Agriculture (Livestock and Plants)

Objectives

- O.1 To ensure that commercial farming is appropriately sited, operated and managed to avoid land use conflict and environmental impacts.
- O.2 To set out Council's requirements for the establishment and operation of turf farms and other intensive agricultural businesses.
- O.3 To ensure that existing residences and other sensitive receiving environments, including conservation areas and aquifers, are not adversely affected by intensive agricultural activities.
- O.4 To minimise land use conflict through provision of land use buffers, land use regulation and encouragement of best practice in rural land practices.

PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS

AS.1

- O.1
 - O.3
 - O.4
- Land use buffers are to be implemented in instances where an intensive agriculture use falls within the evaluation distances for sensitive receptors, generally being non-rural development, including residential dwellings, schools, places of worship, public parks and workplaces. These evaluation distances are subject to additional odour and noise assessment and are provided in **Table 9.1** below:

Table 9.1: Agricultural land use buffers

AGRICULTURAL LAND USE	EVALUATION TRIGGER DISTANCE
Pig Farms (indoor)	500m
Pig Farms (outdoor)	500m
Poultry (broiler and eggs) indoor and outdoor	500m
Dairies	500m
Cattle feedlots	500m
Sheep or goat feedlots	500m
Rabbits	150m
Other intensive livestock	250m
Stock yards	200m
Outdoor cropping/sugar cane/turf farms	300m
Outdoor horticulture	250m

PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS

	Protected cropping (e.g. greenhouses)	250m
	Silos/grain storage bunkers	100m
	Fan assisted silos (e.g. macadamia nuts)	300m
	<p>Note: Further information, including additional guidance around proposed land use buffers are provided in the Department of Primary Industries Buffer Zones to Reduce Land Use Conflict with Agriculture – An Interim Guideline.</p> <p>As a guide, a minimum separation distance of 60 metres is recommended for intermittent noise, and 500 metres for continuous noise.</p> <p>Alternative measures may be required to mitigate noise impacts.</p>	
PC.1 <ul style="list-style-type: none"> • O.3 	Where the operation of the proposed development requires the application or use of chemicals, measures must be implemented to ensure that no chemical or spray drift will enter adjoining property.	
PC.2 <ul style="list-style-type: none"> • O.1 • O.2 • O.3 	An Agricultural Property Management Plan is to be prepared in accordance with Appendix A: Application Requirements – Other Development.	

9.2.2. Rural Industries (Turf Farms)

Objectives

- O.5 To ensure that rural industries are compatible with the rural environment.
- O.6 To minimise any adverse impact of rural industries on surrounding properties.
- O.7 To manage potential solid and liquid waste from rural industry to protect the natural environment and water systems.

PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS	
PC.1 <ul style="list-style-type: none">• O.5• O.7	Planting/landscaping with a minimum depth of 3m is to be used to screen buildings from the roadway and from neighbouring dwellings. A Landscape Plan will be submitted that identifies the location and species to be planted. The species is to be suitable to adequately screen the use at maturity stage.
PC.2 <ul style="list-style-type: none">• O.5• O.6	Outdoor storage yards are to be located behind buildings or screen walls so they are not visible from a public place or neighbouring property. Screen walls are to be compatible with respect to design, materials used and colours of buildings on site. Earth mounding and landscaping can also be used.
PC.3 <ul style="list-style-type: none">• O.7	Proposals must demonstrate they will not give rise to offensive noise as defined in the Protection of the Environment Operations Act and complies with the NSW Noise Policy for Industry.
PC.4 <ul style="list-style-type: none">• O.7	Any future proposed development should be in accordance with NSW Department of Primary Industries <i>Prime Fact (February 2014 No 1320 Planning for Turf Farms)</i> (or as amended).
AS.1 <ul style="list-style-type: none">• O.6• O.7	Where the proposed use of the site is odour generating, an Odour Impact Assessment will be required.
PC.5 <ul style="list-style-type: none">• O.6• O.7	A Water Cycle Management Plan (WCMP) detailing how water will be sourced, stored, used, treated and recycled for the agricultural operation must be provided with any development application. The WCMP must demonstrate that the operation will not significantly impact on the total water cycle beyond the boundaries of the site.

9.2.3. Farm Buildings and Ancillary Structures

Objectives

- O.8 To minimise the visual impacts on rural and scenic landscape character of Maitland LGA.
- O.9 To ensure that farm buildings & ancillary structures are of a size, height & bulk that is suited to the site area.
- O.10 To ensure that farm buildings are located to have minimum adverse impact on the environment and on the potential use of the land for agriculture.

PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS	
PC.1 • O.8	All farm buildings must be ancillary to an agricultural use being undertaken on the land on which it is situated.
AS.1 • O.10	Farm buildings should be sited in clusters in order to minimise the amount of land occupied by development. Adequate evidence to Council's satisfaction is to be provided regarding operational need for any farm building provided away from existing buildings.
PC.2 • O.10	The minimum setback for farm buildings from any road is 20 metres.
PC.3 • O.10	The minimum side and rear boundary setback for farm buildings is 10 metres.
PC.4 • O.10	Cut and fill must be kept to a minimum and slope of batter is not to exceed 10%. The toe of the batter is to not be within 10 metres of the setback.

9.2.4. Flood Mounds

Note: This section is to be read with direct consideration given to Section 2.4 of Chapter 2: Environmental Considerations of this DCP.

Objectives

- O.11 To strike a balance between the positive social and economic impacts gained by the establishment of a flood mound (or fill pad) and the adverse environmental, hydraulic (including displacement of floodwater), amenity, scenic/visual, natural resource, heritage and built environment impacts of the development.
- O.12 To ensure flood mounds or fill pads are appropriately designed and constructed to facilitate safe and efficient evacuation and to complement the landscape and local character.

O.13 To ensure that flood mounds provide for safe emergency refuge and are not sized in a manner that creates elevated grazing pastures.

PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS											
PC.1 <ul style="list-style-type: none"> • O.12 	A livestock holding capacity calculation is required for the land. The flood mound or fill pad area must relate to the livestock holding capacity of the land (in Dry Sheep Equivalent (DSE)) or other lawful land use.										
PC.2 <ul style="list-style-type: none"> • O.12 	Stock refuge area is to be calculated in accordance with the NSW Prime Facts publication Edition #961 'Rural Development Guidelines' (October 2009).										
PC.3 <ul style="list-style-type: none"> • O.12 • O.13 	Turning diagrams, driveways, yards/fencing, farm buildings, dwellings and ancillary storage areas are to be shown on a site plan to demonstrate the sizing needs of the mound.										
PC.4 <ul style="list-style-type: none"> • O.12 	<p>Flood mounds or fill pads are to be set back from any property boundary and/or dwelling not positioned on the flood mound in Rural or Conservation zones in accordance with Table 9.2.</p> <p>Table 9.2: Flood Mound Setbacks</p> <table> <tr> <th>FLOOD MOUND SIZE</th><th>MINIMUM SETBACK TO BOUNDARIES AND/OR OTHER DWELLINGS</th></tr> <tr> <td><1,000m²</td><td>20m</td></tr> <tr> <td>≥1,000–2,500m²</td><td>25m</td></tr> <tr> <td>>2,500m –10,000m²</td><td>50m</td></tr> <tr> <td>>10,000m²</td><td>100m</td></tr> </table>	FLOOD MOUND SIZE	MINIMUM SETBACK TO BOUNDARIES AND/OR OTHER DWELLINGS	<1,000m ²	20m	≥1,000–2,500m ²	25m	>2,500m –10,000m ²	50m	>10,000m ²	100m
FLOOD MOUND SIZE	MINIMUM SETBACK TO BOUNDARIES AND/OR OTHER DWELLINGS										
<1,000m ²	20m										
≥1,000–2,500m ²	25m										
>2,500m –10,000m ²	50m										
>10,000m ²	100m										
PC.5 <ul style="list-style-type: none"> • O.11 • O.12 	Sufficient passage of water is to be maintained under the driveway and no floodway is to be obstructed.										
AS.1 <ul style="list-style-type: none"> • O.11 	Flood mound batters should have a maximum gradient of 1:4. 1:5 gradient batters may be requested by Council to offset identified visual and amenity impacts.										
PC.6 <ul style="list-style-type: none"> • O.12 	Where within 10m of the toe of a levee or drainage channel, the design is to comply with Department of Environment, Climate Change and Water's Hunter Valley Flood Mitigation Scheme Development in the Hunter Valley Flood Mitigation Scheme . Landscaping is to consist of small shrubs within 10m of the levee toe.										
PC.7 <ul style="list-style-type: none"> • O.13 	The top of a flood mound is to be fenced in a rural style (e.g. timber and post rail, wire) to provide safe refuge for livestock.										

9.2.5. Farm Dams

Objectives

O.14 To ensure that farm dams are constructed and sited to be stable and have minimal environmental impact.

PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS	
PC.1 <ul style="list-style-type: none">• O.14	The envelope for a farm dam must not be located on land with a gradient exceeding 15%.
PC.2 <ul style="list-style-type: none">• O.14	In addition to the standard requirements under Appendix A: Application Requirements – Other Development, a site plan for a farm dam is to include details around slope, proposed spillway channels, spillway outlets, trickle pipes, and any disposal areas.
AS.1 <ul style="list-style-type: none">• O.14	If required under the <i>Fisheries Management Act 1994</i> to provide for fish passage, any new dam or modification to an existing dam are to include an adequate design solution, such as locks, vertical slot, rock ramps or cone/trapezoidal weirs.

9.2.6. Garden Nurseries

Objectives

O.15 To ensure nurseries are sympathetic to the rural character of the area.

O.16 To appropriately separate nurseries from adjoining sensitive land uses in order to minimise visual impacts and land use conflicts.

PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS	
AS.1 <ul style="list-style-type: none">• O.15	Site planning should provide adequate area for landscaping buffers, dams and/or rainwater tanks, wastewater treatment, water quality treatment, driveways and parking areas, and sanitary facilities for staff and customers.
AS.2 <ul style="list-style-type: none">• O.16	As a general guide, garden nurseries should be setback a minimum of 10m from any boundary. Should this control be varied, a Visual Impact Assessment is to be prepared by a suitably qualified person that satisfies O.16 of this Section.
PC.1 <ul style="list-style-type: none">• O.15	External storage areas, including bulk bin storage, are to be: <ul style="list-style-type: none">a. located behind the front building line,b. setback a minimum of 10 metres from side and rear boundaries, andc. landscaped with foliage to screen any storage items and structures.
AS.3 <ul style="list-style-type: none">• O.16	Noise generating components of the development such as loading and unloading areas, cafes, and children's play areas should be sited to limit the potential for land use conflicts with neighbouring sensitive land uses.

9.2.7. Farm Gate Premises and Farm Experience Premises

Objectives

- O.17 To allow for tourism and related commercial uses at a scale that does not adversely affect the principal use of land for primary production.
- O.18 To ensure farm gate premises and farm experience premises do not detract from existing environmental values, scenic values, infrastructure and adjoining land uses.
- O.19 To protect the amenity and privacy of adjoining properties, including visual and acoustic privacy, from farm gate premises and farm experience premises.
- O.20 To provide for the sale of locally grown and manufactured produce in appropriate rural locations.
- O.21 To adequately provide services and facilities for visitors and guests on the property, including accessible facilities.
- O.22 To manage the number of visitors to a landholding to address cumulative effects of traffic on roads.

PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS	
PC.1 <ul style="list-style-type: none">• O.17• O.18• O.19• O.20	The gross floor area of a building (or part of a building) for farm gate premises or farm experience premises is not to be more than 300m ² .
PC.2 <ul style="list-style-type: none">• O.17• O.18• O.19• O.20	The total footprint of all buildings used for farm gate premises and farm experience premises on the landholding is not to exceed 600m ² .
PC.3 <ul style="list-style-type: none">• O.18• O.19	The height of a building for farm gate premises or farm experience premises is not to exceed 10 metres.
PC.4 <ul style="list-style-type: none">• O.19	The hours of operation for farm gate premises are: <ul style="list-style-type: none">a. 8am to 5pm Sunday to Friday and public holidays, andb. 7am to 6pm on Saturdays
PC.5 <ul style="list-style-type: none">• O.19	The hours of operation of farm experience premises are: <ul style="list-style-type: none">a. 8am to 6pm Sunday to Thursday and public holidays, andb. 7am to 12am Friday and Saturday.

PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS

PC.6 <ul style="list-style-type: none"> • O.17 • O.18 • O.22 	The maximum number of visitors to farm gate premises is not to exceed 120 on a landholding at any one time.
PC.7 <ul style="list-style-type: none"> • O.17 • O.18 • O.22 	The maximum number of visitors to farm experience premises is not to exceed 100 on a landholding at any one time.
PC.8 <ul style="list-style-type: none"> • O.17 • O.18 • O.22 	The maximum number of visitors to combined farm gate premises and farm experience premises is 110 on a landholding at any one time.
PC.9 <ul style="list-style-type: none"> • O.18 • O.19 	Farm experience premises are limited to 54 events per year, including a maximum of 6 events per year after 6pm that have amplified noise.
PC.10 <ul style="list-style-type: none"> • O.21 	Adequate toilet facilities are to be provided. At least one toilet must be a unisex accessible toilet.
PC.11 <ul style="list-style-type: none"> • O.18 • O.19 	Amplified noise for farm gate premises and farm experience premises must be a maximum of 40 dB at the closest residential dwelling on a neighbouring allotment.
AS.1 <ul style="list-style-type: none"> • O.18 • O.19 	Farm gate premises and farm experience premises should be setback a minimum of 10m from any boundary. Should this control be varied, a Visual Impact Assessment is to be prepared by a suitably qualified person that satisfies O.18 and O.19.

9.2.8. Roadside Stalls

Objectives

O.23 To ensure roadside stalls are in keeping with the rural environment and do not distract road users from safe driving practices.

O.24 To ensure access to and from roadside stalls occurs in a safe manner.

PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS	
PC.1 • O.23	The maximum height of a roadside stall is 3 metres.
PC.2 • O.23	A roadside stall must be located within the boundaries of the landholding.
PC.3 • O.24	A vehicle access point from the property to a public road is to comply with <i>AS/NZS 2890.1: 2004 Parking facilities - Off-street car parking</i> .
AS.1 • O.24	Car parking spaces may be located on a road verge or fully within the boundaries of the property and should be provided for at least three vehicles.

9.3. Agritourism

9.3.1. Farm Stay Accommodation

Farm stay accommodation means a building or place that is:

- a. On a commercial farm, and
- b. Ancillary to the farm, and
- c. Used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.

Objectives

- O.25 To diversify the uses of agricultural land for tourist-style accommodation without adversely impacting the principal use of the land for primary production.
- O.26 To ensure farm stay accommodation does not detract from existing environmental values, scenic landscape values, infrastructure and adjoining land uses.
- O.27 To protect the amenity and privacy of adjoining properties, including visual and acoustic privacy, from farm stay accommodation.
- O.28 To provide accessible farm stay accommodation suitable for people with disability or limited mobility.

PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS

PC.1 <ul style="list-style-type: none">• O.25• O.26	Farm stay accommodation that comprises of moveable dwellings (tents, caravans, camper trailers, tiny houses) is to be on a landholding that is a minimum of 10 hectares. Note: The Codes SEPP requires a minimum 15ha landholding size for exempt development.
PC.2 <ul style="list-style-type: none">• O.25• O.26	A building or manufactured home for farm stay accommodation (except the use of existing residential accommodation or a manufactured home) is to be on a landholding that is a minimum of 10 hectares. Note: The Codes SEPP requires a minimum 15ha landholding size for complying development.
PC.3 <ul style="list-style-type: none">• O.25• O.26• O.27	Farm stay accommodation, including buildings and moveable dwellings, is limited to: <ul style="list-style-type: none">• a maximum of 50 guests at any one time on a landholding, and• a maximum stay for guests of 28 consecutive days.

PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS

	<p>Note: The Codes SEPP allows a maximum 20 guests in moveable dwellings as exempt development and allows two guests over the age of 12 years in a building or manufactured home that does not have bedrooms, or guests over the age of 12 years that total two times the number of bedrooms in a building or manufactured home as exempt or complying development. The Codes SEPP also allows a maximum 21 consecutive days of stay for farm stay accommodation as exempt or complying development.</p>
<p>PC.4</p> <ul style="list-style-type: none"> • O.25 • O.26 • O.27 	<p>The maximum number of buildings and manufactured homes used for farm stay accommodation on a landholding is 10.</p> <p>Note: The Codes SEPP allows a maximum six buildings and manufactured homes as exempt or complying development.</p>
<p>PC.5</p> <ul style="list-style-type: none"> • O.25 • O.26 • O.27 	<p>The maximum number of moveable dwellings used for the purposes of farm stay accommodation on a landholding is 10.</p> <p>Note: The Codes SEPP allows a maximum of six campervans, caravans and other similar moveable dwellings on a landholding as exempt development.</p>
<p>PC.6</p> <ul style="list-style-type: none"> • O.25 	<p>To address fire safety:</p> <ol style="list-style-type: none"> buildings are to be separated from other buildings by a minimum 15 metres, and moveable dwellings are to be separated from buildings and other moveable dwellings (except tents and similar portable and lightweight temporary shelters) by a minimum 10 metres.
<p>PC.7</p> <ul style="list-style-type: none"> • O.26 • O.27 	<p>The gross floor area of a new building or manufactured home for farm stay accommodation must not be more than 40m².</p>
<p>PC.8</p> <ul style="list-style-type: none"> • O.26 • O.27 	<p>The gross floor area of part of an existing building or manufactured home used for farm stay accommodation must not be more than 60m².</p> <p>Note: The Codes SEPP allows a maximum 60m² gross floor area for a change of use of a building or part of a building, for a new building or for alterations and additions to an existing building or manufactured home as farm stay accommodation under complying development.</p>
<p>PC.9</p> <ul style="list-style-type: none"> • O.26 • O.27 	<p>The height of a moveable dwelling used for farm stay accommodation is not to exceed 5 metres.</p> <p>Note: The Codes SEPP allows a maximum height of 4.5m as exempt development.</p>
<p>PC.10</p> <ul style="list-style-type: none"> • O.26 • O.27 	<p>The height of a building or manufactured home for farm stay accommodation is not to exceed 5 metres.</p> <p>Note: The Codes SEPP allows a maximum height of 4.5m for a new building or for alterations and additions to an existing building or manufactured home that has a</p>

PRESCRIPTIVE CONTROLS AND ACCEPTABLE SOLUTIONS

	height less than 4.5m under complying development, and the height of an existing building or manufactured home that is over 4.5m cannot be increased.
PC.11 <ul style="list-style-type: none"> • O.25 • O.27 	Where reticulated water is not available, a minimum of 20kL of water is to be provided in addition to that required for the dwelling house on the property and for firefighting purposes if on bush fire prone land.
PC.12 <ul style="list-style-type: none"> • O.28 	One toilet per manufactured home in farm stay accommodation and/or one toilet per four persons for moveable dwellings on the landholding is to be available in an accessible location. At least one toilet must be a unisex accessible toilet.
PC.13 <ul style="list-style-type: none"> • O.25 	A building or manufactured home for farm stay accommodation (except for the use of an existing dwelling for farm stay accommodation) must be on the same lot as an existing lawful dwelling house.
PC.14 <ul style="list-style-type: none"> • O.26 • O.27 	Manufactured homes and moveable dwellings are to be sited in clusters in order to minimise the amount of land occupied by development.

