



WAKOOL SHIRE DEVELOPMENT CONTROL PLAN 2013

OCTOBER 2013

This DCP was prepared by iPLAN PROJECTS (Orange NSW) in association with Wakool Shire Council. The team would like to thank everyone who was involved with this project or provided feedback. This DCP has also been based on a literature review and some wording of controls from other successful DCPs across NSW so Wakool Shire Council thanks those other Councils for their assistance.

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SECTION **A**

INTRODUCTION

SECTION A has the following chapters:

A1. HOW TO USE THIS DCP

This section provides useful information about how and when to use this DCP.

A2. TYPES OF DEVELOPMENT

This section provides advice so you can determine what type of development you are proposing and whether it requires a development application (that addresses this DCP) to be lodged with Council.

A3. NOTIFICATION & ADVERTISING

This section determines when a development application would need to be notified to neighbours or advertised in local newspapers.

A INTRODUCTION

A.1 HOW TO USE THIS DCP

A.1.1 WHERE DOES THIS DCP APPLY

The Wakool Development Control Plan ('DCP') applies to all land within the Shire of Wakool Local Government Area ('Shire') as identified on the Land Application Map in *Wakool Local Environmental Plan 2013* ('WLEP2013').

A.1.2 WHEN DOES THIS DCP COMMENCE

This DCP commences on _____ (the day that the approval of the DCP by Council is advertised in a local newspaper or on a later date specified in that notice).

A.1.3 PURPOSE OF THIS DCP

The principal purpose of a DCP is to provide guidance to persons proposing to carry out development ('Proponents') to which this DCP applies and to the consent authority in assessing any such development. This includes, but is not limited to:

- a) Defining development standards that deliver increased certainty of development outcomes desired by the community, proponents, and Council;
- b) Providing development guidelines for various forms of development that complement the provisions contained in *Wakool Local Environmental Plan 2012* ('WLEP2013') and *Murray Regional Environmental Plan No.2 – Riverine Land*;
- c) Encouraging innovation in design and development by, where suitable, focussing on desired outcomes, not the method of achieving those outcomes (i.e. performance based controls); and
- d) Expediting development approvals by providing clear direction on Council's intent and criteria and having more detailed controls for those developments that seek to vary from the DCP.

This DCP has been prepared in accordance with requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*, where relevant to the preparation of development control plans.

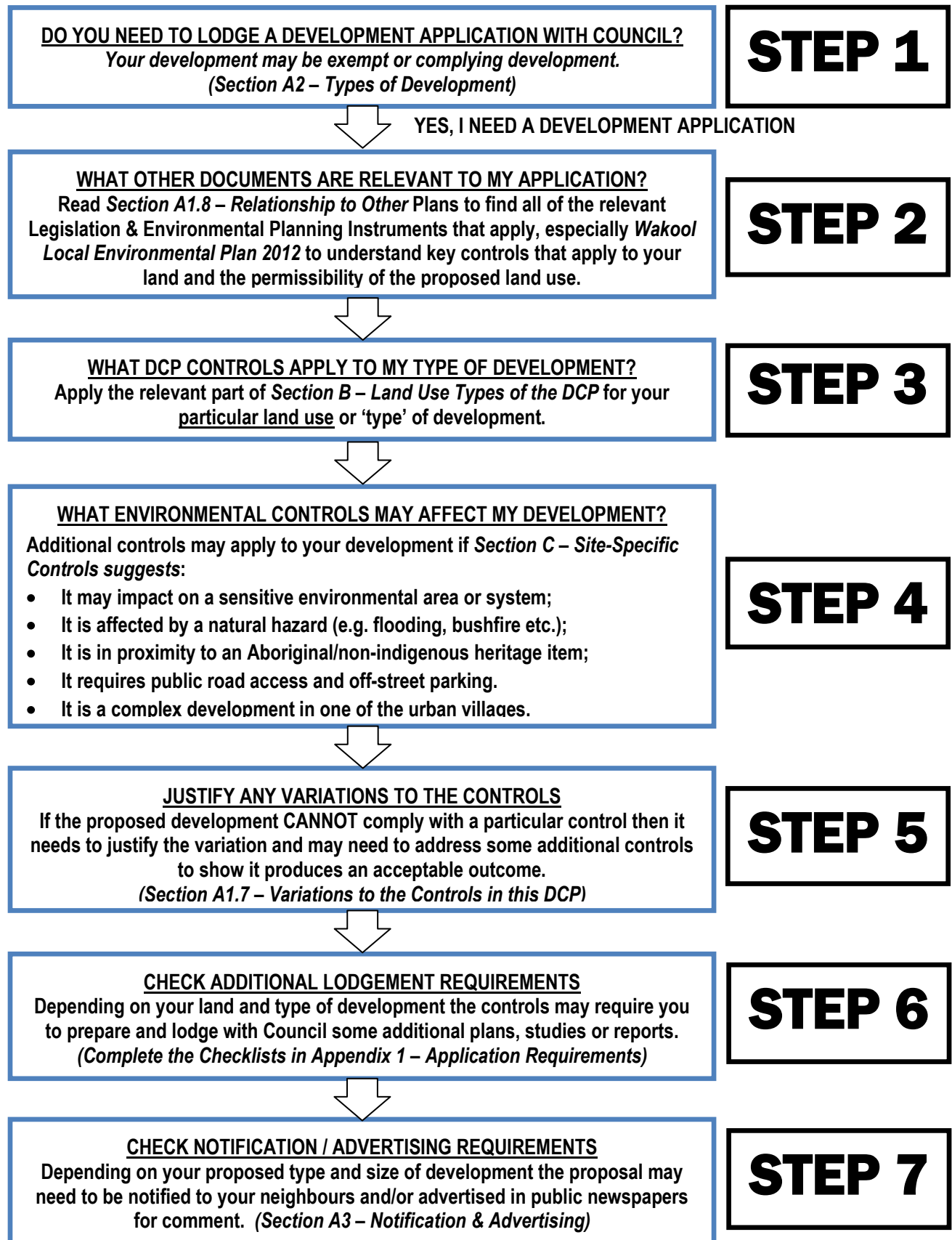
A.1.4 AIMS OF THE DCP

The Aims of this DCP (that all development should address) are to:

- a) Protect and enhance the environmental qualities of the Shire including, but not limited to, its land, water and biodiversity values and ecology and promote sustainable development;
- b) Ensure that development enhances the character and desired qualities of the Shire including, but not limited to, the river and landscape settings, its heritage items and historic streetscapes, its town and village character, and the rural setting;
- c) Recognise the importance of the river and watercourses systems in the Shire for local amenity, recreation and tourism and facilitate public access to the banks of the Murray, Edwards and Wakool Rivers;
- d) Minimise risk and impacts of natural hazards on humans and development;
- e) Promote economic development and growth of the Shire;
- f) Protect and enhance the agricultural production capacity of the Shire;
- g) Avoid or minimise land use conflicts;
- h) Encourage development that responds to its context and is compatible with the existing and desired built environment, local infrastructure, landscape, and public domain;
- i) Encourage sustainable development that minimises consumption of natural resources and maximises energy and water efficiency, re-use of materials, and recycling;
- j) Recognise and complement development in Victoria and adjacent local government areas.

A.1.5 HOW TO READ THIS DCP

The following steps should be taken for any development application. The table on the next page provides more information on each of these steps.



FOLLOW THESE STEPS	WHERE IS THE INFORMATION
STEP ONE (1): Do you need to lodge a development application with Council?	
<p>Read Section A2: Types of Development to confirm that the proposed development requires a development application to Council (i.e. it is not exempt or complying development). If it does, then read Section A1: How to Use this DCP. <i>Speak to Council or your planning advisor before lodgement of any application. A pre-application meeting with Council may be recommended for complex developments. Proceed to Step 2.</i></p>	<p>Section A1 – How to Use this DCP Section A2 – Types of Development</p>
STEP TWO (2): What other documents are relevant to my application?	
<p>Get planning advice to understand all of the relevant legislation & environmental planning instruments that apply to your site / proposed development, especially <i>Wakool Local Environmental Plan 2013</i> to understand key controls that apply to your land including, but not limited to the zoning, lot size, heritage etc. Interpretation of the controls in this DCP may require knowledge of the controls in WLEP2013. Proceed to Step 3</p>	<p>Section A1.8 – Relationship to Other Plans especially <i>Wakool Local Environmental Plan 2013</i></p>
STEP THREE (3): What DCP controls apply to my type of development?	
<p>If your proposed development matches one of the common LAND USE TYPES in Section B then you need to address the controls that apply to that particular development shown in the next column. For all other land use types / activities you need to address the controls in Section B6 – Other Types of Development. Proceed to Step 4.</p>	<p>Section B1 – Residential & Ancillary Uses Section B2 – Industrial Uses Section B3 – Commercial & Retail Uses Section B4 – Agricultural Uses Section B5 – Subdivision Section B6 – Other Types of Development</p>
STEP FOUR (4): What environmental controls may affect my development?	
<p>You must review whether your land is affected by a range of natural environment, hazard or heritage issues or you require off-site parking or need to address the character of specific urban areas. If so, then the requirements of Section C must be addressed. Proceed to Step 5.</p>	<p>Section C1 – Natural Environment Section C2 – Hazards Section C3 – Heritage Section C4 – Access & Parking Section C5 – Urban Area Character</p>
STEP FIVE (5): Justify any variations to the controls	
<p>If your particular land use or general land use <u>does not comply fully with the relevant controls</u> in the sections above then you must</p> <ol style="list-style-type: none"> demonstrate why your development should vary the controls; and address some additional controls to demonstrate that the proposed development is compatible with the surrounding land uses. <p>Proceed to Step 6.</p>	<p>Clause 4.6 of WLEP2013 (if relevant); Clause 1.7 – Variation to the Controls in this DCP; and Specific control that is being varied; and Section C6 – Urban Area Character Statements (if relevant).</p>
STEP SIX (6): Check additional lodgement requirements	
<p>Before lodging your development application you should confirm that your application provides all necessary supporting documentation by completing the Checklists in Appendix 1. Proceed to Step 7.</p>	<p>Appendix 1 – Application Requirements (If the correct documents are not lodged Council may not be accept the application).</p>
STEP SEVEN (7): Check notification / advertising requirements	
<p>Before lodging your development application you should determine if your application will need to be notified to adjoining land owners or be advertised to seek public comment.</p>	<p>Section A3 – Notification & Advertising (Additional fees may apply)</p>

If you do not understand any of the terms / words used in the DCP then you may need to look up the word in a dictionary. Most terms are defined in *Wakool Local Environmental Plan 2012*, *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008* or the *Environmental Planning & Assessment Act 1979*. *Alternatively it will be specifically defined in this DCP.* Otherwise, please contact Council to discuss.

A.1.6 HOW TO ADDRESS THE CONTROLS IN THIS DCP

Most larger or more complex development applications will require the preparation of a **Statement of Environmental Effects** prepared by a suitably qualified person (see **Appendix 1** for requirements). For simpler applications (such as single dwellings or alterations and additions) there is **Form No.3 – Statement of Environmental Effects (Low Impact Development)**.

In the Statement of Environmental Effects (or on the form) it will be necessary to show that the proposed development has addressed the controls in this DCP that are relevant to that type of development and any particular issues facing that site. For larger or more complex developments it will be necessary to not only state that compliance with the DCP is achieved, but also to demonstrate how the proposed development complies with each relevant control including the objective of the control and any performance or prescriptive criteria.

Throughout the DCP there will be references to additional documents / plans that you may need to lodge to support your application by addressing specific areas or specialist studies. The summary of the documents/ plans that you require is set out in a matrix / checklist in **Appendix 1** along with more detailed descriptions of what each document / plan requires.

Note: A 'performance' based control is one where the desired outcome is stated but the Proponent is free to determine what method should be used to achieve that outcome. A 'prescriptive' based control specifies exactly how the development should be designed.

Note: Under Section 79C of the Environmental Planning and Assessment Act 1979, Council is required to consider a range of issues in the evaluation of a development application including this DCP. Therefore, compliance with this DCP does not necessarily guarantee development approval.

A.1.7 VARIATIONS TO THE CONTROLS IN THIS DCP

If a proposed development cannot meet the specific prescriptive or performance based controls in this DCP then the Proponent must apply to Council to seek a variation from each and every control that it cannot meet and justify each variation. This application is in addition to any application for a variation of a control in accordance with Clause 4.6 of WLEP2012.

Any application for a variation must address all of the following requirements:

- 1) List the DCP control and the specific prescriptive or performance based criteria that the proposed development does not meet and explain clearly how the development is inconsistent;
- 2) Provide a justification as to why the proposed development does not meet the prescriptive or performance based criteria that clearly demonstrates:
 - a) The proposed development meets the aims of WLEP2013 and the DCP (where relevant); and
 - b) The proposed development meets the objective for the control (if one exists); and
 - c) The proposed variation does not exceed any maximum variation set out in WLEP2013 or the DCP control (if one exists); and
 - d) That compliance with the control(s) is unreasonable or unnecessary in the circumstances of the case; and
 - e) The variation is justified not just for reasons that benefit the Proponent but it is demonstrated how the variation will:
 - i) improve the overall design;
 - ii) not adversely impact on local amenity; and
 - iii) benefit the community.
- 3) Where development is proposed in one of the main settlements (Barham, Koraleigh, Moulamein, Murray Downs, Tooleybuc or Wakool) that is not consistent with the village or residential character in that settlement then the Proponent should also demonstrate how the proposed development addresses **Section C5 – Urban Area Character Statements** for that particular town/village.

STEP 5

STEP 2

A.1.8 RELATIONSHIP TO OTHER PLANS

This DCP is only one of the matters that must be considered by Council in assessing a development application. This DCP may also need to be read in conjunction with the following:

- *Environmental Planning and Assessment Act 1979* and any associated regulations;
- Relevant State Environmental Planning Policies ('SEPPs') and deemed SEPPs;
- *Local Government Act 1993* and any associated regulations;
- The *Building Code of Australia* ('BCA') and any relevant Australian Standards;
- Land and Environment Court Planning Principles and common law; and
- Any other policy or document identified for consideration throughout this DCP.

Note: It is advisable to check www.legislation.nsw.gov.au for the most current list and version of applicable legislation and environmental planning instruments. A reference in this DCP to any Australian Standard or legislation includes a reference to any amendment or replacement as made.

This DCP should also be read in conjunction with the *Wakool Local Environmental Plan 2013* ('WLEP2013') that relates to the same land. Where there is any inconsistency between this DCP and WLEP2013, WLEP2013 prevails (only to the extent of any inconsistency).

Definitions used in this DCP are derived from and are included in the *Environmental Planning and Assessment Act 1979* and *Wakool Local Environmental Plan 2013*. Any other definitions are located in the relevant section of the DCP (if required).

This DCP repeals the following Development Control Plans for Wakool Shire:

- Development Control Plan No.1 – Village (1993);
- Development Control Plan No.2 – Murray Downs Development Area (1992);
- Development Control Plan No.3 – Rural Residential (1992);
- Development Control Plan No.4 – Tourism (1992);
- Development Control Plan No.5 – Tree Preservation (1992);
- Development Control Plan No.6 – Murray Downs Industrial Area (1996);
- Development Control Plan No.7 – Exempt and Complying Development (2001);
- Development Control Plan No.8 – Notification Policy (2005).

This DCP also repeals any Council policies that are inconsistent with, or duplicate, the controls in this DCP to the extent of any inconsistency or duplication.

A.1.9 DEVELOPER CONTRIBUTIONS

One consequence of development is that it is likely to increase the demand for public amenities, infrastructure, and services in the Shire including, but not limited to: community improvements; stormwater management; environmental management; parks and public reserves; transport; strategic management; and public facilities. As a result, a contribution under Section 94 or 94A of the *Environmental Planning and Assessment Act 1979* may be required as a condition of development consent.

Council may also require developers to contribute towards the augmentation of water, sewer and stormwater works to meet the additional demands of the new development. As a result, a contribution under the *Water Management Act 2000* (water, sewer) and/or *Local Government Act 1993* (stormwater) may be required as a condition of development consent in accordance with this legislation and/or Council's Plans and Policies.

A.1.10 PLANNING AGREEMENTS

Planning agreements are made in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and are voluntary agreements between Council and a landowner for development. A planning agreement may include infrastructure works and recurrent expenditure in relation to a public amenity, service or facility. A planning agreement

specifies how it relates to any applicable Section 94 or 94A Contributions Plan, and may provide that a development be excluded from the requirements of that plan in exchange for works in kind.

Early contact should be made with Council officers where planning agreements are envisaged and/or the proposed development may provide public facilities or the like outside of the requirements of the Section 94 or 94A Contributions Plan.

A.1.11 PRIVATE COVENANTS

Where inconsistency arises between this DCP and any private covenant on the subject land, the provision of this DCP prevail. Council is not required to have regard to private covenants in the assessment of development applications. Clause 1.9A of WLEP2013 outlines the full legal context associated with this provision.

A.1.12 ANCILLARY DEVELOPMENT

WLEP2013 sets out which land uses are permissible either without consent or with consent of Council or are prohibited in each zone. When making a development application, the dominant use on the site must be permissible in that zone. However, sometimes there may be additional uses as part of the proposed development that are 'ancillary' to the dominant use and these may or may not need to be permissible in that zone. This section seeks to assist with understanding what the term 'ancillary' means and when it applies.

An 'ancillary use' is one that is dependent, incidental or subordinate to a permissible use. For the purposes of WLEP2013 and this DCP, the following principles are applied in considering if a use may be ancillary development (and, therefore, permissible with consent):

- The ancillary use(s) is/are on the same land as the dominant one;
- Building(s) erected and/or used for ancillary development is/are necessary for the dominant use(s) to operate effectively;
- The area (or the size of the buildings) used for the ancillary use(s) is/are substantially less than the area (or size of the buildings) used for the dominant use;
- The number of employees involved in the ancillary use(s) is/are less than the number engaged in the dominant use.

Where one or more of the above principles cannot be achieved, a Proponent must be able to demonstrate to the satisfaction of Council that the use is subordinate, ancillary, incidental to, or dependent on the dominant use and it is not an independent use.

A.1.13 CUMULATIVE IMPACTS

In determining development applications, Council will consider not only the direct impacts of a particular development but also whether the development, when carried out in conjunction with other development in the locality, has a more significant (or cumulative) environmental impact. For example:

- In rural areas cumulative impacts may occur as a consequence of multiple dwellings locating in close proximity to other dwellings and agriculture. Issues such as effluent disposal, road and traffic impacts, distance between houses and other land use should be considered. Council supports a 'right to farm' in its rural zones so any dwellings on adjacent land need to consider this.
- In urban areas, the amenity of a residential area may be affected by a concentration of non-residential uses (e.g. industrial and higher impact business uses). Multi-dwelling housing and dual occupancies should also be located and designed in a way that fits in with the predominant low-density character of each town's residential areas.
- A number of industrial developments in proximity to housing areas can contribute to increased noise even though individually the noise generated from each industry may be within reasonable levels.

A.2 TYPES OF DEVELOPMENT

A.2.1 INTRODUCTION

This section provides background information to determine whether you require a development application and, therefore, whether this DCP is applicable to your development. The earlier you consider what type of approval you may require the easier the planning process will be as you will be able to design your development taking into account the relevant approval requirements and rules and you may not require an approval or it may provide quicker processes for gaining an approval.

A.2.2 EXEMPT DEVELOPMENT

'Exempt development' involves minor proposals that have minimal environmental impact.

Exempt development does NOT require planning or construction approval. Exempt development typically covers the minor 'do it yourself' renovation work such as replacing the tiles in your bathroom or erecting a pre-fabricated structure such as a garden shed.

To determine what is considered to be exempt development you need to look at the General Exempt Development Code in **State Environmental Planning Policy (Exempt and Complying Codes) 2008** (www.legislation.nsw.gov.au) as well as Part 3 of WLEP2013.

Some land may be excluded from having 'exempt development' (see **Clause 3.3 of WLEP2013**). Before you commence work you will need to ensure your development meets predetermined standards including the size, type and location of the building work for it to be exempt of any planning or construction approval. Exempt development will also need to conform to Australian Standards set out in the *Building Code of Australia*.

A.2.3 COMPLYING DEVELOPMENT

'Complying development recognises that some development that meets established criteria does not require a detailed assessment. **Complying development is a combined planning and construction approval.** Some land may be excluded from having 'complying development' (see Clause 3.3 of WLEP2013). **Complying development is a fast track, 10-day approval process where a building meets all of the predetermined standards in State Environmental Planning Policy (Exempt and Complying Codes) 2008** (www.legislation.nsw.gov.au), Part 3 of WLEP2012, and the applicable / relevant rules in the following Codes:

- (a) the General Housing Code,
- (b) the Rural Housing Code,
- (c) the Housing Alterations Code,
- (d) the General Development Code,
- (e) the General Commercial and Industrial Code,
- (f) the Subdivisions Code,
- (g) the Demolition Code.

The standards or rules that the building must comply with are numerical, meaning that the design of the building must not exceed the numbers in the rules. For example, a complying development height might be 8.5m so the proposed building's height cannot be greater than 8.5m to remain complying development. **A complying development certificate can be issued by either your local council or an accredited private certifier.**

A.2.4 LOCAL DEVELOPMENT

'Local development' is all other development (other than state & regional significant development – see below) that requires development consent. Council is usually the consent authority for local development. A development application needs to be prepared and it will be assessed in accordance with the development standards established by Council in WLEP2012, this DCP and any applicable Council policies.

These development standards include 'merit' considerations. This means that when the application is being assessed if it does not exactly fit the development standards can still be

approved 'on its merits'. **Wherever a building does not meet either the exempt or complying development rules (see above) then a development application will need to be lodged. You will also need to lodge an application for a construction certificate which provides the construction approval.** Building work cannot commence until you have an approved development application and a construction certificate.

Some local development may need to be notified to neighbouring land owners or be 'advertised development' in local newspapers when there is a higher chance of impacts on neighbours or the locality. See **Section A3 – Notification & Advertising** for more details when this will occur. Two other forms of local development are 'integrated development' and 'designated development'.

A.2.5 INTEGRATED DEVELOPMENT

'Integrated development' is a form of 'Local Development' and is defined in Section 91 of the *Environmental Planning and Assessment Act 1979* as development (not being State or regional significant development or complying development) that, in order for it to be carried out, requires development consent and **one or more of the following approvals as listed under that Section.**

The additional approvals include certain provisions under the *Fisheries Management Act 1994*; *Heritage Act 1977*; *Mine Subsidence Compensation Act 1961*; *Mining Act 1992*; *National Parks and Wildlife Act 1974*; *Petroleum (Onshore) Act 1991*; *Protection of the Environment Operations Act 1997*; *Roads Act 1993*; *Rural Fires Act 1997*; and *Water Management Act 2000* (or other acts as amended).

Please discuss your proposed development with your planning advisor or Council to determine if it is integrated development. If so, then among other things Council will need to obtain an approval from the relevant approval body under the particular piece of legislation in addition to Council's consent. There may also be additional development application fees.

A.2.6 DESIGNATED DEVELOPMENT

'Designated development' is a form of 'Local Development' and refers to developments which are high-impact developments (e.g. likely to generate pollution), or which are located in or near an environmentally sensitive area (e.g. a wetland). For example, designated development includes heavy industry with the potential to pollute, intensive livestock industries, extractive industries, mining operations, marinas, and aircraft facilities. This type of development requires a greater level of rigour and you must provide an **Environmental Impact Statement** with a development application for designated development.

There are two ways a development can be categorized as 'designated development':

- The class of development can be listed in Schedule 3 of the *Environmental Planning & Assessment Regulation 2000* as being designated development; or
- WLEP2012 or a State Environmental Planning Policy can declare certain types of development to be designated.

If a development application is categorized as designated development, the application:

- must be accompanied by an **Environmental Impact Statement ('EIS') (Appendix 1)**;
- will require public notification; and
- can be the subject of a merits appeal to the Land and Environment Court by objectors.

A.2.7 STATE & REGIONAL SIGNIFICANT DEVELOPMENT

For projects that are considered to have state or regional implications there are State Significant Development ('SSD') and State Significant Infrastructure ('SSI') applications generally for very large or expensive developments of 'state significance'. The requirements for these are set out in *State Environmental Planning Policy (State & Regional Development) 2011* and this replaces projects under *State Environmental Planning Policy (Major Projects) 2005*. The requirements of this DCP do not apply to state significant development. This may require assessment by a Joint Regional Planning Panel instead of Council.

A.3 NOTIFICATION & ADVERTISING

STEP 7

A.3.1 INTRODUCTION

Council considers public notification an important part of the development assessment process. However, since the community has had the opportunity to comment on this DCP to determine appropriate controls and development outcomes, where:

- a proposed development is consistent with the controls in this DCP; and
- the impacts from that development are relatively limited;

then additional consultation may be unnecessary and can delay the assessment of applications and may impede economic growth and development.

This chapter specifies when Council will or will not notify or advertise a development application and the form that notification / advertisement will take. This chapter also provides a mechanism whereby people can make a submission on particular development proposals to assist Council in the decision making process.

A.3.2 NOTIFIED DEVELOPMENT

Apart from the exceptions listed below (or where a development is advertised development), all other development applications that involve a use that requires development consent, alterations to the external configuration of a building, the erection of a new building, or variation to an adopted development standard, will be **notified** to adjoining land owners in accordance with this chapter.

The kinds of development that will **NOT** require notification are (assuming that the proposed development meets the controls in WLEP2012, this DCP, and other relevant standards):

- A single storey dwelling house;
- A single storey addition to a house;
- Attached (single storey) dual occupancy within Zone R5 Large Lot Residential;
- Minor external dwelling additions such as an open car port, pergola, or verandah;
- Private swimming pools;
- A detached garage or shed/outbuilding associated with a dwelling to be used in conjunction with (or ancillary to) the dwelling (i.e. not for commercial / industrial use);
- Any building on land within Zone RU1 Primary Production or Zone RU3 Forestry where the land has an area greater than 5 hectares and/or the building is greater than 150 metres from a boundary with a different owner;
- Subdivision creating less than 5 lots within Zones RU1 Primary Production & RU3 Forestry;
- Subdivision creating less than 3 lots within Zones R1 General Residential, R5 Large Lot Residential, and RU5 Village;
- A boundary adjustment;
- Commercial or industrial development within Zones B2 Local Centre, B6 Enterprise Corridor, and IN1 General Industrial that does not adjoin an existing dwelling or a residential zone;
- Development considered to have nil or minor impacts on adjoining land owners.

Despite the above exclusions, following site inspection of the site and consideration of such factors as the character of the existing and surrounding development, visibility of the site from public places, and local amenity and streetscape character, Council may determine that notification should occur and the adopted fee will apply.

In addition, if there is widespread community interest in a particular development, Council may determine that the application could be notified or advertised. Council also reserves the right to notify any public authority likely to be affected by or interested in the proposal.

The minimum period for which notice is given will be 14 days commencing from the day following the date of the notice (including any weekends or public holidays). The 14 day notification period must occur prior to the application being determined by Council.

A.3.3 ADVERTISED DEVELOPMENT

In addition to any requirements for advertising under state or federal legislation, the following kinds of development **may be advertised**:

- a) Demolition of a building or work identified as a heritage item in Schedule 5 of *Wakool Local Environmental Plan 2012*;
- b) Use of a heritage item for a purpose prohibited within the zone, as provided by clause 5.10(10) of *Wakool Local Environmental Plan 2012*;
- c) Major Council projects (not including utility services) with a value exceeding \$2,000,000 or likely to be of significant community interest;
- d) Subdivision creating 20 or more allotments;
- e) Non-residential uses in or adjacent to Zones R1 General Residential, R5 Large Lot Residential, or RU5 Village or development for the purpose of:
multi dwelling housing; residential flat buildings; seniors housing; hostels; boarding houses; group homes; boarding houses.
- f) Development that is likely to impact on surrounding properties including intensive livestock agriculture; heavy industries; heavy industrial storage establishments; sawmill or log processing industries; stock & sale yards; sex services premises; or restricted premises;
- g) Any development identified by senior Council staff that should be advertised in the public interest.

The minimum period of exhibition is 14 days (or as otherwise specified in the regulations or State Policy) from the date notice is published.

A.3.4 FORM OF NOTICE / ADVERTISEMENT

For Notified Development, written notice of the proposal must be given to all owners and occupiers of land that adjoins a site (even if separated by a road, railway or reserve) where an application has been received.

For Advertised Development written notice of the proposal must be given to all owners and occupiers of land that adjoins a site where an application has been received AND written notice of the development must be made in a local newspaper in the same form (as set out below).

The written notice and/or advertisement must contain the following minimum information (in accordance with the *Environmental Planning and Assessment Regulation 2000*):

- a) A description of the land (including the address) on which the development is proposed to be carried out;
- b) The name of the Applicant and the name of the consent authority;
- c) A brief description of the proposal for which consent is sought;
- d) A statement that the application and the documents accompanying that application may be inspected at the Council offices for the specified period;
- e) A statement that any person during the specified period may make a written submission in relation to the development application;
- f) A notification plan (for written notices only).

* *Adjoining land generally means land which shares a common boundary with the development site or is separated only by a pathway, driveway, laneway or public road; or is the closest land not owned by the developer.*

A.3.5 PUBLIC SUBMISSIONS

Submissions are letters, petitions, or similar written representations from individuals or groups of people regarding a particular application. It is recommended that written submissions be lodged if you have any concerns / objections about an application or wish to support an application. A submission can also suggest ways of overcoming concerns with an application or suggest alternatives to a proposal or an element of a proposal.

The submission should detail the name and address of the person making the submission, the development application number, the address of the property relating to the proposed development and the reason for the submission.

Unless otherwise specified, submissions may be received by Council up to the close of business on the last day upon which a person may inspect an application / make a submission.

Council will not make a decision relating to the development until the submission period has ended. Council will consider submissions received after the inspection date has closed **only if practical to do so**. Council is not bound to adopt a suggestion or support an objection when making its determination on the application.

Submissions can be sent to: OR Submissions can be delivered to the Shire Offices at:

The General Manager
Wakool Shire Council
Private Bag 40
Moulamein NSW 2733

Tualka Terrace, Moulamein NSW OR
15 Murray Street, Barham NSW

Please Note: Details of any submissions, summaries of submissions, and/or names and addresses of people making submissions, including identifying particulars, may be included in publicly available reports to Council or Committee Meetings. The provisions of the GIPA Act may, after due process, result in submissions marked confidential by the writer, being released to an applicant. The supply of personal information is voluntary; However If personal information is not provided, Council may be limited in dealing with a submission.

SECTION B

LAND USE TYPES

STEP 3

Please read the relevant section in SECTION B that applies to your proposed development:

SECTION B1 – RESIDENTIAL & ANCILLARY USES

SECTION B2 – INDUSTRIAL & HIGHER IMPACT USES

SECTION B3 – COMMERCIAL & RETAIL USES

SECTION B4 – AGRICULTURAL USES

SECTION B5 – SUBDIVISION

SECTION B6 – OTHER TYPES OF DEVELOPMENT

Mixed-use applications may require review of controls in multiple sections. Some aspects of development e.g. Signage & outdoor lighting or earthworks are addressed in Section B6 – Other Types of Development.

B LAND USE TYPES

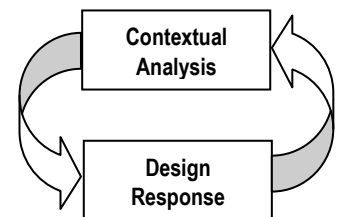
B.1 RESIDENTIAL & ANCILLARY USES

This section applies to all residential accommodation types including dwellings and their related (ancillary) uses including but not limited to driveways, garages, carports, garden sheds, storage sheds, fences, landscape and utilities.

The aim of this section is to promote residential development that is sustainable, maximises residential amenity, encourages innovation and quality design, promotes a range of housing choices and affordability, and integrates with the character of each area.

B.1.1 SITE PLANNING

- 1) **Objective(s):** All development must:
 - a) Consider and respond to the environmental opportunities and constraints on the site;
 - b) Avoid, or if it cannot avoid, minimise or mitigate against any environmental impacts or hazards or land use conflicts;
 - c) Protect and enhance any heritage items or historic streetscapes;
 - d) Integrate with the surrounding building and landscape character.
- 2) **Application:** The development application must include the relevant plans, studies and reports to support the application set out in **Appendix 1** or specified in this DCP.
- 3) **Land Use Conflicts:** The Proponent must address any issues if any proposed residential accommodation may:
 - a) Result in a dwelling being located within a buffer to a high impact land use as described in **Appendix 2 – Buffers for Sensitive Land Uses**;
 - b) Impact on the 'right to farm' of an agricultural practice in Zone RU1 Primary Production (held by a different owner) within 100m of any proposed dwelling;
 - c) Create any other land use conflicts beyond what is reasonable in that zone.
- 3) **Environment & Heritage:** The Proponent must confirm if the site or proposed development is affected by any matters in **Section C** relating to the Natural Environment, Hazards, and Heritage and, if affected, these issues must be addressed in the relevant plan(s)/report(s) set out in **Appendix 1** including **Site (Analysis) Plan(s)** and/or the **Statement of Environmental Effects / Development Application Form(s)** and taken into consideration in the design of the development.



B.1.2 BUILDING HEIGHT

Objective(s): To ensure that any development:

- 1) Integrates with the height, bulk and scale of adjacent development and the character of the area;
- 2) Minimises overlooking and overshadowing of adjacent dwellings and their private open spaces; and
- 3) Encourages innovative roof forms that increase solar access to buildings (in winter months) and/or have architectural merit.

Note: Buildings don't necessarily need to be the same height as adjacent development but if it has a different height the Proponent should address why this height is necessary, the impacts of that height on adjacent dwellings, how the building provides a transition in height to adjacent lower scale development, and how the objective has been addressed.

B.1.3 BUILDING SETBACKS

- 1) **Objective(s):** Buildings should be setback from the lot boundaries:
 - a) To maximise amenity for the proposed dwelling and any adjacent dwellings (including, but not limited to, separation from road noise, adjacent building noise, privacy, reasonable views, and overshadowing);
 - b) To allow for sufficient fire protection and/or address fire requirements;
 - c) To allow an area for landscape on the site for environmental and privacy benefits and to reduce the visual impacts of any building(s);
 - d) To ensure the proposed building is consistent in setback (and the appearance of bulk and scale) with the adjacent buildings whilst defining the street edge and creating desirable street proportions;
 - e) To provide some articulation and/or variation to the building elevations to provide visual interest.
- 2) **Setbacks from Classified State Roads:** All new buildings must be setback from classified roads in accordance with *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008* as follows:
 - a) Zones R1 & RU5 – 9m;
 - b) Zone R5 – 15m;
 - c) Zones RU1, RU3, & RU4 – 50m.

In the case of Wakool Shire Classified State Roads are The Sturt Highway (HW14) and the Yanga Way (MR694).
- 3) **Setbacks from Watercourses:** See Clause 6.6 of WLEP2012 that sets out minimum setbacks for development to key watercourses in the Shire as well as the requirements of Clause C1.2 of this DCP.
- 4) **Building Setbacks:** All new buildings (excluding garages, carports and outbuildings – see next clause) must meet the **minimum** setbacks in metres ('m') from the lot boundaries as set out in the table on the following page (see diagrams below):
- 5) **Articulation Zone:** The front setback required in the table above for dwellings facing the primary street frontage only may be reduced by up to 1.5 metres ('articulation zone') for a maximum of:
 - a) 50% of the front elevation of a dwelling excluding the carport/garage; or alternatively
 - b) 25% of the total front elevation including the carport/garage.

to allow for verandahs, porches, and entrance alcoves to extend into the 'articulation zone' (see diagrams below).
- 6) **Variation of Setbacks:** Council may consider a setback reduction where the Proponent can demonstrate that:
 - a) The shape of the lot and/or site constraints affect the placement of a building; and
 - b) There is sufficient setback for privacy and amenity of neighbouring dwellings; and
 - c) Building Code of Australia requirements are met (particularly for fire rating); and
 - d) **Clause A1.7 – Variations to the controls in this DCP** is addressed.