9.3.2. Eco-tourist Facilities

MLEP 2011 Clause 5.13 - Eco-tourist facilities set out the requirements for specialist forms of tourist and visitor accommodation and ancillary uses. A prominent feature of an eco-tourist facility is the general higher bar to define a site as such, especially when compared to other forms of tourist and visitor accommodation within rural and environmental zones.

Eco-tourist facilities are permitted in rural and environmental zones, including potentially on land where a dwelling (and therefore some tourist and visitor accommodation) is prohibited. Applicants cannot define a small-scale tourist development as an eco-tourist facility as a means to achieve a prohibited use.

The legislative requirements for eco-tourist facilities are set out in detail under the MLEP 2011 Clause 5.13 and additional controls are provided in the DCP section below.

Objectives

- O.29 To enhance and protect the environmental and/or cultural values of the Maitland LGA within its rural and environmental zones.
- O.30 To ensure that eco-tourist facilities carry out sustainable practices through harmony with nature.
- O.31 To minimise land use conflict between eco-tourist facilities and rural land uses.

PREScriptive CONTROLS AND ACCEPTABLE SOLUTIONS

AS.1 <ul style="list-style-type: none"> • O.29 • O.30 • O.31 	<p>The Statement of Environmental Effects (SEE) accompanying the proposed development is to demonstrate how it satisfies the existing environmental and/or cultural values of the local context. An environmental and/or cultural value must:</p> <ol style="list-style-type: none"> Be a dominant aspect of the development proposal and not ancillary to the provision of tourist and visitor accommodation or other tourist facilities. Should be locally or regionally significant. Do not necessarily need to be on the subject land but ideally are within 3km drive of the subject land (e.g. adjacent wetlands). Be demonstrated through a significant component of information, education and interpretation of these values. This requires significant investment in dedicated spaces and/or buildings for education and/or a clear program and activities that are clearly linked to the local environmental or cultural values as a key feature of the proposed development. Should not single out one environmental or cultural aspect for protection and enhancement whilst having significant impacts on other key values of the land. There needs to be a holistic approach to the land character, values and cultural history and associations.
PC.1 <ul style="list-style-type: none"> • O.31 	<p>An eco-tourist facility is to have a minimum of:</p> <ol style="list-style-type: none"> 100m setback from the front and side property boundaries, and 50m setback from the rear property boundary
PC.2 <ul style="list-style-type: none"> • O.29 • O.31 	<p>An NSW DPI Land Use Conflict Risk Assessment (as amended) is to be provided as part of the application.</p>
AS.2 <ul style="list-style-type: none"> • O.29 • O.30 	<p>Eco-tourist facilities are to integrate water-saving measures, which may include a combination of mechanisms, such as rainwater harvesting and high quality on-site effluent management systems.</p>
PC.6 <ul style="list-style-type: none"> • O.29 • O.30 	<p>Sensitive landforms are to be protected by ensuring that proposed development is:</p> <ol style="list-style-type: none"> Situated away from steep areas, Avoiding development that requires significant cut and/or fill, Viably integrating, protecting, and embellishing native trees and vegetation, Ensuring that access roads are minimised by clustering buildings, and Minimising light spill at night.
PC.7 <ul style="list-style-type: none"> • O.29 • O.30 	<p>A Waste Management Plan is to be provided that includes circular economy measures to minimise waste.</p>
PC.8 <ul style="list-style-type: none"> • O.29 	<p>An Operational Plan of Management is to be provided alongside the proposed development that captures the scope of Clause 5.13 of the MLEP 2011 and demonstrates how it satisfies ISO14000 – Environmental Management Systems.</p>

9.4. Other Land Uses

9.4.1. Temporary Use of Land

Objectives

O.32 To ensure applicants provide adequate information to address a temporary use of land within a development application.

O.33 To provide guidelines for best practice for the appropriate location and management of events.

O.34 To ensure public health and safety is maintained during temporary events.

O.35 To limit the possibility that an unacceptable impact occurs to the community or local environment.

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PC.1 <ul style="list-style-type: none">• O.32• O.33	A Site Plan is to be provided that includes the location of the event, the location of all structures, to scale with distances to boundaries.
PC.2 <ul style="list-style-type: none">• O.32• O.33• O.34• O.35	The SEE must address the following: <ul style="list-style-type: none">a. Description of event.b. Date and times of event opening and closing & daily schedules.c. Event promotion, ticketing, and capacityd. Any temporary buildings or structures.e. Date and times of set up/removal and hours of operation.f. Details of music, amplification or other potential noise emissions.g. Alcohol licensing and requirements.h. Lighting and signage.i. Details and location of food sold/served/provided, including premises setup.j. Details of parking, including owner's permission if off-site.k. Details of amenities e.g. water, toilets and sewerage management.l. Details of waste management including general garbage and recycling.m. Power & water supply.
PC.3 <ul style="list-style-type: none">• O.32• O.33• O.34• O.35	A Traffic Management Plan is to be provided. The Traffic Management Plan (TMP) must include the following components: <ul style="list-style-type: none">a. Proposed routeb. Traffic Control Planc. Contingency (Incident) Pland. Proposed advertising for traffic changese. Parking Plan with site layout, traffic circulation directions, ingress and egress.f. Proposed traffic marshalls/ volunteers including number and location of marshalls and location of pedestrian access/crossing.g. Car parking areas will be in accordance with AS 1742.11 and AS 2890.1-2004 <i>Parking Facilities Part 1: Off – Street car parking</i>

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	<p>Note: Traffic controllers directing traffic or managing traffic on a public road is to be suitably qualified (e.g. RTA Accredited Traffic Controllers Certificate).</p>
<p>PC.4</p> <ul style="list-style-type: none"> • O.32 • O.34 	<p>If proposed on Council or Crown land, a temporary use of land is to be accompanied with all relevant insurance documentation relevant to the event, including public liability insurance.</p> <p>Note: The dollar amount of public liability insurance is variable based on the scale and complexity of each temporary use of land, however a general guide is at least \$10,000,000 for an event.</p>
<p>PC.5</p> <ul style="list-style-type: none"> • O.32 • O.33 • O.34 • O.35 	<p>An Event Management Plan is to be provided as part of the proposed development and must include details on the following:</p> <ol style="list-style-type: none"> Noise, including noise from amplified music, generators etc, Waste Management, including details associated with proposed bin system to be utilised including location and type of bins, and proposed disposal of waste material including proposed recycling, Food, including compliance with relevant NSW food regulations, location on site and number of employees, waste facilities and associated facilities to be provided. First Aid: provision of First Aid personnel is required at all major events. An Australian Standard Complying First Aid Kit must be on hand at all smaller scale events. Any major event must provide details of the event to NSW Ambulance, Alcohol: If alcohol is proposed to be served all necessary licences including Responsible Service of Alcohol details must be provided, and Toilet Facilities, including provision of unisex and inclusive toilet facilities.