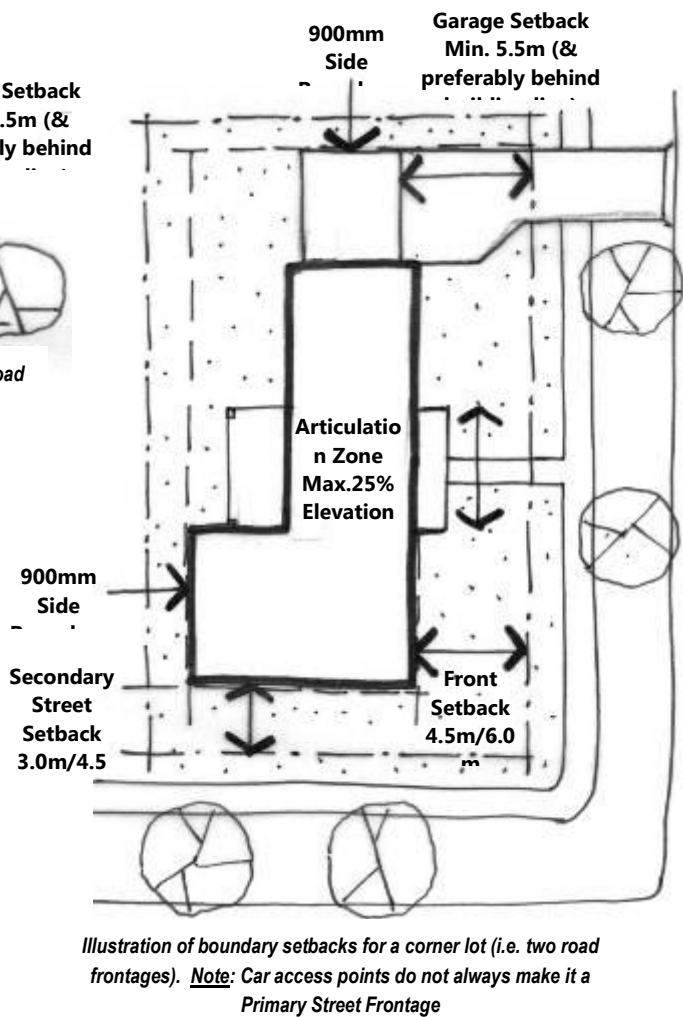
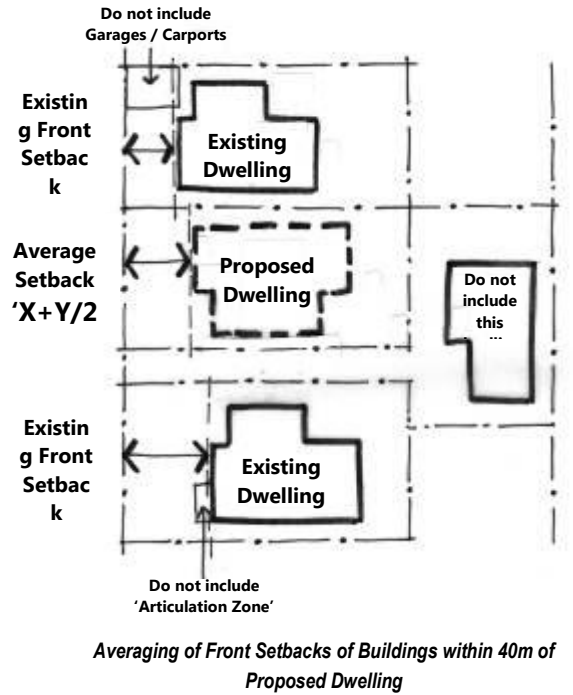
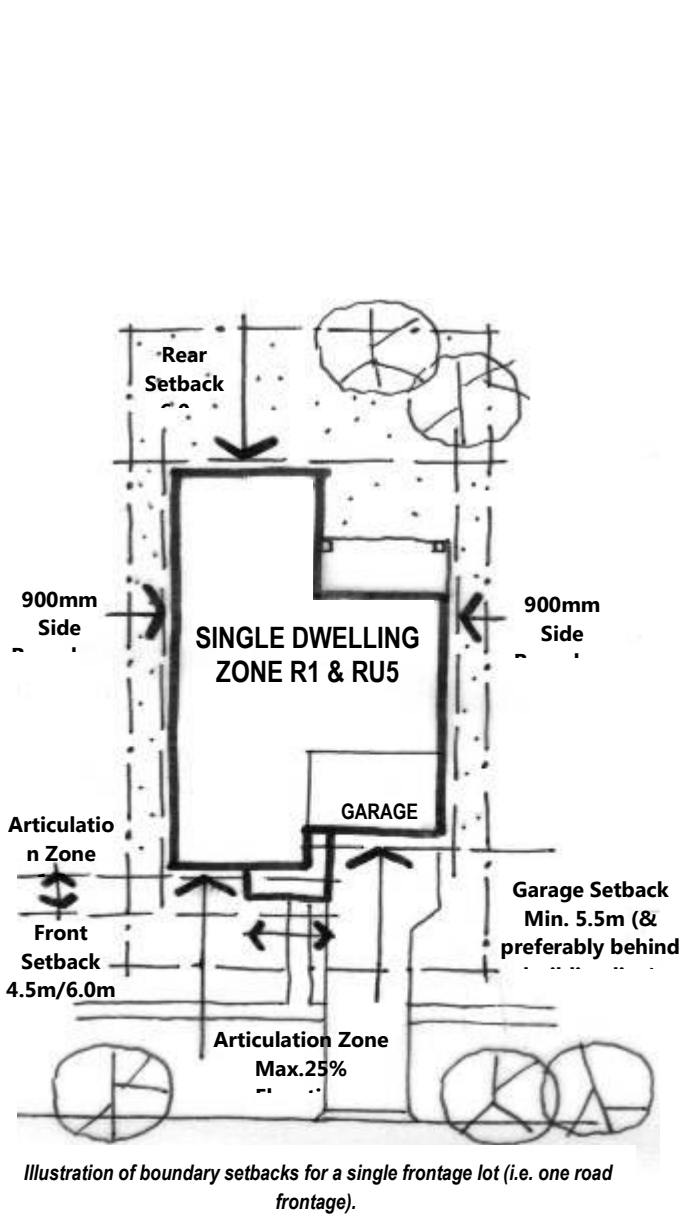
Clause B1.3(4): BUILDING SETBACKS				
ZONE / USE	PRIMARY STREET (Not Classified Road) (FRONT SETBACK)	SECONDARY STREET (Not Classified Road or rear lane) (CORNER LOTS)	SIDE BOUNDARY	REAR BOUNDARY (excl. Outbuildings)
R1 General Residential & RU5 Village Lots ≤ 900m ²	4.5m or average setback of adjacent dwellings (whichever is greater—see diagrams below).	3m (subject to driver's vision not being obstructed at intersections by building).	1 st storey = 900mm/BCA 2 nd storey = 2m 3 rd storey = 3m	6m (Rear setbacks should take into account setbacks of adjacent buildings).
R1 General Residential & RU5 Village Lots > 900m ²	6.0m or average setback of adjacent dwellings (whichever is greater—see diagrams below).	4.5m (subject to driver's vision not being obstructed at intersections by building).	1 st storey = 900mm/BCA 2 nd storey = 2m 3 rd storey = 3m	6m (Rear setbacks should take into account setbacks of adjacent buildings).
R5 Large Lot Residential Lots < 0.4 ha	10m or average setback of dwellings within 40m of the lot (whichever is less – see diagram below).	5m	2.5m	10m (Rear setbacks should take into account setbacks of adjacent buildings).
R5 Large Lot Residential Lots 0.4 ≤ 1 ha	15m	10m	10m	15m (Rear setbacks should take into account setbacks of adjacent buildings).
R5 Large Lot Residential Lots > 1 ha & RU1 Primary Production Lots ≤ 1 ha	25m	15m	10m	20m
RU1 Primary Production Lots > 1 ha	25m (Increased setback may be required if lot fronts an unsealed road).	25m (Increased setback may be required if a lot fronts an unsealed road).	15m (Inc. setbacks may be required if likelihood of impact on 'right to farm' of adjacent lot).	25m (Increased setbacks may be required if likelihood of impact on 'right to farm' of adjacent lot).
Shop Top Housing	Aligned with setback of shop & Building Code of Australia ('BCA')	Set by the <i>Building Code of Australia</i> ('BCA')		
B2 Local Centre	Set by the Building Code of Australia ('BCA')	Set by the <i>Building Code of Australia</i> ('BCA')		
B6 Enterprise Corridor	6 metres	Set by the <i>Building Code of Australia</i> ('BCA')		

Note(s):

Side and rear setbacks and setbacks from the boundary with a road do not apply to 'allowable encroachments' permitted under clause 3.7.1.7 of Volume 2 of the *Building Code of Australia* or any eave or roof overhang that has a horizontal width of not more than 450mm.

'Allowable encroachments' include fascias, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas meters, aerials, antennae, pergolas, sun blinds, unroofed terraces, landings, steps and certain ramps.

'Building Line': For the purposes of this DCP the 'Building Line' is the horizontal line formed by the wall of any building on the site (whether or not this accords with the setback requirements in this clause) but does not include any minor protrusions such as entrance alcoves, open verandahs or porches.



B.1.4 OUTBUILDINGS, CARPORTS & GARAGES

- 1) **Objective(s):** To ensure that outbuildings, sheds, carports and garages are appropriately sized and located to enable suitable ancillary uses to residential development whilst minimising their visual impact on the streetscape and views from adjacent buildings.
- 2) **Setbacks:** Outbuildings, garages and carports (see diagrams below):
 - a) Must be setback at least 5.5 metres from the primary or secondary street lot boundary (except rear lanes) to allow for another vehicle to be parked in the driveway within the site boundary;
 - b) Must not be any further forward than the front wall of the proposed dwelling facing a primary or secondary street (excluding any verandahs, porches and entrance alcoves in the 'articulation zone') (and preferably is setback behind the front building line for articulation) unless:
 - i) There is an existing dwelling and the Proponent has demonstrated that there is no other suitable site for the garage / carport that can comply with this control; or
 - ii) The lot area is equal to or greater than 4,000m² and the Proponent has demonstrated that the outbuilding, garage or carport will appear like part of the habitable dwelling including having the same construction, materials, and a matching roof pitch; or
 - iii) The lot is a riverfront lot and the design and siting of the outbuilding, garage or carport complies with B.1.4 (6) Outbuildings forward of the Building Line on Riverfront Lots.
 - c) May have limited or no setback to a rear lane if a Proponent can demonstrate that:
 - i) Other garages/carports on that lane have no setback to the lane; and
 - ii) There is sufficient lane width for vehicles to enter and exit the carport/garage.
 - d) May have limited or no setback to side boundaries for carports only (unless it is a semi-detached dwelling).
 - e) Must meet all other setbacks specified in the *Building Code of Australia*.
- 3) **Presentation to Street:** Enclosed garages or outbuildings:
 - a) That are attached as part of the primary dwelling and face a street are not to exceed:
 - i) 50% of the front elevation of the building; or
 - ii) 6.5 metres in width (whichever is greater) (see diagram opposite).
 - b) That are detached from the dwelling and have an internal floor area larger than 36m² must:
 - i) be located behind the rear building line of the primary dwelling and substantially screened by the dwelling and / or landscape when viewed from the street / primary road frontage;
 - ii) appear as a distinct and separate building from the primary dwelling (unless it is a residential flat building).
- 4) **Size & Dimensions:** All detached outbuildings (including carports and garages) for residential development (excluding residential flat buildings and mixed-use development) must not exceed the following sizes and dimensions unless there is suitable justification as to why the proposed development does not meet the criteria in accordance with (5) below.



Photo of triple garage that dominates the dwelling and the street.



Photo of garage that is not setback to the building line.



Photo of carports that are not setback to the building line.



Garage Max. 50% of Building Elevation or

Illustration limiting garage widths facing street frontages

The area in column 1 is calculated as the lot area minus the area of any allotment effected by required setbacks from a water course or riverfront area:

Column 1	Column 2	Column 3	Column 4	Column 5
R1 General Residential & RU5 Village	Floor Area per Outbuilding	Cumulative Floor Area (All Outbuildings)	Max. Length Any one building	Max. Height
< 300m ²	36 m ²	36 m ²	6.5 m	4.8 m
300 m ² but not more than 600m ²	56 m ²	75 m ²	9.5 m	4.8 m
> 600m ² but not more than 900m ²	90 m ²	130 m ²	12.5m	5.1 m
> 900m ² not more than 2000m ²	120 m ²	225 m ²	18.5 m	5.1 m
> 2000 m ²	185 m ²	225 m ²	18.5 m	5.1 m
R5 Large Lot Residential	Floor Area per Outbuilding	Cumulative Floor Area (All Outbuildings)	Max. Length Any one building	Max. Height
Lot ≤0.4ha	185 m ²	225 m ²	18.5 m	5.1 m
Lot >0.4ha	230 m ²	248 m ²	24.0 m	5.1 m



Photo of dwellings utilising both building elements and colour to articulate the building.

5) **Size Exemptions:** Detached outbuildings (including carports and garages) for residential development (excluding residential flat buildings and mixed-use development) may only exceed the area shown in column 2 to the table in B.1.1 (4) where the applicant has adequately addressed clause A.1.7 Variations to the Controls in this DCP and:

- a) the variation does not exceed the area shown in column 3 to that table; and
- b) the dimensions are not to exceed 60% of the floor area of the primary dwelling; and
- c) The width of the out building does not exceed 60% of the length of the front elevation of the primary dwelling; and

6) **Outbuildings forward of the Building Line on Riverfront Lots:** On river front allotments dwellings will generally be sited to take advantage of views to the river, with outdoor recreation facilities located between the dwelling and the river.

In these circumstances detached outbuildings may be approved forward of the building line where such proposals do not dominate the street frontage and the use of materials, articulation and architectural design makes a positive contribution to the local built environment and enhances the character and amenity of the streetscape and local neighbourhood.

- a) Detached outbuildings (including carports and garages) for residential developments (excluding residential flat buildings and mixed-use development) which are erected in R1 General Residential and RU5 Village Zones, forward of the building line on riverfront lots must not exceed the following size and dimensions:

Column 1	Column 2	Column 3
Floor Area per Outbuilding	Max. Length Any one building	Max. Height
92 m ²	13.0 m	4.5 m



Above Illustration shows an example of good design principles so as not to dominate the street frontage

- b) The street elevation of the Garage / Shed shall be a maximum of 35% of the block width or a maximum of 50% of total width of front elevation of the dwelling whichever is the lesser. (20m wide block = 7m street elevation)
- c) Building design is to achieve relief in roof and built form, and facades are to be articulated through materials and encroachments at a detailed level to achieve a high standard of visual character which complements the dwelling and provides a positive contribution to the streetscape.
- d) The Garage / Shed shall be setback 10m from the front boundary and 2m from the side boundary to allow for development appropriate landscaping. A lesser setback may be approved were it can be demonstrated that design principles provide a positive streetscape contribution and the Garage / Shed presents as part of the principal building (dwelling).
- e) The eave height of the outbuilding shall not exceed the eave height of the dwelling by more than 300mm. Where a skillion roof design is employed the higher eave shall not exceed the height of the lower eave by more than 1500mm.
- f) The Garage / Shed shall not be located directly in front of the habitable portion of the dwelling, to ensure there is no interference with the aesthetic relationship and visual connection between the development and the streetscape.
- g) The application is to be accompanied by a Site (Analysis) Plan utilising the base information from a Survey Plan or sketch diagrams of the site and surrounds as well as other local information about the site and its context to adjoining sites, providing an outline of the proposed development showing how the development responds to the opportunities and constraints of the site and surrounds.
- h) The application is to be accompanied by a detailed landscape plan, complying with the provisions of B.1.10, which demonstrates a positive contribution to the streetscape. Plantings are to include advanced screening plantings of not less than 2.0m in height.



Illustrations showing examples of poor design principles

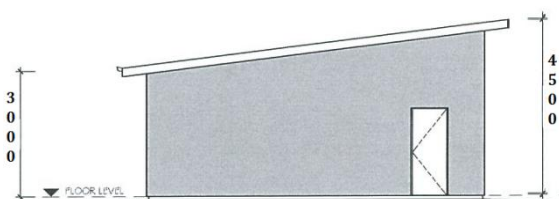


Illustration showing example of eave height principles for skillion rooves



Above Illustration shows an example of good design principles combined with appropriate landscaping, providing positive streetscape contribution

B.1.5 SITE COVERAGE

- 1) **Objective(s):** All residential development should provide sufficient site area without buildings or impermeable hard surfaces:
 - a) To avoid overdevelopment of the site and protect the area character;
 - b) To encourage development that responds to the site opportunities and constraints;
 - c) To protect existing significant trees and their root systems;
 - d) To allow for infiltration of water, and significant landscape and plantings;
 - e) To provide ground level open spaces and recreation areas for the development;
 - f) To encourage passive solar design and energy efficiency; and
 - g) To maximise residential amenity and privacy.
- 2) **Medium Density Housing:** Dual occupancies, multi dwelling housing and residential flat buildings must not exceed site coverage of 70% (including all hardstand and driveway areas) in Zone R1 General Residential or Zone RU5 Village.

Note: There are also minimum lot sizes for development of medium density housing types in WLEP2012 Clause 4.1B including dual occupancies and multi-dwelling housing in certain zones. See **Clause B5.5 of this DCP** for more details.

B.1.6 ORIENTATION, SOLAR ACCESS & CROSS VENTILATION

- 1) **Objective(s):** All residential development should seek to incorporate passive design principles that will contribute to the overall energy efficiency of residential dwellings and reduce energy consumption including management of solar access and natural cross ventilation.

Note: Passive solar design uses building orientation and design to heat and cool a house without mechanical or electrical assistance. It involves a combination of appropriate site planning and building orientation; building height; roof and eave design; window types, location and orientation; shading devices and landscape; and internal layout.

The optimum orientation to maximise passive solar access is for windows of living or active use areas to face between 30° east of north or 20° west of north. A dwelling oriented along the east-west axis has a larger frontage with potential for solar access. See diagram below.

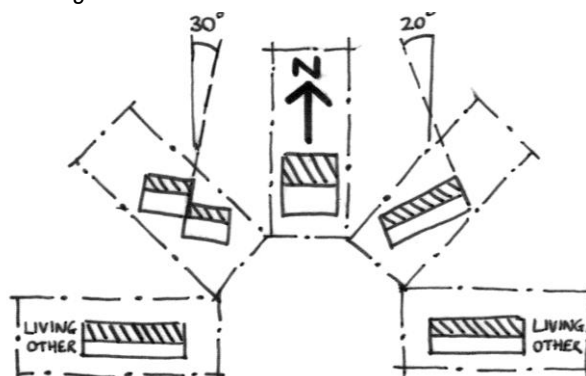
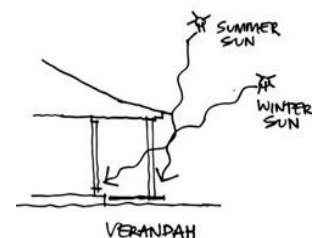
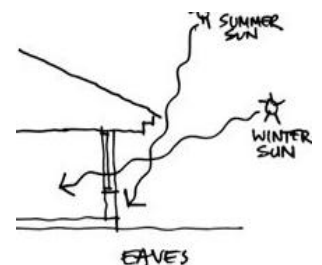


Diagram showing best dwelling orientation and location of primary living spaces (hatched areas) for solar access (Source: www.yourhome.gov.au).

- 2) **Solar Access:** All residential development should demonstrate how the proposed development will maximise solar access to the primary living areas and private open space(s) in winter whilst minimising solar access during summer to reduce energy consumption for heating and cooling requirements.

Note: In general, a significant part of the windows of the primary living area(s) and adjacent outdoor open space(s) should receive at least 2-3 hours of direct sunlight on the Winter Solstice (21st of June) between 9am and 3pm.

Living / active use areas should be located on the north face of a building (where possible).



Illustrations of shading by eaves and verandahs for north facing buildings.

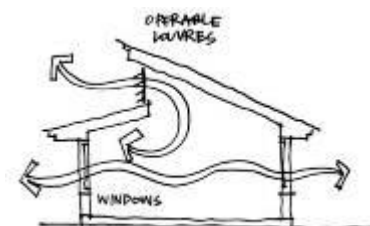


Illustration of ways to maximise ventilation to a dwelling.

Buildings eaves, shading devices and landscape should be designed to respond to the seasons by allowing solar access in winter and blocking solar access in summer.

- 3) **Overshadowing:** On all lots with an area less than 550m² or where the proposed development is two storeys or greater, the Proponent should demonstrate how the proposed development will minimise impacts on solar access to living areas and private open spaces of dwellings on adjoining lots.

Note: For all developments of 2 storeys or more, Council may require the preparation of **Sun Shadow Diagrams** for the proposed development and adjacent buildings/vegetation (Appendix 1).

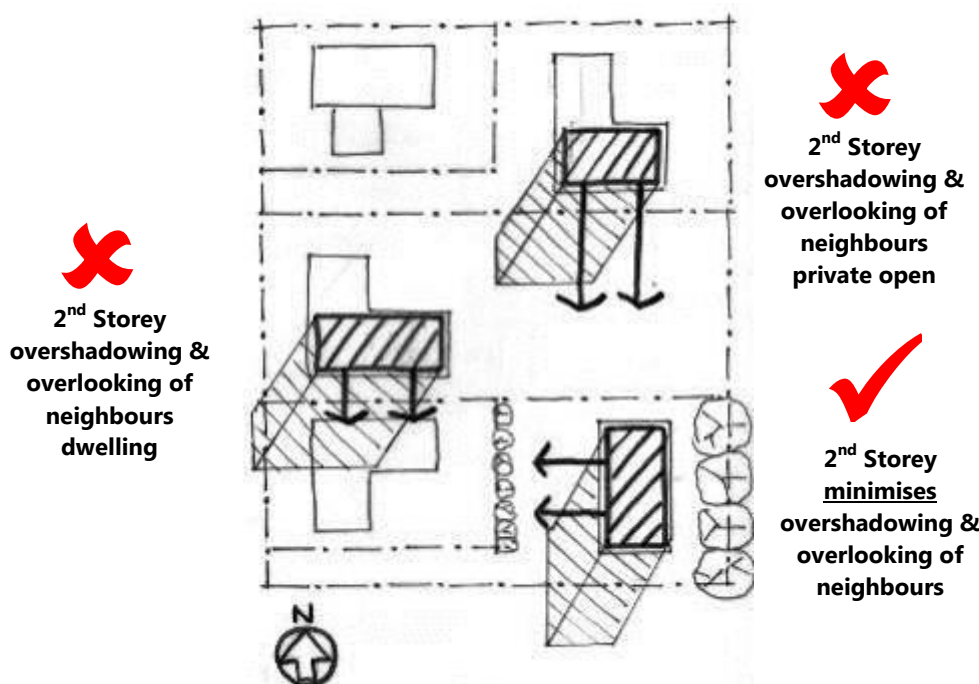


Diagram illustrating positive and negative effects of higher buildings on neighbouring dwellings and private open spaces.

- 4) **Cross Ventilation:** Natural cross ventilation should be promoted with operable windows to the primary living spaces on at least two different (and preferably opposite) walls and/or upper level operable louvers (see example diagram opposite).

B.1.7 PRIVATE OPEN SPACE

- 1) **Objective(s):** Residential development should incorporate sufficiently sized and suitably located outdoor private open space and landscape areas:
- To maximise amenity for each dwelling and
 - To maximise solar access to private open spaces and living areas.
- 2) **Private Open Space (Dual Occupancies / Multi Dwelling Housing):**
- Private open space ('POS') is the primary outdoor space that ideally is directly accessible from a living area and screened from view from a public place, adjacent dwellings and adjacent common open space within the development.
 - The minimum area and dimension of POS for each dwelling in a dual occupancy or multi-dwelling housing (at ground level) depends on its position relative to the dwelling for solar access and is set out in the following table and diagram:

POS Location (relative to the adjacent dwelling)	Minimum Area	Minimum Dimension
North	35m ²	5m
West	45m ²	6m
East	50m ²	6m

POS Location (relative to the adjacent dwelling)	Minimum Area	Minimum Dimension
South	60m ²	6m

Note: The private open space area calculation must not include intrusions e.g. drying areas, electricity substations, water tanks, hot water systems, retaining walls etc.

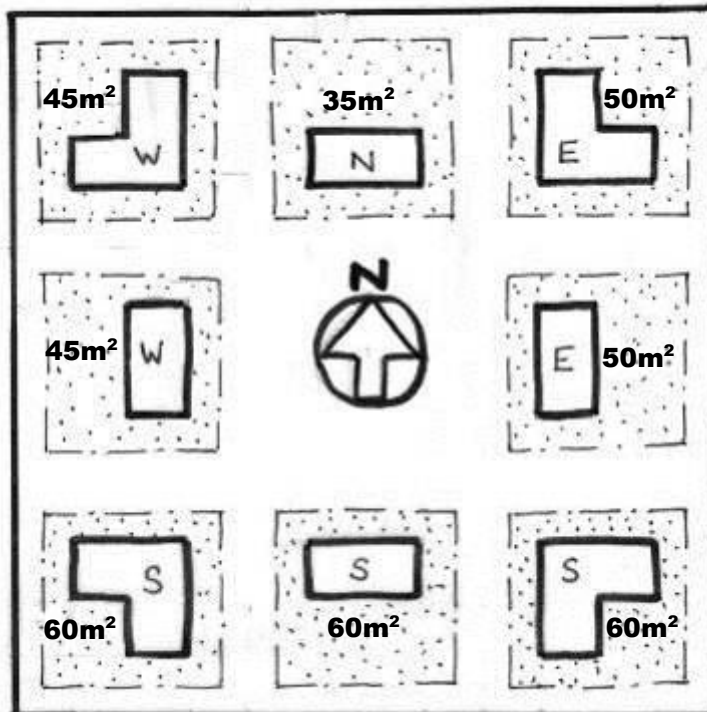


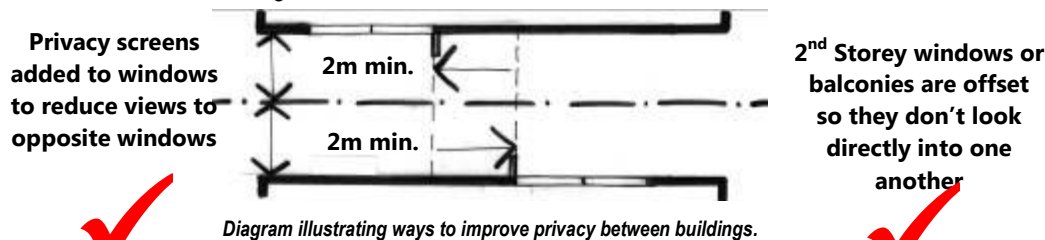
Diagram illustrating the area of private open space required depending on the location (solar access) of the area in relation to the building.
(The Symbols 'N', 'W', 'E', 'S' represent the POS location relative to the dwelling).

B.1.8 ACOUSTIC (NOISE) & VISUAL PRIVACY

- 1) **Objective(s):** Development must demonstrate how it will:
 - a) Preserve the visual privacy and minimise overlooking of the living area(s) and private open space(s); and
 - b) Minimise unreasonable noise impacts;
 on any existing or future dwellings on adjoining lots or dwellings in reasonable vicinity to the proposed development.

Note: Single storey dwelling development that meets the setback controls does not require specific privacy controls.

- 2) **Windows & Balconies:** Development that:
 - a) is more than one storey (including habitable attic rooms with dormer windows); or
 - b) where the floor level is greater than 1 metre above the existing ground level; or
 - c) that does not meet the minimum building setbacks,
 should locate and size windows to habitable rooms or balconies to avoid looking directly into windows, balconies, courtyards, primary private open space(s) or access walkways of adjoining dwellings or demonstrate how overlooking will be minimised. Techniques could include offsetting windows, adding privacy screens, opaque windows, raising the sill level of the windows or landscape screening (see diagram below). However, barriers to solar access to living rooms are not desirable.



- 3) **Pathways / Driveways (Dual Occupancies / Multi Dwelling Housing):** Where an accessway to another dwelling / parking area is in close proximity to a dwelling window there should be sufficient setback between the accessway and any windows to enable landscape plantings for privacy and acoustic amenity.

B.1.9 BUILDING ARTICULATION, DESIGN & MATERIALS

- 1) **Objective(s):** Building facades (especially for larger buildings or those facing public spaces such as a public road, reserve, railway or adjoining residential area) must incorporate variations in the façade treatments, roof lines and building materials to avoid large blank walls, reduce the bulk and scale of the building, minimise reflective material, and provide visual interest.
- 2) **Street Frontage:** Development must address any street frontage (unless it is on a battle-axe lot). Building facades facing the street cannot be a blank wall and must have window(s) and/or door(s) to a habitable room to articulate the building, allow for casual surveillance of the street, and improve the street character.
- 3) **Reflectivity:** External materials must have low reflectivity if they are visible from a public road or neighbouring dwelling and there is a reasonable probability of glare affecting driver safety, residential amenity, or the building being too visually intrusive.



Photo showing poor orientation of building to street with a 'gun-barrel' driveway.

B.1.10 LANDSCAPE

- 1) **Objective(s):** Landscape design for residential development should address:
 - a) The shading of buildings in summer and their solar access in winter, privacy, security, recreation and amenity of the subject site and adjacent lots;

- b) Suitability of species to the climate and local ecology (and minimising maintenance and watering requirements).
- 2) **Plans:** Landscape Plans must be provided depending on the type of residential development in accordance with **Appendix 1**.
- 3) **Landscape Design:** Proposed trees and landscape should address:
 - a) Retention and incorporation of any significant existing trees on the site (if possible);
 - b) The likely height and size of key species that integrate with the scale of the development but avoid future incompatibility due to proximity to buildings or falling limbs;
 - c) Whether the species is deciduous or perennial and how this will facilitate solar access in winter and shade in summer;
 - d) Whether the species will screen less visually appealing areas such as car parks, garbage storage areas, clothes drying areas as well as providing privacy for dwellings;
 - e) How any screening may impact on casual surveillance of the street and public spaces;
 - f) Whether the species is suited to the climate (frost and drought tolerance) and local ecology (avoiding, where possible, weeds or invasive species) and providing details of maintenance and watering requirements.
- 4) **Landscaped Areas (Dual Occupancies / Multi Dwelling Housing):** The minimum total outdoor landscaped area for each dwelling for dual occupancies and multi-dwelling housing is:
 - a) **Dual Occupancies:** 100m² for each dwelling;
 - b) **Multi Dwelling Housing:** 80m² for each dwelling in Zone R1 General Residential and Zone RU5 Village and 60m² for each dwelling in Zone B2 Local Centre.

Note: For landscaped area to be included in this calculation they must have a minimum dimension of 2 metres but cannot include areas used for driveways, car parking or drying areas and any decks, hardstand, or roof areas.
- 5) **Access Sightlines:** Driver visibility / sightlines along roads at the entrance /exit of any lot must not be impaired by any fences or landscaping.
- 6) **Large Car Parks:** Landscaping must be provided in outdoor car parking areas where there are greater than 10 off-street car spaces required in order to provide shade and soften the visual impact of large hard surfaces.
- 7) **BASIX:** Landscape must comply with that shown on the approved BASIX Certificate for the dwelling.

B.1.11 FENCING

- 1) **Objective(s):** Fencing must seek to balance security and privacy with the community need for new development:
 - a) To address the street frontage;
 - b) To provide opportunities for casual surveillance of the street,
 - c) To avoid large blank fence sections that are unsympathetic to the street character.
- 2) **Application:** The development application must provide sufficient details of any fencing to understand the fencing type and material on all boundaries of the lot including elevations if the fencing is on a street frontage.
- 3) **Front Fencing:** Fencing facing the primary street frontage (see diagram):
 - a) Can utilise solid components (or a mix of solid and transparent materials) up to 900mm above natural ground; but
 - b) Any fencing higher than 900mm up to a maximum of 1.2 metres must be an open style with a minimum aperture width of 25mm.

- 4) **Secondary Street Fencing:** Fencing facing a secondary street frontage can have a maximum height of 1.2 metres but in front of the **building line** it must match the front fence and provide sight-lines around the building corner (see diagram).
- 5) **Side & Rear Fencing:** Side and rear fencing can utilise solid materials or a mix of solid and transparent materials up to a maximum height of:
 - a) 1.8 metres behind the **front building line**; and
 - b) 1.2 metres in front of the **building line**.

However, the section of the side boundary fence located in front of the building setback must match the front fence (see diagram).

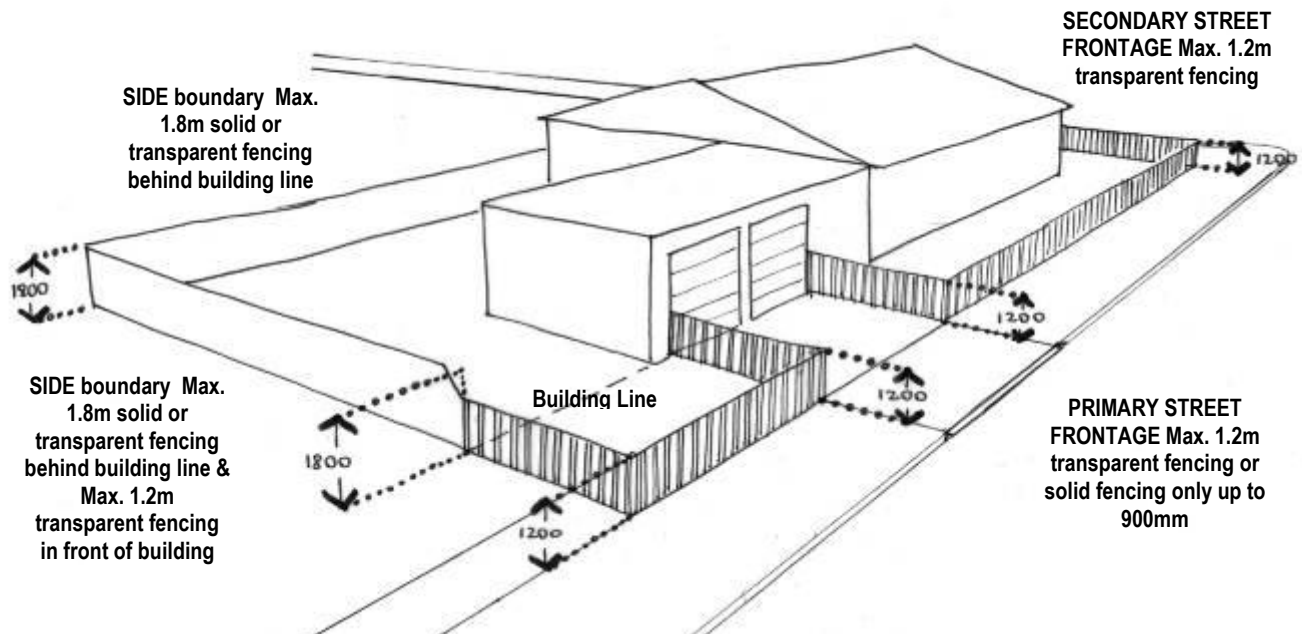


Diagram above illustrating appropriate maximum fence heights and materials for a corner lot.

- 6) **Reflectivity:** If fencing is constructed of metal components it must be of low reflectivity, factory pre-coloured materials.
- 7) **Surface Water:** Fencing must not redirect the flow of surface stormwater onto an adjoining property.
- 8) **Bushfire:** If fencing is located on bush fire prone land it must be constructed of non-combustible material or hardwood.

B.1.12 BASIX (WATER & ENERGY EFFICIENCY)

Certain residential development will need to provide a **BASIX Certificate** in accordance with *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*. This seeks to ensure that certain dwellings meet minimum standards for water and energy efficiency.

As the diagram shows below there are a variety of ways that a dwelling can address the BASIX requirements. Go to www.basix.nsw.gov.au for more information or to conduct a BASIX assessment online **Note:** *There is a fee to generate a **BASIX Certificate**.*

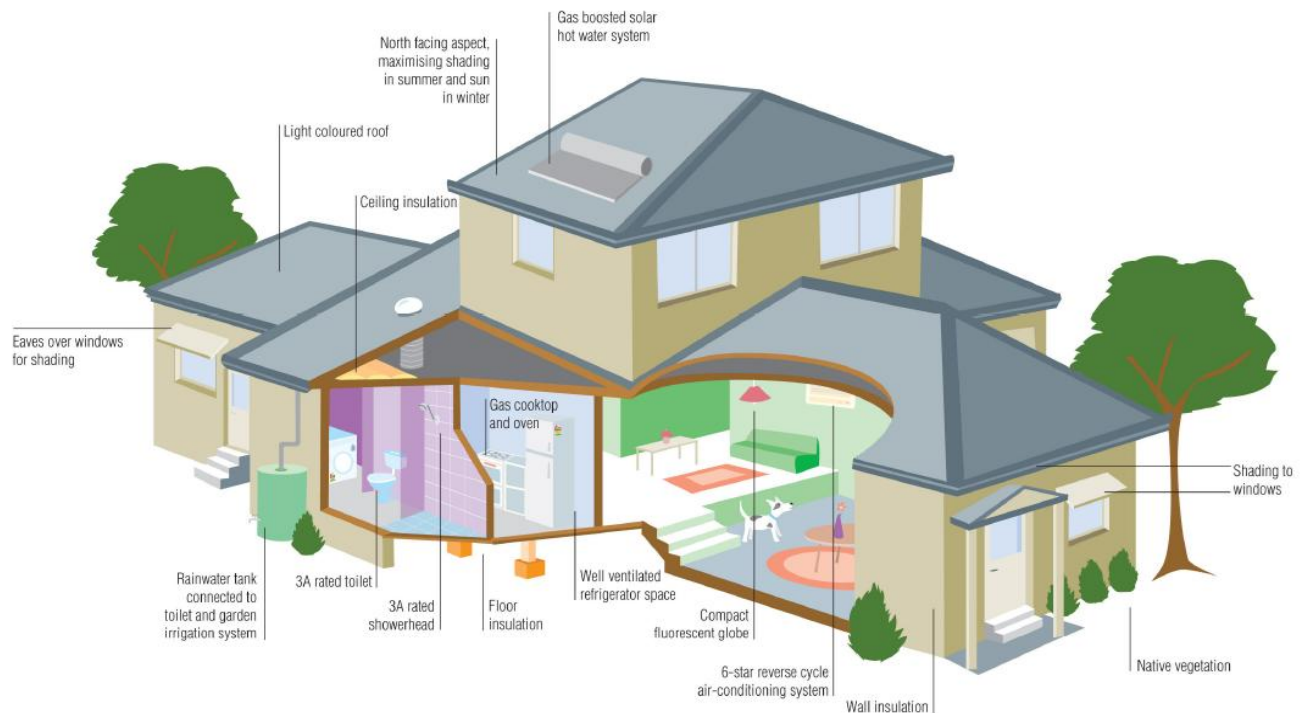


Diagram illustrating a range of potential ways to achieve BASIX in a detached single dwelling or other similar dwelling type (Source: www.basix.nsw.gov.au).