9.4.2. Animal Boarding and Training Establishments

Objectives

O.36 To ensure that animal boarding and training establishments (including exercise areas) are sited and designed to minimise impacts on adjoining land.

O.37 To avoid/minimise the impacts on the natural environment and rural landscape and amenity.

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PC.1 <ul style="list-style-type: none">• O.36	Animal boarding and training establishments are to be sited and designed to minimise noise and odour impacts on adjoining land. Noise levels from the premises are not to exceed the relevant noise levels set out in the <i>EPA Noise Policy for Industry 2017</i> (as amended) and may require a Noise Assessment from a suitably qualified acoustic engineer. An acoustic report is required to ascertain appropriate front, rear and side setback requirements.
PC.2 <ul style="list-style-type: none">• O.36• O.37	Applications are to be accompanied with a site plan and details of the location of stables, pens, kennels, aviaries or the like, the number or animals, site distances to adjoining residential properties, and stocking rates, and provide a regular pest control program.
PC.3 <ul style="list-style-type: none">• O.36• O.37	Proposed animal boarding and training establishments must provide a Business and Management Plan that addresses the relevant industry guidelines for the design of these facilities, including mechanisms to manage noise, odour, and the like. Special consideration is to be given to the Department of Primary Industries <i>NSW Animal Welfare Code of Practice No.5 – Dogs and Cats in animal boarding establishments</i> (as amended).

9.4.3. Extractive Industries

Objectives

- O.38 To ensure that development is designed to minimise risks associated with geotechnical hazards.
- O.39 To ensure that extractive industries adequately address relevant environmental constraints and hazards.
- O.40 To provide an effective barrier between quarrying and mining operations and other sensitive land uses.
- O.41 To maintain the character and amenity of existing rural land uses.
- O.42 To ensure that drainage is naturalised where appropriate and that water quality is maintained at pre-development levels when entering the wider water catchment.
- O.43 To facilitate the orderly sequencing of extraction on sites.
- O.44 To ensure an appropriate rehabilitation program is implemented for extractive industries over the life of their operations.

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Setbacks and Road Access

PC.1 <ul style="list-style-type: none">• O.38• O.40	Development for the purposes of extractive industry are to adhere to the following minimum setbacks: <ul style="list-style-type: none">a. 50m from any property boundary,i. 100m from a property boundary to a National Park, State Forest, or Crown Land,b. 30m from any private road or Right of Way shared with adjoining land holders that are not associated with the proposed development,c. 250m from any private dwelling not associated with the development,d. 40m from the top of the bank of any watercourse or drainage line, ande. An appropriate distance from any utility easement, as determined in consultation with the relevant utility provider.
PC.2 <ul style="list-style-type: none">• O.38• O.40	All internal access roads are to satisfy the following minimum setbacks: <ul style="list-style-type: none">a. 30m from any property boundary,b. 40m from the top of the bank of any watercourse or drainage line,c. 40m from any identified Endangered Ecological Community, andd. 250m from any private dwelling not associated with the development.
PC.3 <ul style="list-style-type: none">• O.43	The primary internal road access for extractive industries development is to have a 15m wide road reserve, with a minimum carriageway width of 12m.
PC.4 <ul style="list-style-type: none">• O.39• O.43	A Traffic Impact Assessment prepared for mining and/or extractive industry activities must include the following details in addition to that detailed under Appendix A: Application Requirements – Other Development: <ul style="list-style-type: none">a. Estimated average and maximum hourly, daily and weekly truck movements, based upon the truck type and size proposed for the operation,

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- b. Proposed truck routes (for both laden and unladen trucks) and possible alternative routes or other alternative transport modes such a rail transport,
- c. The physical condition of existing roads and / or bridges on the proposed truck routes to / from the site and any proposals to upgrade public or private roads to reduce dust and other impacts,
- d. The traffic generation impact of both laden and unladen truck movements along the proposed truck routes to / from the site,
- e. Potential road safety impacts upon other road users arising from the additional truck movements occurring along the proposed truck routes to / from the site, and
- f. Assessment of sight distances for trucks entering / exiting the site and at other key intersections along the proposed truck routes to / from the site.

Stormwater and Drainage

PC.5 <ul style="list-style-type: none"> • O.39 • O.42 	<p>Drainage from sites is to reflect the pre-existing or natural context in terms of location, quantity, quality and velocity of flow waters discharging from the site.</p> <p>Water discharge is to be directed towards an existing natural watercourse or drainage line on the site and not directly onto any adjoining downstream property (other than within the natural watercourse or drainage line).</p>
PC.6 <ul style="list-style-type: none"> • O.39 • O.42 	<p>Drainage measures are to be employed which direct upstream overland run-off to bypass the extraction site and are to be demonstrated as part of the development's Soil and Water Management Plan (see Section 3.3.3. of Chapter 3: Site Requirements).</p>
PC.7 <ul style="list-style-type: none"> • O.39 • O.42 	<p>All drainage channels must be designed to convey run-off waters at velocities of less than 1m/second for vegetated channels or 0.4m/second for bare earth channels.</p>
AS.1 <ul style="list-style-type: none"> • O.39 • O.42 	<p>Topsoil stockpiles over 3m in height are encouraged to be benched to ensure stability and to include internal drains to minimise soil erosion problems.</p>
AS.2 <ul style="list-style-type: none"> • O.39 • O.42 	<p>Except for detention basins and sediment control dams proposed on site, batter slopes should be no steeper than 1:2 for stable soils or 1:4 for highly erodible soils or lands subject to instability.</p>
PC.8 <ul style="list-style-type: none"> • O.39 • O.42 	<p>Sediment control dams and detention basins are to satisfy the following design criteria:</p> <ul style="list-style-type: none"> a. Sediment control dams are required to be located downstream of extraction areas and other operational areas, including landscaping and visual buffer zones, and between tailing dams and the downstream property boundaries. b. The sediment control dams must be designed to have a sediment trapping capacity of at least 50% of the volume of the largest tailing dam. c. All sediment control dams are to be sized to retain at least the equivalent volume of 10mm depth of run-off over the entire disturbed area. The settling volume is to be provided as active storage with a minimum depth of 0.6m. A sediment storage volume of at least half of this allowance should be provided below the settling volume. d. The design of the sediment control dam must include details of the proposed dewatering method for the settling volume and spillway configuration. e. All sediment control dams must incorporate an impermeable barrier in the dam wall. f. Batter slopes for sediment control dams / detention basins are to be a maximum of 1:4 and are to be stabilised by vegetation cover. Temporary catch drains and sediment