B.1.13 ACCESS & PARKING

- 1) **Objective(s):** To ensure that all development is designed:
 - a) To promote safe and efficient access/egress to each lot/development;
 - b) To provide appropriate areas for vehicle manoeuvring and turning,;
 - c) To provide sufficient on-site parking to minimise reliance on public roads for parking.
- 2) **Access & Parking:** All lot access and parking must be provided in accordance with the requirements in **Section C4 - Parking Requirements**.

Note: For all large developments Council may require the preparation of a **Traffic Assessment** prepared or certified by a professional traffic engineer in accordance with the requirements of **Appendix 1**. For small developments (primarily single dwellings or dual occupancies) any traffic issues must be addressed in the **Statement of Environmental Effects**.

B.1.14 UTILITIES & SERVICES

- 1) **Objective(s):** To ensure that all development:
 - a) Has access to the level of services/utilities appropriate for that use and that zone;
 - b) Meets the reasonable costs of provision of any expansion or augmentation of those services/utilities to service the development;
 - c) Does not interfere with existing utilities, their future expansion or maintenance.
- 2) **Servicing Strategy:** A **Servicing Strategy** must be provided for all residential development other than single dwellings or dual occupancies in accordance with **Appendix 1**. All development must demonstrate how it will provide adequate access to or management of water, sewerage, electricity, telecommunications and waste during construction and operation.
- 3) **Reticulated Sewer:** If reticulated (centralised) town sewerage is available or within reasonable proximity to a site in Zone R1 General Residential, Zone RU5 Village, Zone B6 Business Enterprise, or Zone B2 Local Centre then the site must be connected to that reticulated sewerage system.

Note: For Tooleybuc this includes the common effluent disposal system.

- 4) **On-Site Sewage Management:** Where there is no reticulated town sewerage within reasonable proximity of the site then the Proponent must:
 - a) Make an application for an on-site waste management scheme in accordance with Section 68 of the *Local Government Act 1919*; and
 - b) Provide an **Effluent Report** in accordance with **Appendix 1**.
- 5) **Sewerage (Internal Toilets):** All residential dwellings in Zone B2, B6, R1, R5 or RU5 must have an internal toilet / WC. An external cesspit or WC will not be approved as the only amenity for a residential building.
- 6) **Water Supply:** The Proponent must demonstrate that the proposed development:
 - a) Has access to an adequate reticulated (centralised) potable water supply provided by Council; or
 - b) Has a rainwater tank of minimum storage of 90,000 litres, of which a minimum of 20,000L is retained for fire fighting purposes; or
 - c) There is adequate alternative water supply (both quantity and quality) and storage available with an approved on-site purification system.
- 7) **Stormwater:** All stormwater drainage systems should be designed to flow to Council's stormwater system if one is within reasonable proximity of the site or it should have retention and water quality measures if flowing to an open drain or watercourse.
- 8) **Building near Utilities:** All buildings and structures are to be located so:
 - a) They do not obstruct access to existing or proposed utilities such as sewer, water, electricity, and telecommunications (whether they are underground or above ground); and
 - b) For sewer mains, they are not to be located over an easement or where an easement does not exist, the structure must be located a minimum distance of the equivalent invert depth from the centreline of the main plus one (1) metre.

B.1.15 OUTDOOR LIGHTING & SIGNAGE

Note: *In general, the only signage permissible for residential uses is a sign showing the building address, number, name, age or directional / navigation signage for larger multi-dwelling housing or residential flat buildings. See Section B6 – Other Types of Development for signage for land uses other than residential uses.*

B.1.16 WATER TANKS

- 1) **Objective(s):** Water tanks are encouraged in urban areas to promote sustainable water use but should be located, designed and screened to minimise their visual and acoustic impact.
- 2) **Water Tank Location & Design:** In urban areas (Zones B2, R1, R5 and RU5) water tanks must:
 - a) Be located behind the **front building line** of any road frontage (unless placed below the ground) or if it is a heritage item it must be located behind the rear **building line** (in the rear yard);
 - b) Not exceed 3.2 metres in height above natural ground;
 - c) Minimise their visual impact by suitable screening / landscape if visible from a public place or street;
 - d) Be constructed of non-reflective material;
 - e) Have all pumps located at least 15m from a habitable room of an adjacent dwelling or house them in a sound-proof enclosure.

B.1.17 POOLS & SPAS

- 1) **Objective(s):** Pools and spas should be located, designed and screened to minimise their visual and acoustic impact.
- 2) **Location:** Pools and spas (including their fencing) are to be located behind the **front building line**.
- 3) **Screening:**
 - a) Where pools and spas are visible from a public place or road then details of screening must be provided as part of the development application.
 - b) Where retaining walls or decks exceed 1.0 metre above the natural ground level then details must be provided of proposed landscaping to reduce visual impact on adjoining properties.
- 4) **Pool Pump:** Any pool pump and enclosure must be located more than 15 metres from a habitable room in a dwelling on an adjoining property or within a sound-proof enclosure.

B.1.18 TEMPORARY ACCOMMODATION (DURING DWELLING CONSTRUCTION)

Note: Council will permit in limited circumstances for the owner of a site and their immediate family to erect or inhabit a temporary residence on the development site to live in during the construction of the proposed dwelling. A temporary residence may comprise of a shed (Council approved); Caravan (with or without annex); or combination of shed and caravan.

- 1) **Objective(s):** To ensure temporary dwellings are appropriately constructed and only used for the limited time needed to construct the permanent dwelling.
- 2) **Prohibited Zones:** Temporary accommodation is not permitted in Zone R1 General Residential (Barham or Murray Downs) or Zone B2 Local Centre (Barham).
- 3) **Approvals:** Temporary accommodation must be erected in accordance with approvals pursuant to the *Building Code of Australia* and the *Local Government Act 1993*.
- 4) **Finance:** Written evidence must be provided to Council demonstrating that finance is available for erection of the proposed permanent dwelling and construction could be completed within a period not exceeding 24 months from the date of approval.
- 5) **Location:** The temporary accommodation must not be built within the front setback of the proposed permanent dwelling.
- 6) **Users:** Occupation of the temporary accommodation must only include the owner and immediate family.
- 7) **Prior to Occupation:** Temporary accommodation must not be temporarily or permanently occupied until:
 - a) Council has approved the development application and issued a Construction Certificate for the permanent dwelling on the site;
 - b) An appropriate approval has been given by Council indicating that the temporary accommodation has been constructed in accordance with the plans and specifications (Occupation Certificate);
 - c) All sewer drainage for the temporary accommodation has been connected to the town sewerage system or Council approved on-site waste management system (where applicable);
 - d) The permanent dwelling has been constructed up to the footings (including Council inspection) or floor level (i.e. concrete slab or timber floor including sub-drains).
- 8) **Fixtures:** The temporary accommodation must be provided with:
 - a) Kitchen with cooking, washing facilities and running water;
 - b) Shower and toilet facilities;
 - c) Points of connection for a washing machine;

- d) Smoke detectors installed in accordance with the *Building Code of Australia*.
- 9) **Length of Use:** The maximum period temporary accommodation can be occupied is:
 - a) 24 months; or
 - b) 3 months from the date the final occupation certificate is issued for the permanent dwelling (whichever is the shortest time).

B.1.19 RELOCATED DWELLINGS

- 1) **Objective(s):** To ensure relocated (existing) dwellings are safe for occupation and use prior to their delivery to the site.
- 2) **Applications:** Applications for relocated dwellings must include:
 - a) **Structure:** A **Structural Report** prepared and/or certified by an accredited Building Surveyor or Structural Engineer, certifying the structural soundness of the building;
 - b) **Photos:** Photographic evidence of the dwelling (prior to its relocation to site) supported by a description of its condition;
 - c) **Asbestos:** A **Structural Report** prepared and/or certified by an accredited Hygienist certifying that there is no asbestos or other hazardous materials in the building.

Note: Relocated dwellings must not be moved onto the site before development consent is issued and no work is to commence on the re-erection of the dwelling until the Construction Certificate is approved by Council or the Principal Certifying Authority.

B.1.20 RURAL WORKERS DWELLINGS

- 1) **Objective(s):** Rural worker's dwellings are encouraged in rural areas to support agricultural employment but should be located in proximity to existing buildings:
 - a) To create building 'clusters';
 - b) To minimise impacts on agricultural land and activities, and
 - c) To avoid isolated dwellings with additional access and infrastructure needs.
- 2) **Location/Design:** Rural worker's dwellings must be located within 200 metres of the primary dwelling or key farm buildings and utilise the same driveway access from the road network and same electricity infrastructure as the primary dwelling / key farm buildings.

Note: In accordance with the definition for 'rural worker's dwellings' in WLEP2012, they must also be located on the same lot as the primary dwelling for that property.

B.1.21 ADAPTABLE UNITS

- 1) **Objective(s):** To ensure that larger residential developments provide a percentage of dwellings that are adaptable to meet changing needs of residents and the community.
- 2) **Adaptable Housing:** Any development of 5 or more units as multi dwelling housing or a residential flat building must provide 1 unit for every 5 units that is capable of conversion to adaptable housing in accordance with *Australian Standard AS4299 (1995) - Adaptable Housing* (as amended) – Class C Level (All essential features incorporated).

B.1.22 FACILITIES / STORAGE

- 1) **Objective(s):** To ensure that more complex residential development provide appropriately located and designed mail, garbage, clothes drying and storage areas to address service provider needs, protect street character, and provide residential amenity.
- 2) **Letterboxes:** For all dual occupancies, multi dwelling housing and residential flat buildings – letterboxes are to be provided at the front property boundary in accordance with Australia Post specifications. Strata developments require an additional letterbox for the Owners Corporation.

- 3) **Garbage Areas:** For all multi dwelling housing and residential flat buildings - screened garbage storage is required inside the front property boundary, at the rear of each unit or within garages. Storage locations are to be included in the landscape plan.
- 4) **Clothes Drying Facilities:** For all multi dwelling housing and residential flat buildings – clothes drying facilities are required that do not obstruct access ways. Clothes lines and hoists must be located at the rear of the development and adequately screened from adjoining roads.
- 5) **Storage:** For multi dwelling housing and residential flat buildings – each dwelling must provide a minimum of 5m³ of dedicated storage in addition to the standard internal storage provision (e.g. wardrobes, kitchen cupboards, pantry, and linen press).

B.1.23 RESIDENTIAL FLAT BUILDINGS

Residential flat buildings must comply with the requirements set out in *State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development* (see www.legislation.nsw.gov.au). Ways to achieve the principles of the State Environmental Planning Policy are set out in the guidelines entitled 'Department of Infrastructure, Planning and Natural Resources (2002) *Residential Flat Design Code*' (see www.planning.nsw.gov.au/residential-flat-design-code).

B.1.24 FUTURE SUBDIVISION (DUAL OCCUPANCIES)

Dual occupancy development must demonstrate in the **Statement of Environmental Effects** that it has considered potential future subdivision controls in accordance with Part 4 of WLEP2012 and Section B5 Subdivision of this DCP including locating buildings with adequate access to and clearance from utilities and with suitable future driveway access.

B.1.25 ANIMALS IN LARGE LOT RESIDENTIAL AREAS

- 1) **Types of Animals:** In Zone R5 Large Lot Residential:
 - a) No part of the land must be used for the keeping of animals other than horses, sheep, cattle or domestic animals or pets (excluding goats).
 - b) No part of the land must be used for the raising or breeding of pigs, goats or commercial poultry.

Note: *In WLEP2012 agriculture is prohibited in Zone R5 Large Lot Residential as well as most urban zones including Zone RU5 Village and Zone R1 General Residential. However, Council may accept existing agricultural practices on these lands where they do not interfere with the amenity of adjacent residential or business areas.*

- 2) **Numbers of Animals:** Numbers of animals must be consistent with standard stocking rates for the size of the relevant land considering that the dominant purpose of the land is for dwellings and residential amenity must be preserved.

Note: *Land owners should review the standard stocking rate for their land conditions from the NSW State Government – Department of Primary Industries ('Stocking rates' are the numbers of stock, e.g. sheep, cattle, horses, etc. that can consistently be kept on a piece of pasture all year round with minor additional feed and without causing environmental degradation).*

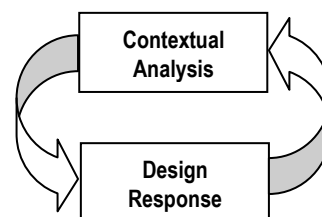
B.2 INDUSTRIAL & HIGHER IMPACT USES

This section applies to all industrial development including light industries, heavy industries, general industries, rural industries, and home industries (where applicable) as well as a range of land uses that have similar activities and/or impacts such as warehouses & distribution centres, industrial retail, vehicle body repair shops, vehicle repair stations, and industrial storage establishments. It also includes any ancillary industrial uses and the supporting car parking and landscaped areas.

The aim of this section is to promote industrial development that is sustainable, promotes economic development and efficient use of services/infrastructure, encourages innovation and quality design, minimises or mitigates against significant impacts on sensitive land uses, and provides quality design and construction that contributes to the character of streets and towns.

B.2.1 SITE PLANNING

- 1) **Objective(s):** All development must:
 - a) Consider and respond to the environmental opportunities and constraints on the site;
 - b) Avoid, or if it cannot avoid, minimise or mitigate against any environmental impacts or hazards or land use conflicts;
 - c) Protect and enhance any heritage items or historic streetscapes; and
 - d) Integrate with the surrounding building and landscape character.
- 2) **Application:** The development application must include the relevant plans, studies and reports to support the application set out in **Appendix 1** or specified in this DCP.
- 3) **Environment & Heritage:** The Proponent must confirm if the site or proposed development is affected by any matters in **Section C** relating to the Natural Environment, Hazards, and Heritage and, if affected, these issues must be addressed in the relevant plan(s)/report(s) set out in **Appendix 1** including **Site (Analysis) Plan(s)** and/or the **Statement of Environmental Effects / Development Application Form(s)** and taken into consideration in the design of the development.
- 4) **Master Plan:** Council may require a **Master Plan** in accordance with **Appendix 1** if a development is likely to involve any of the following:
 - a) A site area greater than 1 hectare in size;
 - b) Mixed-uses, multiple buildings, or buildings exceeding 10m in height;
 - c) Significant public, recreation, and/or open space areas;
 - d) Several stages with ongoing expansion plans;
 - e) Potential for significant vehicle and/or pedestrian access/movement/parking issues; and/or
 - f) Potential for any significant environmental impacts;



B.2.2 SITE SELECTION & LAND USE CONFLICT

- 1) **Objective(s):** To encourage industrial uses to select a site that enables them to operate and expand (if required) to maximise their economic efficiency and growth in the Shire whilst minimising or mitigating against any potential land use conflicts with neighbouring properties and protecting residential amenity.
- 2) **Site Selection:** Whilst Council will consider all applications for an industry or rural industry on its merits in any zone where the particular land use is permissible under WLEP2012, the development application must address the potential impacts of the particular industrial land use / activity on other land uses / properties in the vicinity of the site and demonstrate that the site is suitable for that use/activity.

Note: Industrial development in an industrial zone or within an existing industrial area in a village is less likely to have any significant impacts (subject to the type of activity) than a development in a predominantly residential area.

- 3) **Potential Impacts:** All applications for industrial or higher impact development must provide an **Operational Plan/Report** with sufficient information to address all of the requirements in **Appendix 1**.
- 4) **Site Boundaries:** Development must only occur where buildings, parking areas, landscape buffers, service vehicle areas, areas for on-site vehicle movement, and any other significant buildings or activities associated with the development are contained on-site (within the lot/development boundaries) and not on public roads, footpaths or reserves.

B.2.3 BUILDING SETBACKS

- 1) **Objective(s):** Setbacks for buildings must address:
 - a) The efficient use of the site for the proposed activity;
 - b) Minimising impacts on adjacent lots;
 - c) Minimising the visual impact of larger buildings fronting public spaces or neighbouring residential dwellings;
 - d) Provision of areas for landscape as buffers to neighbouring lots and public spaces;
 - e) Provision of areas for vehicle parking, loading/unloading and manoeuvring/turning areas whilst minimising the impact of large parking areas on street character/activity;
 - f) Provision of any outdoor storage areas or ancillary activities;
 - g) Stormwater management and water permeability.
- 2) **Building Setbacks:** All buildings (including any alterations or additions) must have the following minimum setbacks:
 - a) To the lot boundary adjacent to a road (other than a rear lane):
 - i) 10 metres where the lot is greater than 2,000m² in area and the lot depth (from the road frontage) exceeds 50 metres; or
 - ii) 6 metres otherwise, but the Proponent must demonstrate that there are no other suitable alternatives;
 - b) Side and rear setbacks (non-street frontages or to a rear lane) must meet the requirements of the *Building Code of Australia*;
Note: *Setback distances in the Building Code of Australia may depend on building materials and how they satisfy fire ratings.*
 - c) Additional setbacks or buffers may be required if the site is adjacent to a lot in residential zone (i.e. not separated by a road) or a lot with an existing dwelling and the proposed use is likely to significantly impact on residential amenity.
Note: *'Buffers' may include physical barriers including fencing and landscaping.*
- 3) **Buffers / Setbacks:** Some types of extractive industry, rural industry or heavy industry may have more significant impacts and require larger setbacks from sensitive land uses and environmental areas. Council will take into consideration guidelines from State Government suggesting suitable setbacks including those listed in **Appendix 2 – Buffers for Sensitive Land Uses**.

B.2.4 BUILDING ARTICULATION, DESIGN & MATERIALS

- 1) **Objective(s):** All buildings must demonstrate:
 - a) A high standard of design, materials and construction; and
 - b) Variations in building facades/elevations facing public spaces (such as a public road, reserve or railway) or adjoining residential areas incorporate to minimise the impact of large blank walls, reduce the bulk and scale of the building, provide clear building entrances, improve casual surveillance of the public spaces, and provide visual interest.
- 2) **Building Design:** Development must demonstrate:
 - a) The scale and bulk of any buildings is appropriate for that use and the relevant zone and integrates with adjoining buildings;
 - b) Buildings provide variations in elevations especially facing public spaces, streets and residential areas by (see diagram below):
 - i) Varied setbacks, building heights, and roof angles;
 - ii) Variations in the façade treatments including building materials, openings such as windows and doors, patterns/textures, and/or colours ;
 - iii) Locating lower-scale offices & display areas at the front of the building facing the street with more detailed finishes compared to the rest of the industrial building;
 - iv) Having a clear building entrance;
 - v) Integration of landscape to soften the visual impacts of larger buildings.
- 3) **Reflectivity:** External materials (particularly metal clad roofs and walls) must have low reflectivity if they are visible from a public road or neighbouring dwelling and there is a reasonable probability of glare affecting driver safety or residential amenity and the building being too visually intrusive.

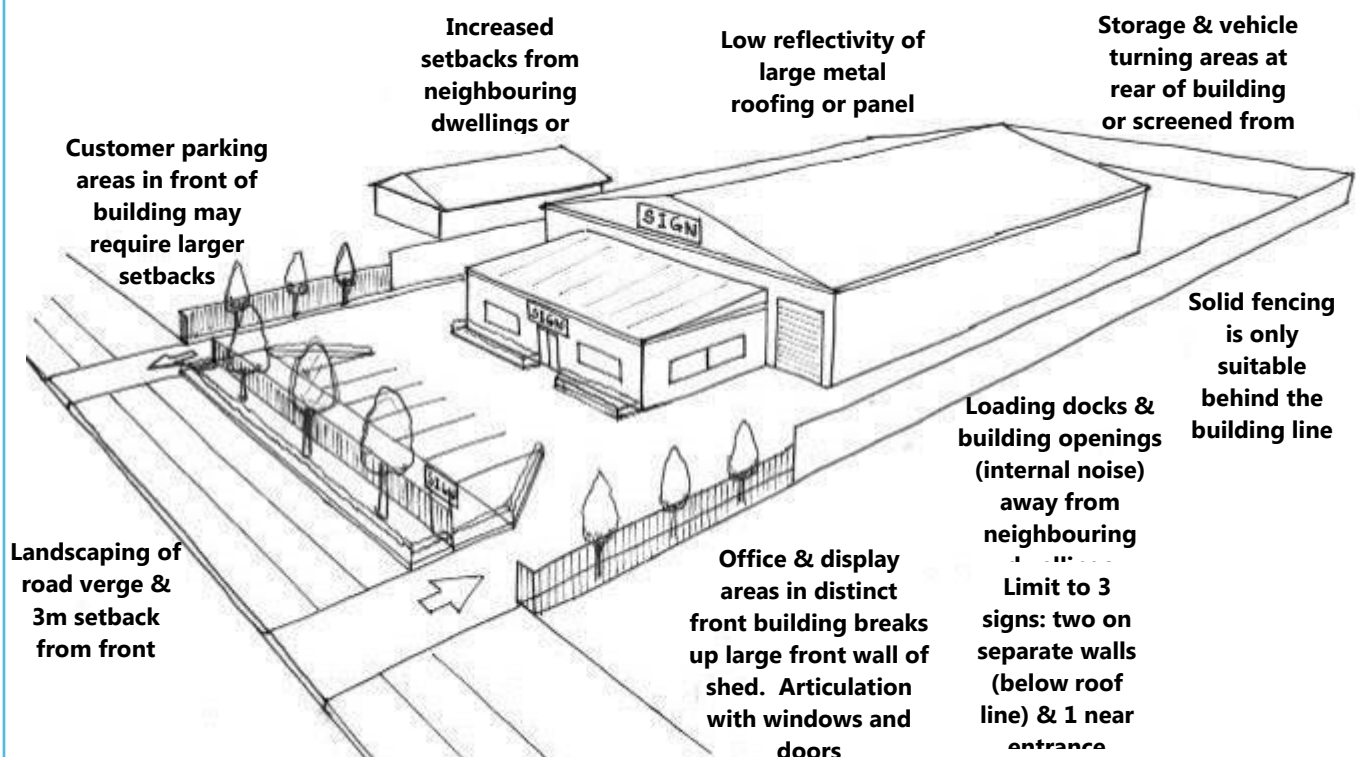


Illustration of how a standard industrial site and building (for manufacturing or fabrication) could address the controls in this section (Note: This may not apply to all industrial building types or uses and other factors may affect these recommendations).

B.2.5 ACCESS & PARKING

- 1) **Access & Parking:** All access and parking and any new public roads or upgrades to existing public roads must be provided in accordance with **Section C4 – Access & Parking**.
- 2) **Car Parking Setbacks:** Car parking areas should generally be compliant with any building setbacks and located behind the building line to minimise the impact of large parking or vehicle turning areas on street character and activity;. However, Council may approve provision for limited customer and managerial car parking spaces with a minimum setback of 3 metres from the lot boundary fronting a road (other than a rear lane) provided adequate landscape has been provided in accordance with this DCP (see diagram above).
- 3) **Traffic:** A **Traffic Assessment** may be required by Council in accordance with **Appendix 1**.

B.2.6 OUTDOOR LIGHTING, ADVERTISING & SIGNAGE

See Section B6 – Other Types of Development

B.2.7 OUTDOOR STORAGE AREAS

- 1) **Objective(s):** Industrial uses should seek to locate and/or screen outdoor storage areas used for the regular storage of any goods or materials (including waste) to minimise the visual impact and clutter of these areas from public areas and streets.
- 2) **Visibility:** Outdoor storage areas will only be approved if they are:
 - a) Located on the side and rear areas of the site (behind the building line) and not adjacent to a street frontage (subject to access requirements for waste services);
 - b) Suitably screened from view from the road;
 - c) Suitably surfaced and drained.

B.2.8 FENCING

- 1) **Objective(s):** Fences must be designed and maintained:
 - a) To meet the security and privacy needs of a development;
 - b) To minimise the visual impact of the fence and avoid dominating the street;
 - c) To allow some casual surveillance between the property and public spaces/the street by avoiding or minimising solid fencing types.
- 2) **Fencing:**
 - a) Solid fencing (including colorbond sheets) will generally not be permitted on any road frontage or in front of the building line facing any street.
 - b) Acceptable fencing types in front of the building line may include chain link security fencing, open mesh fencing or wrought iron / pool fencing. Other fencing may be permitted providing it does not detract from the visual amenity of neighbouring properties or interfere with safe and convenient traffic movements by impairing driver visibility.
 - c) All security fencing is to be pre-coloured or powder coated.

B.2.9 LANDSCAPE & TREE PRESERVATION

- 1) **Objective(s):** Development must utilise landscaping:
 - a) To reduce the impact industrial buildings (and ancillary car parking, structures or storage areas) have on the visual image or an area or the streetscape; and
 - b) To complement and enhance the development including shading of buildings, privacy, security, recreation and amenity of the subject site and adjacent lots.
- 2) **Plans:** A Landscape Plan may need to be submitted in accordance with **Appendix 1**.
- 3) **Locations:** Landscaping is required in the following locations:
 - a) Within the road verge on all road frontages to the property including any proposed footpaths. The Proponent should liaise with Council as to suitable species to be planted in the road verge.
 - b) Within the 3 metre setback from the lot boundary adjacent to any road (except for the entrance driveway(s));
 - c) In larger outdoor car parking areas (where there are greater than 10 car spaces) to provide shading and soften the visual impact of large hard surfaces;
 - d) Within the side and rear setbacks where it adjoins a public place or residential zone; and
 - e) Areas adjacent to building entrances and customer access points.
- 4) **Landscape Design:** Landscape design should address:
 - a) Retention and incorporation of any significant existing trees on the site (if possible);
 - b) Likely height and size that will soften the scale of the development;
 - c) Screening of less visually appealing areas such as open storage areas, car parks, loading docks, garbage storage areas, etc. from public areas and roadways;
 - d) The shading of buildings and parking areas, security, privacy and amenity of the subject site and adjacent lots;
 - e) Suitability of species to the climate (frost and drought tolerance) and local ecology (avoiding, where possible, weed or invasive species) and providing details of maintenance and watering requirements.
- 5) **Access Sightlines:** Driver visibility at the entrance /exit of any lot must not be impaired by any fences or landscaping.
- 6) **Implementation:** Landscape areas and watering systems must be established within a period of twelve (12) months from the date of commencement of work on the development site. Landscape areas are to be maintained throughout the life of the development.

B.2.10 UTILITIES

- 1) **Objective(s):** To ensure that all development:
 - a) Has access to the level of services/utilities appropriate for that use and that zone;
 - b) Meets the reasonable costs of any required extension or augmentation of those services/utilities to service the development;
 - c) Does not interfere with existing utilities, their future expansion or maintenance.
- 2) **Servicing Strategy:** A **Servicing Strategy** is required for all new industrial development or significant alterations and additions that may impact on capacity of existing services/utilities (in accordance with **Appendix 1**).
- 3) **Reticulated Sewer:** If reticulated (centralised) town sewerage is available or within reasonable proximity to the site then the development must be connected for any non-trade or domestic waste.
- 4) **On-Site Sewage Management:** Where there is no reticulated town sewerage within reasonable proximity of the site then the Proponent must:
 - a) Make an application for an on-site waste management scheme in accordance with Section 68 of the *Local Government Act 1919*; and
 - b) Provide an Effluent Report in accordance with **Appendix 1**.
- 5) **Liquid Trade Waste:** A **Liquid Trade Waste Application** and relevant facilities must be provided where liquid wastes (excluding domestic waste from a hand basin, shower, bath or toilet) are to be discharged to Council's sewerage system.
- 6) **Water Supply:** The Proponent must demonstrate that the proposed development will either have access to a reticulated (centralised) potable water supply or there is adequate water supply (both quantity and quality) and storage available for the industrial and ancillary uses as well as fire-fighting requirements in accordance with the *Building Code of Australia*.
- 7) **Stormwater:**
 - a) Development must not increase (and should seek to decrease) the volume and rate of overland flow or stormwater leaving the lot.
 - b) Details of any stormwater detention systems must be provided.
 - c) Storage tanks must be appropriately located and screened.
 - d) Reuse facilities must not form part of stormwater calculations.
 - e) Stormwater run-off must not exceed infrastructure capacity.
 - f) Onsite stormwater capture and reuse is preferred for non-potable water uses and maintenance of landscaping.
- 8) **Solid Waste:** All applications for new industrial uses or significant alterations/additions must:
 - a) Demonstrate adequate provision for storage, handling and management of solid waste both during construction and operation of the facility; and
 - b) Provide a **Waste Management Plan** in accordance with **Appendix 1**.
- 9) **Building near Utilities:**
 - a) All buildings and structures are to be located so they do not obstruct access to existing or proposed utilities such as sewer, water, electricity or telecommunications (whether they are underground or above ground).
 - b) For sewer mains, structures are not to be located over an easement or where an easement does not exist, the structure must be located a minimum of one metre plus the equivalent invert depth from the centreline of the main.
- 10) **Sustainability:** The **Statement of Environmental Effects** for new industrial or higher impact uses must demonstrate how the proposed development will seek to minimise water and energy use and waste production and what, if any, recycling and/or re-use will assist the sustainability of the development.

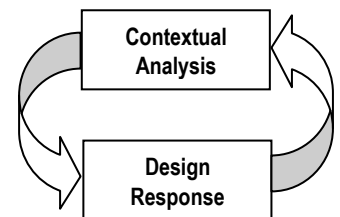
B.3 COMMERCIAL, RETAIL & OTHER USES

This section applies to all commercial and retail development including, but not limited to, business premises, office premises, and retail premises including bulky good premises, food and drink premises, garden centres and hardware and building supplies, shops, vehicle sales and hire premises and other uses with a role serving the public such as amusement centres, entertainment facilities, clubs and tourist businesses. It also includes any ancillary uses and the supporting car parking and landscaped areas. **Note:** *Some forms of tourist accommodation may be addressed in Section B6 – Other Types of Development.*

The aim of this section is to promote commercial and retail development that is sustainable, promotes economic development and efficient use of services/infrastructure, avoids or minimises land use conflicts with sensitive land uses, encourages innovation and quality design, and integrates with the character of each area and any historic streetscapes.

B.3.1 SITE PLANNING

- 1) **Objective(s):** All development must:
 - a) Consider and respond to the environmental opportunities and constraints on the site;
 - b) Avoid, or if it cannot avoid, minimise or mitigate against any environmental impacts or hazards or land use conflicts;
 - c) Protect and enhance any heritage items or historic streetscapes; and
 - d) Integrate with the surrounding building and landscape character.
- 2) **Application:** The development application must include the relevant plans, studies and reports to support the application set out in **Appendix 1** or specified in this DCP.
- 3) **Environment & Heritage:** The Proponent must confirm if the site or proposed development is affected by any matters in **Section C** relating to the Natural Environment, Hazards, and Heritage and, if affected, these issues must be addressed in the relevant plan(s)/report(s) set out in **Appendix 1** including **Site (Analysis) Plan(s)** and/or the **Statement of Environmental Effects / Development Application Form(s)** and taken into consideration in the design of the development.
- 4) **Master Plan:** Council may require a **Master Plan** in accordance with **Appendix 1** if a development is likely to involve any of the following:
 - a) A site area greater than 1 hectare in size;
 - b) Mixed-uses, multiple buildings, or buildings exceeding 10m in height;
 - c) Significant public, recreation, and/or open space areas;
 - d) Several stages with ongoing expansion plans;
 - e) Potential for significant vehicle and/or pedestrian access/movement/parking issues; and/or
 - f) Potential for any significant environmental impacts;



B.3.2 SITE SELECTION & LAND USE CONFLICT

- 1) **Objective(s):** To encourage commercial and retail uses to select a site that enables them to operate and expand (if required) to maximise their economic efficiency and growth in the Shire whilst avoiding or mitigating against any potential land use conflicts with neighbouring properties and protecting residential amenity.
- 2) **Site Selection:** Whilst Council will consider all applications for a commercial and/or retail use on its merits in any zone where the particular land use is permissible under WLEP2012, the development application must address the potential impacts of the particular commercial / retail use / activity on other land uses / properties in the vicinity of the site and demonstrate that the site is suitable for that use/activity.

Note: Commercial / retail development in a business zone or within an existing business area in a village is less likely to have any significant impacts (subject to the type of activity) than a development in a residential area.

- 3) **Potential Impacts:** All applications for commercial or retail development must provide an **Operational Plan/Report** with sufficient information to address all of the requirements in **Appendix 1**.
- 4) **Site Boundaries:**
 - a) All development including buildings, parking areas, landscape buffers, service vehicle areas, areas for on-site vehicle movement, and any other significant buildings or activities associated with new commercial or retail development must generally be contained within the site (lot or development) boundaries (except for awnings or approved uses of the public footpath).
 - b) Alternatively, the Proponent must demonstrate that site restrictions (e.g. an existing building) mean that there are no suitable alternatives except to use a street or other space for that use and demonstrate that use will not unduly impact on the community or adjacent development.

B.3.3 BUILDING SETBACKS

- a) **Objective(s):** Setbacks for buildings must address:
 - a) The efficient use of the site for the proposed activity;
 - b) Minimising impacts on adjacent lots;
 - c) Minimising the visual impact of larger buildings fronting public spaces or neighbouring residential dwellings;
 - d) Provision of areas for landscape as buffers to neighbouring lots and public spaces;
 - e) Provision of areas for vehicle parking, loading/unloading and manoeuvring/turning areas whilst minimising the impact of large parking areas on street character/activity;
 - f) Provision of any outdoor storage areas or ancillary activities;
 - g) Stormwater management and water permeability.
- 2) **Road Frontages:** Setbacks to road frontages (other than rear lanes) should:
 - a) Reinforce the existing street pattern, character and function;
 - b) Be compatible with adjacent development and adjacent building setbacks;
 - c) Be appropriate for the level of pedestrian activity and proposed land use.

For example: *In the main business area of Barham there are no front setbacks for most retail businesses so that shop-fronts create a defined street edge with active business frontages and support higher pedestrian activity with potential for awnings over footpaths for weather protection. Generally car parking is to the rear of most sites.*
- 3) **Side & Rear Setbacks:** Side and rear setbacks must meet the *Building Code of Australia* ('BCA') requirements and may depend on the fire rating of the building materials chosen.

B.3.4 BUILDING HEIGHT

Objective(s): To ensure the height of any buildings are:

- 1) Compatible with the existing/desired streetscape character (including being sympathetic to historic buildings in that street) and reinforce key pedestrian streets;
- 2) Sympathetic to adjacent buildings and, if necessary, provide a transition in height to adjacent buildings;
- 3) Consistent with, and meet the objectives for, the applicable land use zone;
- 4) Only as high as is necessary for the proposed use to function effectively with good internal amenity;
- 5) Designed to minimise overshadowing of public spaces and private open spaces of adjacent buildings.

For example: A building that is four storeys in height may not be compatible with an area that is predominantly one-storey (and unlikely to increase in height in the future). A building may be higher than the adjacent building but may need to incorporate a transition in height to the lower adjacent building to reduce the visual impact of the difference in height.

B.3.5 DESIGN, ARTICULATION & MATERIALS

- 1) **Objective(s):** All buildings must demonstrate:
 - a) A high standard of design, materials and construction;
 - b) The scale and shape of any building is appropriate for the relevant zone and intended use and integrates with adjoining buildings;
 - c) Articulation and/or variation of building elevations / facades reduces the perceived scale of any building, avoids large blank walls, and creates interesting buildings and streets.
- 2) **Articulation / Variation:**
 - a) Building elevations / facades (especially for larger buildings or those facing public spaces such as a public road, reserve, railway or adjoining residential area) must incorporate variations in the façade treatments, roof lines, openings/recesses, building materials and/or colours to avoid large blank walls, reduce the bulk and scale of the building, and provide visual interest.
 - b) Large expansive blank walls are not permitted unless abutting a building wall (with no openings) on an adjoining allotment.
- 3) **Street Frontages:** In addition to subclause (2), development at the ground level adjacent to / facing a street must:
 - a) have clearly defined entrances;
 - b) incorporate windows for visibility in and out of any business; and
 - c) promote pedestrian activity and weather protection (where possible).
- 4) **Corner Sites:** Commercial or retail development on corner sites with limited setbacks must incorporate splays, curves, building entries and other architectural elements to reinforce the corner as a landmark feature of the street.
- 5) **Reflectivity:** External materials (particularly metal clad roofs and walls) must have low reflectivity if they are visible from a public road or neighbouring dwelling and there is a reasonable probability of glare affecting driver safety, residential amenity, or the building being too visually intrusive .
- 6) **Screening of Services: Building Plans** must show the location of all external infrastructure / services (including air conditioning units, plant rooms, ducting etc.) and demonstrate how it will be screened from view from a public place or road.

B.3.6 VERANDAHS, BALCONIES & AWNINGS

- 1) **Objective(s):** Awnings and/or balconies should be promoted for building articulation, climatic protection for pedestrians, and where sympathetic to historic streetscapes.
- 2) **Awning:** Where the proposed commercial or retail building(s) have limited setbacks to a street frontage and:
 - a) It is a key business and pedestrian street; or
 - b) Adjacent buildings include an awning over the pedestrian footpath;then any new development (or refurbishment of an existing building that has an existing or historical awning) should provide a continuous awning for pedestrian amenity and climate protection that is sympathetic to the street and the style of other awnings in that street.

Note: Heritage advice may be required to determine the suitability of an awning or balcony on the proposed building in historic streets or in proximity to heritage items.

- 3) **Design:** Verandahs, balconies and awnings over a public footpath or road reserve must:
 - a) Ensure that any support posts in the public footpath do not interfere with pedestrian movement and are setback from the kerb a minimum of either:
 - i) 1.5 metres (where it is consistent with other post held awnings/verandahs); or
 - ii) 600mm with a bollard or construction type to resist damage from vehicles;
 - b) Provide a **Structural Report** demonstrating structural adequacy such that if any one of the supporting posts were removed (or damaged by vehicle impact) that the verandah/awning/balcony would not collapse (see **Appendix 1**);
 - c) Complement the style, materials and character of the building and adjacent buildings;
 - d) Not interfere with the operation of, or access to, public utilities or infrastructure;
 - e) Not interfere with pedestrian safety or movement (particularly for visually impaired pedestrians).
- 4) **Insurances & Approvals:** Public liability insurance to Council's requirements and a Council license is required for verandahs, balconies or awnings over the public footpath.