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	traps are to be installed along the downstream toe of the embankment, until vegetation cover has reached 80%.
PC.9 <ul style="list-style-type: none"> • O.39 • O.42 	All channels and detention ponds are to be designed to accommodate peak discharge for a minimum 1:20 year average recurrence interval storm event with a 0.5m flood freeboard margin.
Groundwater and Water Quality	
PC.10 <ul style="list-style-type: none"> • O.39 • O.42 	The extraction depth is restricted to an absolute minimum freeboard level of 2m AHD above the wet weather high groundwater level, in order to help protect groundwater flow patterns and water quality on each extraction area.
PC.11 <ul style="list-style-type: none"> • O.39 • O.42 	A Groundwater Impact Assessment Report is to be provided as part of proposed development and must address the items detailed under Appendix A: Application Requirements – Other Development.
PC.12 <ul style="list-style-type: none"> • O.39 • O.42 	An Onsite Water Management Plan is to be provided as part of proposed development and must address the items detailed under Appendix A: Application Requirements – Other Development.
Air Quality	
PC.13 <ul style="list-style-type: none"> • O.39 	An Air Quality Impact Assessment is to be provided as part of proposed development and must address the items detailed under Appendix A: Application Requirements – Other Development.
PC.14 <ul style="list-style-type: none"> • O.39 • O.41 	All stockpiles of material are to propose mitigation measures to prevent any dust nuisance.
Noise and Vibration	
PC.15 <ul style="list-style-type: none"> • O.39 	A Noise and Vibration Impact Assessment is to be provided as part of proposed development and must address the items detailed under Appendix A: Application Requirements – Other Development.
Staging and Rehabilitation	
PC.16 <ul style="list-style-type: none"> • O.38 • O.43 • O.44 	<p>A staging of extraction program which shows the progressive extraction and progressive rehabilitation of the site is required.</p> <p>This is to be associated with a staging plan at the same scale of the site plan which shows the sequential staging of proposed extraction works and rehabilitation works with reference to the proposed final landform of the site post-operation.</p>
AS.3 <ul style="list-style-type: none"> • O.41 • O.44 	Topsoil and overburden used for bund walls during the extraction phase for each cell should be stabilised using appropriate native species and rehabilitation under the supervision of an ecologist. The rehabilitation of the cells should include native trees, shrubs and groundcovers which are endemic to the locality, wherever possible.
PC.17 <ul style="list-style-type: none"> • O.41 	A rehabilitation strategy is to be submitted as part of the Development Application which outlines:

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<ul style="list-style-type: none"> • O.44 	<ul style="list-style-type: none"> a. the proposed rehabilitation program including indicative timings for the progressive rehabilitation of each extractive cell, and b. details of the vegetation cover on the final landform.
PC.18 <ul style="list-style-type: none"> • O.41 • O.44 	<p>The final landform of the site post-rehabilitation must integrate with adjoining properties and be designed to achieve a uniform landform on all property boundaries.</p>
PC.19 <ul style="list-style-type: none"> • O.41 • O.44 	<p>A site plan showing the proposed post-rehabilitation land use is required. This site plan is to include the following requirements:</p> <ul style="list-style-type: none"> a. The nature, location and duration of post – extraction land uses, b. Expected final landform, including drainage lines, and c. Proposed areas designated for the final proposed land use and other areas reserved for revegetation.
PC.20 <ul style="list-style-type: none"> • O.41 • O.42 • O.44 	<p>The remediation of tailing dams post-use and post-operation must prevent any potential leaching into the groundwater table or direct discharge into waters flowing into the downstream watercourse or drainage line.</p>

9.4.4. Renewable Energy

Note: Due to the high capital investment value of larger solar energy or wind farms, they may be categorised as State Significant Development. In these circumstances the assessment of the application is undertaken by the NSW Government. To determine if a proposal falls within this category, reference should be made to State Environmental Planning Policy (Planning Systems) 2021. In the event that a proposal falls within the category of State Significant Development such that Council is not the approving authority, Council will request (during consultation) that consistency with this section of the Development Control Plan is met.

Objectives

- O.45 To minimise potential land use conflicts between renewable energy uses and rural and environmental areas.
- O.46 To ensure that there is no unreasonable interference with the comfort or use of adjoining land.
- O.47 To ensure road access, visual impacts, noise, health, waste, construction management and environmental constraints are identified, and sufficient information is included with each development application to enable proper assessment.

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PC.1 <ul style="list-style-type: none">• O.45• O.46• O.47	A Site Plan provided for renewable energy development is to demonstrate: <ul style="list-style-type: none">a. the position of the proposed solar panel arrays or wind turbines, inverters, battery storages and all construction facilities from site boundaries,b. natural land contours,c. native vegetation to be removed or retained,d. proposed vehicular access points, ande. the location and uses of all existing and proposed buildings, power lines, sub-station and fences on the land.
PC.2 <ul style="list-style-type: none">• O.46• O.47	Design details of the proposed development, such as number, dimensions, generation capacity, overall height once mounted, rotational information, and materials and colours are to be provided.
PC.3 <ul style="list-style-type: none">• O.45• O.46	A Land Use Conflict Risk Assessment (LUCRA) is to be prepared in accordance with NSW DPI's Land Use Conflict Risk Assessment Guide (as amended) that also provides a land use description of the adjoining land and/or affected lands and landscape and assessment of the likely impact.
PC.4 <ul style="list-style-type: none">• O.45• O.46• O.47	A Noise Impact Assessment is to be provided as part of proposed development and must address the items detailed under Appendix A: Application Requirements – Other Development and any other NSW Acts, rules, or regulations pertaining to solar or wind farm noise.
PC.5 <ul style="list-style-type: none">• O.46• O.47	A Visual Impact Assessment is to be provided as part of proposed development and must address the items detailed under Appendix A: Application Requirements – Other Development.

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PC.6	A Traffic Impact Assessment is to be provided as part of proposed development and must address the items detailed under Appendix A: Application Requirements – Other Development.
<ul style="list-style-type: none"> • O.46 • O.47 	

9.4.5. Places of Public Worship

Objectives

- O.48 Ensure that places of public worship have a scale and intensity that is suitable to the site and consistent with the neighbourhood character.
- O.49 To ensure that the bulk, scale and character of places of public worship are compatible with development of the surrounding area.
- O.50 To minimise the impact of parking on local streets.
- O.51 To encourage places of public worship to locate in areas with good public transport.