B.3.7 ACCESS & PARKING

- 1) **Access & Parking:** All access to a site, off-street parking, and any new public roads or upgrades to existing public roads must be provided in accordance with **Section C4 – Access & Parking**.
- 2) **Car Parking Setbacks:**
 - a) Car parking in urban areas (particularly in key business / pedestrian areas) should generally be located to the side or rear of building behind the front and/or secondary street setback to maintain an active frontage for business, define the street edge, and minimise the visual impact of parking areas.
 - b) However, Council may approve car parking spaces in front of buildings where there are no other suitable alternatives and efforts are made to soften the visual impact of the parking areas with landscape and promote pedestrian safety and activity.
- 3) **Traffic Assessment:** A **Traffic Assessment** may be required by Council in accordance with **Appendix 1**.

B.3.8 OUTDOOR STORAGE AREAS

- 1) **Objective(s):** Commercial and retail uses should seek to locate and/or screen outdoor storage areas used for the regular storage of any goods or materials (including waste) to minimise the visual impact and clutter of these areas from public areas and streets.
- 2) **Visibility:** Outdoor storage areas will only be approved if they are:
 - a) Located on the side and rear areas of the site (behind the building line) and not adjacent to a street frontage (subject to access requirements for waste services);
 - b) Suitably screened from view from the road;
 - c) Suitably surfaced and drained.

B.3.9 FENCING

- a) **Objective(s):** Fences must be designed and maintained:
 - a) To meet the security needs of a development;
 - b) To maximise interaction (avoid barriers) and promote casual surveillance between the commercial/retail buildings and the public spaces/ the street;
 - c) To minimise the visual impact of any fences on street character/business activity.
- 2) **Fencing:**
 - a) Generally fencing of commercial or retail properties will not be permitted in front of the building line facing any street unless the building is setback significantly from the street and the fence:
 - i) is justified for security reasons;
 - ii) utilises transparent materials or apertures of minimum width 25mm; and
 - iii) does not exceed 1.2m in height;
 - iv) it is adaptive re-use of an existing dwelling/heritage item.
 - b) Solid fencing (including colorbond sheets) will generally not be permitted on any road frontage or in front of the building line.

B.3.10 LANDSCAPING

- 1) **Landscape Plan(s): Landscape Plans** must be provided in accordance with **Appendix 1**.
- 2) **Landscape Design:** In addition to the requirements of **Appendix 1**, landscape design must address (where relevant):
 - a) Retention and incorporation of any significant existing trees on the site and minimising interference between trees and buildings that may reduce the lifespan of the trees;
 - b) Likely height and size of proposed species;
 - c) The function of the landscape including reducing the visual impact of bulky buildings, open space provision, shading of parking areas, screening of less visually appealing areas (such as open storage areas, car parks, loading docks, garbage storage areas, etc. from public areas and roadways), and amenity of the subject site and adjacent lots;
 - d) Suitability of species to the climate (frost and drought tolerance) and local ecology (avoiding, where possible, weed or invasive species) and providing details of maintenance and watering requirements.
- 4) **Large Car Parks:** See **Section C4 – Access & Parking**.

B.3.11 OUTDOOR LIGHTING, ADVERTISING & SIGNAGE

See Section B6 – Other Types of Development

B.3.12 STREET TRADING / FOOTPATH DINING

See Section B6 – Other Types of Development

B.3.13 UTILITIES & WASTE MANAGEMENT

- 1) **Objective(s):** To ensure that all development:
 - a) Has access to the level of services/utilities appropriate for that use and that zone;
 - b) Meets the reasonable costs of any required extension or augmentation of those services/utilities to service the development;
 - c) Does not interfere with existing utilities, their future expansion or maintenance.
- 2) **Servicing Strategy:** A **Servicing Strategy** is required for all new commercial or retail development or significant alterations and additions that may impact on the capacity of any service/utility (in accordance with **Appendix 1**).
- 3) **Reticulated Sewer:** If reticulated (centralised) town sewerage is available or within reasonable proximity to the site then the site must be able to be connected for any non-trade waste unless Council grants approval otherwise.
- 4) **On-Site Sewage Management:** If there is no town sewerage available then the Proponent must apply for an on-site waste management scheme and provide an **Effluent Report** in accordance with **Appendix 1**.
- 5) **Liquid Trade Waste:** A **Liquid Trade Waste Application** (in accordance with **Appendix 1**) and appropriate facilities must be provided where liquid wastes (excluding domestic waste from a hand basin, shower, bath or toilet) are to be discharged to Council's sewerage system.
- 6) **Water Supply:** The Proponent must demonstrate that the proposed development will either have access to an adequate reticulated (centralised) potable water supply or there is adequate water supply (both quantity and quality) and storage available for the land use(s) as well as fire-fighting requirements in accordance with the *Building Code of Australia*.
- 7) **Stormwater:**
 - a) Where available, stormwater arrangements should be designed to a gravity or stormwater system.
 - b) Details of any stormwater detention systems are to be provided with the development application.
 - c) Stormwater run-off must not exceed infrastructure capacity;
 - d) The design and operation must take into account the requirements of *Murray REP No.2 – Riverine Land* including environmental impacts.
- 8) **Solid Waste:** All applications for new commercial or retail uses or significant alterations and additions must demonstrate adequate provision for storage and handling of solid waste and provide a **Waste Management Plan** in accordance with **Appendix 1**.
- 9) **Building near Utilities:**
 - a) All buildings and structures are to be located so they do not obstruct access to existing or proposed utilities such as sewer, water, electricity or telecommunications (whether they are underground or above ground).
 - b) For sewer mains, structures are not to be located over an easement or where an easement does not exist, the structure must be located a minimum of one metre plus the equivalent invert depth from the centreline of the main.
- 10) **Sustainability:** The **Statement of Environmental Effects** for new commercial or retail (or similar) uses must demonstrate how the proposed development will seek to minimise water and energy use and waste production and what, if any, recycling and/or re-use will assist the sustainability of the development.

B.4 AGRICULTURAL USES

This section seeks to provide guidance for other development in rural and/or environmental zones that may require consent under WLEP2012 or any other legislation or policy including, but not limited to, intensive livestock agriculture (e.g. feedlots; dairies (restricted) etc.) and farm buildings.

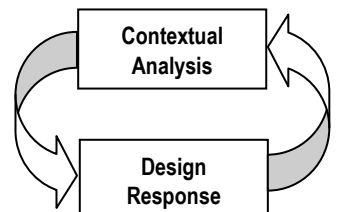
The aim of this section is to promote rural development that is sustainable, protects residential amenity without detracting from the 'right to farm', encourages innovation and quality design, and integrates with the character of each area.

Note: Please see **Section A2 – Types of Development** if you are planning to construct a new dwelling, alter or add to an existing dwelling, or create a rural workers' dwelling in a rural zone as it may not require a development application. If it does, the controls are in **Section B1 – Residential & Ancillary Uses**. Please also refer to the control below on higher impact uses and guidelines as it may suggest appropriate setbacks for dwellings from higher impact uses.

If the proposed development is for the purposes of tourist accommodation on rural land then please refer to Section B6 – Other Types of Development

B.4.1 SITE PLANNING

- 1) **Objective(s):** All development that requires consent in rural and environmental zones must:
 - a) Consider and respond to the environmental opportunities and constraints on the site;
 - b) Avoid, or if it cannot avoid, minimise or mitigate against any environmental impacts or hazards or land use conflicts;
 - c) Protect and enhance any heritage items or streetscape;
 - d) Integrate with the surrounding building and landscape character.
- 2) **Application:** The development application must include the relevant plans, studies and reports to support the application set out in **Appendix 1** for the relevant land use and specified in this DCP.
- 3) **Land Use Conflicts:** The Proponent must address any issues if any proposed development may:
 - a) Result in a dwelling being located within a buffer to a high impact land use as described in **Appendix 2 – Buffers for Sensitive Land Uses**;
 - b) Impact on the 'right to farm' of an agricultural practice in Zone RU1 Primary Production (held by a different owner) within 100m of any proposed development.
- 4) **Environment & Heritage:** The Proponent must confirm if the site or proposed development is affected by any matters in **Section C** relating to the Natural Environment, Hazards, and Heritage and, if affected, these issues must be addressed in the relevant plan(s)/report(s) set out in **Appendix 1** including **Site (Analysis) Plan(s)** and/or the **Statement of Environmental Effects / Development Application Form(s)** and taken into consideration in the design of the development.



B.4.2 HIGHER IMPACT USES & GUIDELINES

Note: Development for rural industries or industries in rural locations need to comply with the controls in **Section B2 – Industrial Uses** (where applicable).

Note: Any development for the purposes of primary industries (especially intensive agriculture) in rural or environmental zones should be developed and seek to operate in accordance with best industry practice and guidelines. This may include the following documents (as amended) (see www.dpi.nsw.gov.au):

General

- 1) Relevant Regional Environmental Planning Policies ('REP's) or State Environmental Planning Policies ('SEPP's) including, but not limited to SEPP No.30 (Intensive Agriculture) and Murray REP No.2 – Riverine Land;
- 2) *Living and Working in Rural Areas – A handbook for managing land use conflict issues on the NSW North Coast* (NSW Department of Primary Industries & Southern Cross University);
- 3) *Preparing a development application for intensive agriculture in NSW* (Department of Primary Industries & Department of Planning);

Sustainability & Impacts

- 4) *Policy for Sustainable Agriculture in New South Wales* (NSW Government, 1998);
- 5) *Native vegetation management in NSW – Info Sheets* (Catchment Management Authority);
- 6) *Noise* (Office of Environment & Heritage) (www.environment.nsw.gov.au);
- 7) *Odour* (Office of Environment & Heritage) (www.environment.nsw.gov.au);
- 8) *Effluent re-use* (Office of Environment & Heritage).

Feedlots

- 9) *A producer's guide to starting a small beef feedlot in NSW* (NSW Agriculture);
- 10) *National guidelines for beef cattle feedlots in Australia, 2nd Ed.* (CSIRO Publishing, 1997);
- 11) *National Beef Cattle Feedlot Environmental Code of Practice* (Meat & Livestock Australia);
- 12) *Feed lotting lambs* (NSW Agriculture);

Dairies

- 13) *NSW Guidelines for Dairy Effluent Resource Management* (NSW Agriculture, 1999);

Piggeries

- 14) *National environmental guidelines for piggeries* (Australian Pork Limited, 2004);

Chicken Farming

- 15) *NSW Meat Chicken Farming Guidelines – Managing Planning, Development and Environmental Issues* (NSW Agriculture);

Horticulture

- 16) *Guidelines for the development of controlled environment horticulture* (NSW Department of Primary Industry, 2005);
- 17) *Best practice guidelines for growing vegetables* (NSW Agriculture).

B.4.3 WATER

Note: A range of legislation and policies will affect rural access to and use of water. Proponents should speak to Council and/or the NSW Office of Water when they are planning any development that will require substantial water or the creation of dams or water supply channels. You may also need to address the controls in **Section C** relating to the environment, hazards and/or heritage.

Please see **Appendix 1** to make the appropriate application for:

- Pumping and supply channels;
- Bed and/or bank works.

B.4.4 ENVIRONMENT

Note: A range of legislation and policies will govern development in rural and environmental zones and potential impacts on the natural environment, including land, water, biodiversity and vegetation.

For vegetation clearing it will be necessary to have regard to the Native Vegetation Act 2003 as well as the controls in Section C of this DCP, particularly where that vegetation is on or near a key watercourse, wetland, sensitive area of biodiversity, or sensitive sand hills throughout the Shire.

B.4.5 CHEMICALS & WASTES

Note: Chemicals such as fuel, fertiliser and pesticide or herbicide are commonly used to help run properties. These chemicals are often dangerous, some are flammable, most are poisonous and all can be harmful to the environment if used incorrectly.

Please note the controls in Clause C2.2 relating to use of chemicals and/or management of wastes and any additional matters that must be considered or permits that may be required. Various training courses are available for the safe handling and appropriate use of chemicals (independent of Council).

B.4.6 CONTACTS

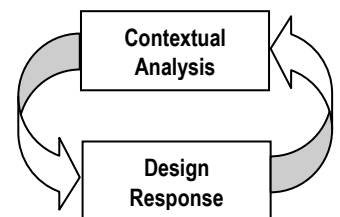
Some useful contacts regarding development applications may include:

- Wakool Shire Council (www.wakool.nsw.gov.au);
- NSW Office of Water (www.water.nsw.gov.au);
- NSW Department of Primary Industries including NSW Agriculture & NSW Forests (www.dpi.nsw.gov.au);
- NSW Office of Environment & Heritage (www.environment.nsw.gov.au);
- NSW Department of Planning & Infrastructure (www.planning.nsw.gov.au);
- Local Land Council (www.lhpa.org.au);
- NSW Property Information (www.lpi.nsw.gov.au);
- Work Cover Authority of NSW (www.workcover.nsw.gov.au);
- NSW Department of State and Regional Development (www.business.nsw.gov.au);
- NSW Farmer Association (www.nswfarmers.org.au);
- NSW Food Authority (www.foodauthority.nsw.gov.au);
- Meat and Livestock Australia (www.mla.com.au);
- Landcare (www.landcare.nsw.gov.au).

B.5 SUBDIVISION

B.5.1 SITE PLANNING

- 1) **Objective(s):** All subdivision applications must demonstrate how they:
 - a) Consider and respond to the environmental opportunities and constraints on the site;
 - b) Avoid, or if it cannot avoid, minimise or mitigate against any environmental impacts or hazards or land use conflicts;
 - c) Protect and enhance any heritage items or historic streetscapes; and
 - d) Enable future development of the subdivision to integrate with the surrounding building and landscape character.
- 2) **Application:** The development application must include the relevant plans, studies and reports to support the application set out in **Appendix 1** or specified in this DCP.
- 3) **Land Use Conflicts:** The Proponent must address any issues if any subdivision (greater than 4 lots) for residential accommodation:
 - a) Results in a sensitive land use being located within a buffer to a high impact land use as described in **Appendix 2 – Buffers for Sensitive Land Uses**;
 - b) May impact on the 'right to farm' of an agricultural practice in Zone RU1 Primary Production (held by a different owner) within 100m of a lot for a proposed dwelling;
 - c) Results in new dwellings in close proximity to a business area, industrial area or a classified road with heavy traffic volumes or heavy vehicles.
- 4) **Environment & Heritage:** The Proponent must confirm if the site or proposed development is affected by any matters in **Section C** relating to the Natural Environment, Hazards, and Heritage and, if affected, these issues must be addressed in the relevant plan(s)/report(s) set out in **Appendix 1** including **Site (Analysis)Plan(s)** and/or the **Statement of Environmental Effects / Development Application Form(s)** and taken into consideration in the design of the development.



B.5.2 SUBDIVISION LAYOUT

- 1) **Objective(s):** To promote subdivision layout that:
 - a) Is responsive to site characteristics, setting, landmarks, places of cultural heritage significance and views;
 - b) Creates a sense of place that promotes a sense of identity and safety;
 - c) Creates legible and inter-connected movement and open-space networks;
- 2) **Environment:** Any subdivision application must demonstrate how the subdivision layout (including lot and street arrangements) addresses:
 - a) The natural topography and minimises the need for earthworks for roads, access driveways, or future buildings;
 - b) Minimises loss of significant vegetation or a high likelihood of future dwellings impacting on significant vegetation, and enhances tree corridors and ecological connections;
 - c) Addresses any site contamination issues;
 - d) Maintains natural drainage features and flood ways – or if these are altered – shows how the outcomes will provide environment benefits that outweigh the impacts;
 - e) Addresses bushfire potential and minimises vegetation removal as the mechanism of creating asset protection zones around future buildings;
 - f) Avoids areas with a high potential for native habitat and significant flora and fauna.
- 3) **Character:** Any subdivision application (greater than 10 lots) in an urban area (Zones R1, RU5, R5, B2, B6 & IN1) must demonstrate how the subdivision layout:
 - a) Integrates with the surrounding road network and lot pattern in an urban area;

- b) Creates a sense of place and identity for the subdivision;
 - c) Is consistent with **Section C5 - Urban Area Character Statements** if the development is associated with the key towns and villages.
- 4) **Energy Efficiency:** Any subdivision application (greater than 4 lots) in an urban area (Zones R1, RU5, R5, B2, B6 & IN1) must demonstrate how the subdivision layout and lot orientation facilitates buildings that have the potential to be more energy efficient through passive solar design principles and climatic responsive siting and design.
- 5) **Servicing Efficiency:** Any subdivision application (greater than 10 lots) must demonstrate how the subdivision layout facilitates the provision of services, including water supply, sewage disposal, waste disposal, drainage, electricity and telecommunications in a manner that is efficient, minimises risk of adverse environmental or amenity related impacts and minimises whole of life cycle costs for that infrastructure.
- 6) **Access & Connectivity:** Any subdivision application (greater than 4 lots) that requires a new public road must demonstrate how the subdivision layout including the streets, access ways, and connections address the objectives and controls in **Section C4.3 – Road Design**.
- 7) **Safety:** Any subdivision application (greater than 4 lots) in an urban area (Zones R1, RU5, R5, B2, B6 & IN1) must demonstrate how the lot, access, street and street lighting arrangements will promote the principles of *Crime Prevention through Environmental Design* including but not limited to:
- a) Appropriate locations and orientations of building envelopes and car parking areas to minimise inactive areas near streets, particularly at night;
 - b) Opportunities for casual surveillance of public spaces from future surrounding development;
 - c) Appropriate lighting of public spaces and walkways;
 - d) Clear boundaries between public open space, communal open space, and private spaces that is incorporated into the landscape design without reliance solely on fencing.
- 8) **Residential Proximity to Recreation Facilities:** Any application for a residential subdivision (greater than 2 lots) adjacent to an existing or proposed recreational facility (or proposed recreational facility next to an existing residential area) must address any potential impacts or opportunities, including but not limited to:
- a) Potential danger of balls injuring future residents (particularly golf balls);
 - b) Potential impact from noise or lights from use of the recreational facility, particularly at night;
 - c) Protecting and enhancing pedestrian connections between key attractions and facilitating the use of the recreational facility;
 - d) The future growth and expansion of recreational facility (if known).

B.5.3 LANDSCAPING

- 1) **Plans: Landscape Plans** must be provided for all subdivision applications (except some rural subdivisions) in accordance with **Appendix 1**.
- 2) **Fencing:** Any new residential subdivision that is adjacent to a rural or environmental zone (other than Zone RU5 Village) must provide dog proof fencing around the perimeter of the development.
- 3) **Tree Preservation:** Subdivision design and lot alignments must seek to preserve and minimise removal of existing significant trees and vegetation. This may include locating the edges of lot boundaries close to existing significant vegetation and away from potential building envelopes, areas that require excavation, or areas for utilities.