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PC.1	Large places of public worship with a seating capacity of 250 people are to be located within E3 Productivity Support zoned land.
<ul style="list-style-type: none"> • O.48 • O.50 • O.51 	
PC.2	On-site parking is to be provided at the rate determined by a Traffic Impact Assessment, having regard to the objectives of this section. As a general guide for places of public worship, new development is to provide 1 car parking space per 10m ² of gross floor area and accessible parking at 1 car space per 20 car spaces. refer to Section 3.4 of Chapter 3: Site Requirements of this DCP for parking design requirements.
<ul style="list-style-type: none"> • O.50 • O.51 	
PC.3	A Noise Impact Assessment is to be provided as part of proposed development and must address the items detailed under Appendix A: Application Requirements – Other Development and include the following additional details:
<ul style="list-style-type: none"> • O.48 	<ul style="list-style-type: none"> a. Hours of operation, and b. Regular events calendar to determine peak attendance times.
PC.4	Applications for places of public worship will be subject to the same height, floor space ratio, envelope and landscaping controls that are identified in the Maitland LEP 2011 and Chapter 6 of this DCP applicable to the land zone.
<ul style="list-style-type: none"> • O.48 • O.49 	
PC.5	An Operational Plan of Management is to be prepared for places of public worship, in accordance with Appendix A: Application Requirements – Other Development.
<ul style="list-style-type: none"> • O.50 • O.51 	

9.4.6. Cemeteries and Crematoriums

Objectives

O.52 To ensure that the operation of cemeteries, crematoria and funeral chapels does not have an adverse impact on adjoining land uses and the surrounding area.

O.53 To ensure that uses locate on roads with the capacity to accommodate probable traffic generation.

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PC.1 <ul style="list-style-type: none">• O.52	Cemeteries and crematoria must be located on a site with a minimum of 10 ha available for burial plots and memorial walls. Landscaped areas, setbacks, parking, driveways and turning areas, internal congregation areas and places of public worship will not be counted towards this minimum site area.
PC.2 <ul style="list-style-type: none">• O.52• O.53	A Groundwater Impact Assessment addressing the items of Appendix A: Application Requirements – Other Development will be required to be submitted to ensure that ground water is not within 3m of the surface of the proposed burial plots.
PC.3 <ul style="list-style-type: none">• O.53	A TIA is to be included with any development application for a cemetery, crematoria or funeral chapel. This TIA should determine whether or not a turning lane or slip lane is required to enter the site.
PC.4 <ul style="list-style-type: none">• O.53	A landscaped buffer zone at least 10 metres wide must be provided to the side and rear boundaries of the site. The buffer zone is not to be used for parking areas or the like.

9.4.7. Exhibition Homes and Villages

Objectives

- O.54 To ensure that the intended site of an exhibition home or village is consistent with the amenity and character of the local area, or in the case of new release areas, the desired character.
- O.55 To ensure that the hours of operation of the exhibition home or exhibition village do not adversely affect the amenity of the surrounding residents.
- O.56 To provide for an appropriate range of support and ancillary uses within an exhibition village.
- O.57 To ensure that adequate public services are provided in exhibition villages to meet the demand of visitors and employees.
- O.58 To ensure that the amenity of residents is achieved and there is no conflict between residential occupation of dwelling houses and the operation of an exhibition home or village
- O.59 To allow signs to be erected or displayed only where they are compatible with the scale and character of the area and do not significantly detract from the local visual amenity.

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Location	
PC.1 <ul style="list-style-type: none">• O.54• O.58	Exhibition homes and villages are to only be located in areas where Council is of the opinion that the proposed development and ancillary activities are unlikely to cause a negative impact on the amenity of the area.
PC.2 <ul style="list-style-type: none">• O.57	Exhibition homes and villages are to be located on, and adjacent to, roads that provide a “feeder” function such as a “collector” or “distributor”. Direct vehicle access will not be permitted to classified roads.
PC.3 <ul style="list-style-type: none">• O.54	Development of exhibition villages or homes in advance of residential land release are to consider the desired amenity and character of the future residential area and promote the objectives of any relevant structure or area plan.
Access and car parking	
PC.4 <ul style="list-style-type: none">• O.56	A Traffic Impact Assessment is to be carried out by a suitably qualified professional and submitted with applications for an exhibition home or village, in accordance with the minimum requirements provided under Appendix A: Application Requirements – Other Development.
PC.5 <ul style="list-style-type: none">• O.57	For exhibition villages, a centralised car parking area is to be provided as part of the village, in accordance with the parking provision under Section 3.4.4 of Chapter 3: Site Requirements of this DCP.

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Hours of operation

- PC.6**
- O.55
- The hours of operation for an exhibition village or exhibition home, and ancillary uses is restricted to 9am – 6pm.

Ancillary Uses

- PC.7**
- O.58
- No uses related to the development will be supported on or adjoining the exhibition home or village that may constitute a nuisance to neighbouring residents.
- If there are existing or future residential lots within a 50m radius of the proposed exhibition home or village that could be impacted by potential nuisances, such as a café, an Acoustic Assessment must be conducted by a suitably qualified specialist in accordance with Appendix A: Application Requirements – Other Development to ensure residential amenity is protected.

- PC.8**
- O.56
- All uses related to the development are to be ancillary to the operation of the exhibition home or village and must only service the needs generated by the development. Ancillary uses are to be limited to the following:
- One sales office per building company,
 - One materials display area per building company,
 - One home financing service office per village, and
 - One café per village.

Note: Ancillary uses for the purposes of an exhibition village include sales offices, home financing offices, and may also include public amenities such as a café and public toilets.

- PC.9**
- O.56
- The ancillary uses to an exhibition home are to be contained within the curtilage of the exhibition home. No café will be permitted as an ancillary use to an “exhibition home” development.

- PC.10**
- O.57
- Public toilets are to be provided for all exhibition villages, at the rate identified in the National Construction Code. Relevant Australian Standards related to accessibility apply to these facilities.

Signage

- PC.11**
- O.59
- All advertising structures for an exhibition home or exhibition village must only be erected on the site of the development.

- PC.12**
- O.54
 - O.59
- The characteristics of the advertising structures must be compatible with the scale and visual amenity of the local area.

- PC.13**
- O.59
- Advertising structures are to be limited to the following:
- One flagpole per exhibition home or house within an exhibition village, and
 - One pylon sign per exhibition village.

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PC.14 <ul style="list-style-type: none"> • O.59 	Advertising sign details and drawings are to be included in the Development Application.
PC.15 <ul style="list-style-type: none"> • O.57 	At the conclusion of the consent period, the exhibition homes or homes within an exhibition village must be inspected to ensure that vehicle and pedestrian access to a public road complies with Council's standards, that the building(s) comply with the National Construction Code, and that essential service infrastructure is in place.

9.4.8. Sex Services Premises and Restricted Premises

Objectives

- O.60 To nominate location requirements and development standards for sex services premises and restricted premises which reflect broad community attitudes and expectations.
- O.61 To provide appropriate guidelines for sex services premises and restricted premises which will ensure that such are at a reasonable distance from residential occupancies and other nominated sensitive land uses and will not cause disturbance or otherwise have a detrimental impact on the amenity of the surrounding neighbourhood.
- O.62 To provide appropriate guidelines which will restrict the scale of sex services premises and restricted premises, as well as prevent their concentration in close proximity to one another.

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PC.1 <ul style="list-style-type: none"> • O.60 • O.61 	<p>All Development Applications for premises to be used as a restricted premises or sex services premises, including the change of use of an existing premises to a restricted premises or sex services premises, are to include the following documentation and details:</p> <ol style="list-style-type: none"> A site plan and a location plan drawn to a scale of 1:500 showing the proximity of the subject site to nearby residential occupancies, as well as to churches, hospitals, schools, community facilities and any other place where children or young people are likely to regularly congregate, including railway stations and major bus stops. <p>Note: <i>Clause 7.6 in the MLEP 2011 restricts the location of sex services premises.</i></p> <ol style="list-style-type: none"> A floor plan drawn to scale of 1:100 capturing, the details provided under Appendix A: Application Requirements – Other Development and the following: <ol style="list-style-type: none"> The proposed use of each room is to be nominated, with application for sex services premises to specifically identify all rooms proposed to be used for the conduct of sex services. Details of compliance with the Disability Discrimination Act 1992 and the Health and Safety Guidelines for Brothels in NSW, distributed by SafeWork NSW. A Statement of Environmental Effects which provides the following details: <ol style="list-style-type: none"> Comprehensive description of the proposed development, Details of the present or previous use of the subject premises,
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- iii. Details of existing uses on adjoining properties and any other uses established on the subject property, and
- iv. Operational details including name of occupier of the premises or contact person, number of employees, hours and days of operation, number of rooms in the premises.
- e. Details of proposed signage indicating the size, form number, illumination position of any proposed business identification sign, advertisement or other promotional device to be erected or displayed on the subject premises, and including details of any existing and proposed external lighting.

Location

- PC.2**
- O.61 A sex services premises or restricted premises is not to be located in a position which may detract from the amenity of residential occupancies and, in this regard, the entrance or exit doorway to or from any such premises is not to be closer than 150m from the entrance to premises used as a dwelling within a residential zone.

Note: For the purposes of these Guidelines, exit doorways from premises exclude fire exits provided only for use in an emergency and any distances referred to are to be measured along the most direct established pedestrian route between the respective premises.

- PC.3**
- O.61 The entrance or exit doorway to or from a sex services premises or restricted premises is not to be closer than 150m from a place of worship, child care centre, community centre, community facility, educational establishment, entertainment facility, hospital, recreation area or recreation facility or any place where children or young people are likely to regularly congregate, including railway stations or major bus stops.

- PC.4**
- O.62 An entrance or exit doorway to or from a sex services premises or restricted premises is not to be closer than 150 metres from the entrance doorway to any other sex services premises, or restricted premises.

- PC.5**
- O.61 A sex services premises is not to be located within a remote area or an area in which public transport or emergency services are not conveniently to hand.

Scale and Character

- PC.6**
- O.62 A sex services premises is to be restricted in total floor space, such that no more than 5 rooms in which sex services are to take place can be provided.

- PC.7**
- O.62 The use of a premises as a sexual entertainment establishment is to be restricted in net floor area to an area no greater than 200m².

- PC.8**
- O.62 Prostitution within an approved sex services premises is to be confined to rooms and areas so nominated on the submitted plans which are the subject of Council's consent.

- PC.9**
- O.61 Any new building or refurbishment of an existing building proposed to function as a restricted premises, or a sex services premises is to be designed to be compatible with the built form of adjoining premises and integrated into the streetscape.

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PC.10 <ul style="list-style-type: none"> • O.61 	The entrance to a restricted premises or a sex services premises is to be discrete, safe and unobtrusive with any signage limited to a single business and/or property identification sign only, of modest dimensions, devoid of any sexually explicit or suggestive material, and any distinctive external lighting provided in respect of a brothel is to be limited to a single, low wattage globe.
PC.11 <ul style="list-style-type: none"> • O.61 	A sex services premises or sexual entertainment establishment is to be provided with adequate reception area/waiting room facilities sufficient to discourage clients or prospective clients from loitering outside the premises.
PC.12 <ul style="list-style-type: none"> • O.60 • O.61 	Alcoholic liquor is under no circumstances to be provided or offered for sale on premises used as a sex services premises or other sex industry establishment unless such premises are appropriately licensed under the Liquor Act 2007.
PC.13 <ul style="list-style-type: none"> • O.61 	Sex industry establishments are not to display sex workers or sex related products from windows, the front door or outside of their premises.
PC.14 <ul style="list-style-type: none"> • O.60 • O.61 	Any proposed building is not to be of a colour or materiality that draws undue attention to the premises.
PC.15 <ul style="list-style-type: none"> • O.61 	Sex services premises or restricted premises are not to be located in a building that contains a dwelling.
AS.1 <ul style="list-style-type: none"> • O.61 • O.62 	Sex services premises and restricted premises should generally be small scale and not clustered, so that they integrate with adjoining land uses.
Security	
PC.16 <ul style="list-style-type: none"> • O.60 	Sex services premises and restricted premises are to demonstrate implementation of a range of measures provided with Appendix F: CPTED Guidelines.
Building Standards	
PC.17 <ul style="list-style-type: none"> • O.61 	Sexual entertainment establishments involving live shows or the exhibition of films are to satisfy the constructional and fire safety standards for a place of public entertainment under the provisions of the National Construction Code.
PC.18 <ul style="list-style-type: none"> • O.61 	Access for people with a disability is to be provided in accordance with all relevant legislation, including <i>AS 1428 – Design for Access and Mobility</i> and the <i>Disability Discrimination Act 1992</i> . Major entrances to premises to which the public is entitled to enter need to be designed and constructed to provide equitable treatment of users and meet minimum standards of grade, doorway width and connectivity.