- 4) **Street Trees:** Subdivision involving new public road construction in urban zones (Zones R1, R5, RU5, B2, B6 & IN1) must include street tree planting of suitable species at a rate of two street trees per lot or, alternatively, the payment of a levy in lieu of planting.
- 5) **Drainage Corridors: Landscape Plan(s)** must demonstrate how all dual use drainage reserves and/or detention basins can be used to enhance recreational opportunities and visual amenity without compromising drainage function.

B.5.4 STAGED SUBDIVISION

Where a subdivision is proposed to be carried out in a number of stages, these must be clearly identified in the application including any staging of essential infrastructure and/or utilities (including, but not limited to, roads, water, sewer, electricity, telecommunications, stormwater and drainage).

B.5.5 LOT SIZE & SHAPE – URBAN RESIDENTIAL LOTS

Note: Part 4 of Wakool Local Environmental Plan 2012 and the Lot Size Maps prescribe the minimum lot size for all new allotments, except for some strata and community title subdivisions.

In Zone RU5 for many settlements there is no minimum lot size (e.g. Tooleybuc, Murray Downs, Moulamein and Wakool) but there are minimum lot sizes for Koraleigh - Zone RU5 (2,500m²) and Barham (depends on zone).

Regardless, in urban zones even if an existing lot is below the minimum lot size then an application can be made for a dwelling on that lot subject to meeting the other controls in this DCP and other policies.

Clause 4.1B of WLEP2012 sets the minimum lot sizes to permit development for a dual occupancy, multi dwelling housing or residential flat building as follows:

Residential Type	Zone	Minimum Lot Size
Dual occupancy	Zone R1 General Residential	800 square metres
Multi dwelling housing	Zone R1 General Residential	1,250 square metres
Dual occupancy	Zone RU5 Village	1000 square metres
Dual occupancy	Zone R5 Large Lot Residential	1000 square metres

- 1) **Objective(s):** Lots must be of sufficient size/area:
 - a) To enable the construction of a dwelling house, associated outbuildings, services/ infrastructure, vehicle parking and access, and private open space without excessive terracing or conflicts between uses; and
 - b) To allow for maximum retention of existing vegetation whilst being consistent with the zone objectives and the surrounding desired subdivision pattern.
- 2) **Lot Size:** The minimum lot size for any lot for a detached dwelling (not including multi-dwelling housing) in an urban zone (including Zone RU5 Village) is 550m² (excluding the area of any access handle for a 'battle-axe' lot).
- 3) **Width:** All lots must have the following minimum width in residential and village zones:
 - a) 15m width at the building line;
 - b) For 'fan' or 'radial' shaped lots: 8 metres width at the street frontage (except where it is a battle-axe lot – see below).
- 4) **Depth:** The maximum ratio of depth to road frontage for a residential lot must not exceed five (5) (depth) to one (1) (width) (except for 'battle-axe' lots – see below) unless there are significant site constraints justified by the Proponent.
- 5) **Battle-Axe Lots:** Battle-axe lots with an access handle will only be permitted where:
 - a) The lot has a frontage to a public reserve or watercourse;
 - b) The access corridor has a minimum width of:

- i) 4.5m in Zones R1 General Residential and Zone RU5 Village; and
 - ii) 6.0m in Zone R5 Large Lot Residential;
 - c) The lot has a minimum dimension (depth or width) of 20 metres (excluding the access 'handle');
 - d) In the opinion of Council, the access corridor will not constitute a nuisance to adjoining dwellings through excessive vehicle noise, dust or loss of privacy.
- 6) **Lot Orientation:** Any subdivision applications should demonstrate how the proposed road and lot orientation will:
- a) Optimise the potential for passive solar access to future or adjacent existing residential dwellings and their primary living spaces;
 - b) Minimise potential overshadowing impacts of existing and future buildings; and
 - c) Address and integrate with the existing surrounding subdivision pattern (if it is infill development in an existing urban area)

Note: The optimum orientation to maximise passive solar access is for windows of living or active use areas to face between 30° east of north or 20° west of north (see diagram in Clause B1.7 of this DCP). A dwelling oriented along the east-west axis has a larger frontage with potential for solar access. This may require a lot that is wider in the east-west direction.

- 7) **Corner Lots:** Corner residential lots should have sufficient area and dimensions to facilitate future development for the purpose of dual occupancies with access potential from both road frontages.

B.5.6 LOT SIZE & SHAPE – INDUSTRIAL LOTS

- 1) **Objective(s):** Lots must be of sufficient size/area:
- a) To enable the construction of industrial building(s), storage areas, services, vehicle parking / access / loading & unloading facilities and manoeuvring areas, and
 - b) To allow for maximum retention of existing vegetation whilst being consistent with the zone objectives.
- 2) **Lot Size/Dimensions:**
- a) **Reticulated Sewer:** Where all lots in the proposed subdivision can be serviced by reticulated sewerage scheme the minimum area/dimensions are:

Shape of Lot	Minimum Area	Minimum Width at Road Frontage	Access Width
Rectangular (one road frontage)	1,100m ²	25 metres	N/A
Rectangular (corner lot)	1,200m ²	25 metres to main road	N/A
Irregular / Fan / Radial	1,200m ²	27 metres at building line	N/A
Battle-axe	1,300m ²	N/A	5.5m

Note: This size is specified to facilitate subdivision for lease purposes and does not generally reflect a suitable configuration for industrial lots, which should be sized to accommodate the particular type of industrial development.

- b) **On-Site Effluent Management:** Where a lot in the proposed subdivision cannot be connected to a reticulated (town) sewerage scheme the minimum site area is:
 - i) 4,000m² where the development involves one industrial building with staff amenities and on-site effluent disposal; or
 - ii) 1 hectare where the development involves two or more industrial buildings or has a caretaker's residence proposed on the site.

B.5.7 ROADS & ACCESS

Access & Parking: All access & parking and any new public roads or upgrades to existing public roads must be provided in accordance with **Section C4 – Access & Parking**.

B.5.8 UTILITIES & SERVICING

- 1) **Objective(s):** To ensure that all development:
 - a) Has access to the level of services/utilities appropriate for that use and that zone;
 - b) Meets the reasonable costs of any required extension or augmentation of those services/utilities to service the development;
 - c) Does not interfere with existing utilities, their future expansion or maintenance.
- 2) **Servicing Strategy:** All subdivision applications must include a **Servicing Strategy** (in accordance with **Appendix 1**).
- 3) **Building near Utilities:**
 - a) All buildings and structures (or building envelopes) are to be located so they do not obstruct access to existing or proposed utilities such as sewer, water, electricity, telecommunications (whether they are underground or above ground).
 - b) For sewer mains, structures are not to be located over an easement or where an easement does not exist, the structure must be located a minimum distance of one metre plus the equivalent invert depth from the centreline of the main.
- 4) **Sewerage (Reticulated Connections):** Where there is a reticulated town sewerage system or common effluent system in reasonable proximity to the site and the proposed subdivision is in Zone R1 General Residential or Zone RU5 Village, the **Servicing Strategy** must identify the method of providing reticulated sewer to the proposed lots in accordance with Council's requirements.
- 5) **Sewerage (On-Site Management):** Where there is no reticulated town sewerage system or common effluent system in reasonable proximity to the site (or lots are 1 hectare or greater in size) the **Servicing Strategy** must demonstrate that:
 - a) All lots are capable of supporting an approved on-site effluent management system supported by an **Effluent Report** in accordance with **Appendix 1**; and
 - b) The sewerage collection and disposal areas address the following:
 - i) They are above any **Flood Planning Level** (see **Section C2 – Hazards**);
 - ii) They avoid contamination of ground water and surface water supplies;
 - iii) They adequately treat sewerage to appropriate standards; and
 - iv) The ground water table is at least 1.2 metres below the disposal area.
- 6) **Water Supply:** The Proponent must demonstrate that the proposed development will either have access to an adequate reticulated (centralised) potable water supply or there is adequate water supply (both quantity and quality) and storage available for the likely future use(s) of the land and any fire-fighting requirements in accordance with the requirements of this DCP and Council's policies.
- 7) **Telecommunications:** For all subdivisions in urban zones (R1, R5, RU5, B2, B6 & IN1) telecommunication lines are to be provided underground only.
- 8) **Electricity:** Where proposed lots are less than one (1) hectare in area all new electricity connections are to be provided underground. For all other development it may be above ground.

B.5.9 OPEN SPACE

- 1) **Public Reserve Contribution:**
 - a) Where a subdivision involves:
 - i) A gross area of land being subdivided greater than 0.5 hectares; and
 - ii) Land in in Zones R1 General Residential, or RU5 Village; and
 - iii) The creation of 4 or more lots (in total),Council requires the provision of a suitably located public reserve (communal open space) at the rate of ten percent (10%) of the gross area of the subdivision.
 - b) Alternatively, Council may accept a bond or cash contribution in lieu of provision of a public reserve to be calculated at five percent (5%) of the estimated sale price of all of the lots.
- 2) **Design:** Where an open space within a subdivision is required by Council, the open space design must address how it will:
 - a) Be buffered from main roads and identified hazards for improved safety (especially for young children);
 - b) Be safely accessible by pedestrian and/or cycleway links;
 - c) Maximise connectivity between open spaces in the area;
 - d) Located to maximise walkable access to the highest number of the population;
 - e) Have passive / casual surveillance opportunities for security and safety;
 - f) Incorporate complementary uses of open space (e.g. drainage, on-site detention basins, vegetation conservation, cycle ways etc.).
- 3) **Public Reserve:** Land to be dedicated as a public reserve must be top soiled, levelled and turfed prior to the release of the Subdivision Certificate. The developer will need to maintain this land for a period of two years and therefore, the construction of the public reserve at the start of a new subdivision is encouraged.

B.5.10 COMMUNITY TITLE SUBDIVISION

Community Title Subdivision must include community facilities that are shared between the residents of the development. It is not appropriate that this form of development be used as an alternative to strata title where the only shared component is a driveway or small landscaped area / open space.

B.6 OTHER TYPES OF DEVELOPMENT

A.4

If development does not fit the categories of development noted above then the Proponent should discuss with Council what aspects of the above controls are most relevant to the proposed development.

In general, **Section B3 – Commercial & Retail Uses** provides the most generic controls for all development – so other types of development with similar impacts should determine what controls in that section are relevant including, but not limited to, site planning; building setbacks; building articulation, design & materials; access & parking; landscaping; utilities; and waste management.

In addition, for specific types of development the following controls may also apply.

A.4.1 OUTDOOR LIGHTING, ADVERTISING & SIGNAGE

- 1) **Objective(s):** Advertising signage and outdoor lighting must:
 - a) Be sympathetic to the scale and character of any historic streetscape and the architecture of any historic building(s) in that street;
 - b) Be consistent with the scale and character of the building to which they are affixed and integrated into its facades and/or awning areas without projecting above the roof or parapet lines;
 - c) Not result in signage 'clutter' or visual complexity where there are excessive signs on any one building frontage or they dominate the street;
 - d) Not interfere with normal pedestrian or vehicle movement and safety either in location, size, height above footpath or road, illumination or concealing any road or directional signage;
 - e) Be placed in locations on the building that have traditionally been used as advertising areas.
- 2) **SEPP64:** *State Environmental Planning Policy No.64 – Advertising and Signage* applies to all signage that is visible from any public place or public reserve but does not apply to signage that is exempt development. Any application where this Policy applies must address the requirements of that Policy including, but not limited to, *Schedule 1- Assessment Criteria* (where applicable).
- 3) **Application:** The location, design, size and colour of all signage must be shown on either the **Building Plan(s)** or specific **Signage / Lighting Plan(s)** with the development application in accordance with **Appendix 1**.
- 4) **Outdoor Lighting / Illuminated Signage:** All commercial, industrial or retail developments with any significant outdoor lighting where there is potential for light spill to adjoining properties or illuminated signage must:
 - a) Demonstrate compliance with *Australian Standard AS4282 Control of obtrusive effects of outdoor lighting*;
 - b) Where relevant, demonstrate compliance with *Australian Standard AS/NZS 11583.1 Pedestrian Area (Category P) Lighting*.
 - c) Where it is proposed to use lighting for security purposes, such lighting is to be designed so as not to cause a hazard or nuisance to adjoining premises or to motorists.
 - d) Where there is potential for light spill to adjoining properties (other than a public road), all illuminated advertising signs must be fitted with a timer switch to dim or turn off by 11pm each night.
- a) **Signage for Residential Uses:** In general, the only signage permissible for residential uses is a sign showing the building address, number, name, age or directional /

navigation signage for larger multi-dwelling housing or residential flat buildings. Home businesses and home industries are addressed below.

b) **Commercial and Retail Uses:**

- e) A single business premises is permitted to have a maximum number of signs on each street frontage of the building (in accordance with the controls below) as follows:
 - i) One under awning sign;
 - ii) One top hamper sign or flush wall sign;
 - iii) One fascia or awning fascia sign;
 - iv) One 'A-Frame' or 'Sandwich Board' style sign on the footpath;
 - v) Window signage – as long as it does not take up a significant area of the street window or significantly reduce visibility between the inside of the shop and the street.
- f) Each tenancy in a multiple tenancy on the same lot may have the same signage as set out in subclause (a) above as well as a directory board /pylon sign naming the facility and listing some or all of the tenancies at or near the primary customer entrance.

5) **Industrial Uses:** Signage for industrial uses must comply with the following(see diagram example in **Clause B2.4 – Building Articulation, Design & Materials**):

- a) For each single occupant industrial building only three (3) advertising signs will be permitted as follows:
 - i) One free standing advertisement within the 3 metre landscaped road setback;
 - ii) Two advertisements integrated within the façade of the building (one per wall).
- b) For each multiple occupant industrial site/ building advertising signs will be permitted as follows:
 - i) One index board near the customer entrance or within the 3m landscaped road setback; and
 - ii) One advertisement integrated within the façade of each unit.
- c) Advertising signs must relate to the activities being carried out on the site / unit;
- d) The size of the sign should be in proportion to the size and bulk of the building with no part of the sign extending above the roof line;
- e) No signage will be permitted on the road reserve;
- f) Separate displays of propriety logos etc. will not be permitted so they must be incorporated in the main advertising sign.

6) **Highway Services or Service Stations:** Highway services or service stations are permitted the following signs:

- a) One fascia sign or flush wall sign; and
- b) One pylon sign at the primary road frontage boundary where the building is setback from the road, with a maximum height no more than two (2) metres above the building height.

7) **Home Businesses or Home Industries:** Advertising of home businesses or home industries in Zone R1 General Residential, Zone RU5 Village, Zone R5 Large Lot Residential, Zone RU1 Primary Production, or Zone E2 Environmental Conservation is only permitted if:

- a) It advertises a permissible / approved facility, activity or service located on the lot to which the sign is attached;
- b) There is only one sign per lot;
- c) The sign size is not greater than 600mm by 900mm;
- d) The sign is not illuminated.

8) **Rural & Environmental Zones:** Advertising in rural and environmental zones (excluding Zone RU5 Village) is only permitted if there is one sign per business and each sign:

- a) Advertises a facility, activity or service located on the land, and:
 - i) There is only one sign per lot;
 - ii) The sign size is not greater than 600mm by 900mm;
 - iii) The sign is not illuminated; OR
 - b) Directs travelling public to a tourist facility / building / place of scientific, historical or scenic interest within the area, and:
 - i) Does not include the names of proprietary products or services or sponsoring businesses;
 - ii) Each sign must be sited a minimum distance of 1 kilometre from each other.
- 9) **Sex Services Premises:** Advertising for sex services premises is restricted to:
- a) Only one sign is permitted per premises;
 - b) The maximum sign size is 900mm by 600mm;
 - c) The sign may be lit by a single globe and cannot be flashing;
 - d) Any signage must be discrete and must not display word or images which are sexually explicit or otherwise sexually suggestive.
- 10) **Unacceptable Signs:** Signs that are not permissible include:
- a) Signs that do not meet the requirements of the *Building Code of Australia*;
 - b) Signs that are not related to the approved activities at the building or site to which they are attached (unless they meet the exceptions in this DCP);
 - c) Projecting wall signs (at right angles from the building face) that are not an under-awning sign;
 - d) A roof sign or wall sign projecting above the roof or wall to which it is affixed;
 - e) Above awning signs;
 - f) Inflatable signs or structures (where displayed for greater than 14 days);
 - g) Flashing or intermittently illuminated signs or variable message board signs (other than those within a shop window or installed and operated by a road authority);
 - h) Advertisements on parked motor vehicles or trailers (whether or not registered) for which the principal purpose is for advertising;
 - i) Signs fixed to trees, lights, telephone or power poles;
 - j) Signs which could reduce road safety by adversely interfering with the operation or visibility of traffic lights or authorised road signs;
 - k) Any sign that could, in the opinion of Council, be unsightly, objectionable or injurious to the amenity of the locality, any natural landscape, public reserve or public place;
 - l) Numerous small signs and advertisements carrying duplication information; and
 - m) Overhead banners and bunting, except in the form of temporary advertisement.
- 11) **Exceptions:** Exceptions to the limitations as to number or type of signage include the following:
- a) Any signs that are exempt or complying development;
 - b) Any 'Welcome to Town/Shire' sign as per controls below;
 - c) Any historic sign that may be present on a building including those painted directly on to wall surfaces. These should be retained and /or restored where possible to contribute to the historic streetscapes;
 - d) Any signs or plaques that only indicate the building address, number, or age that do not dominate the frontage;
 - e) Any temporary real estate signs;
 - f) Any temporary or special event signage where there is Council approval;
 - g) Any signage for public facilities (including but not limited to toilets, telephones, shelters, waste disposal, libraries, council offices etc.);

h) Any public artwork (to the approval of Council).

12) **Types of Sign:** (See diagrams below / opposite for an illustration of each sign type)

a) **Illuminated advertising signs** are only permitted for commercial and industrial retail land uses in urban areas as follows:

- i) External illumination to signs must be top mounted and directed downwards unless it is an under-awning sign;
- ii) External light source must be at least 2.6m above the ground if the sign projects over a public road or footpath.

b) **Under awning signs** must:

- i) Be erected horizontal to the ground and at no point less than 2.6 metres from the ground;
- ii) Not project beyond the awning;
- iii) Be securely fixed by metal supports.

c) **Awning fascia signs** must:

- i) Not project above or below the fascia or return end of the awning to which it is attached;
- ii) Not extend more than 300mm from the fascia or return end of the awning.

d) **Flush wall signs** must:

- i) Not exceed 20% of the area of the wall on which it is fixed or painted;
- ii) Not project above or beyond the wall to which it is attached;
- iii) Must have the face of the sign parallel to the wall on which it is attached.

e) **Pole or pylon signs:** Generally they will only be permissible where there are limited other options for signs because the building is setback from the street frontage or heavily obscured by large street trees. They must be:

- i) A minimum of 2.6m above the ground;
- ii) A maximum height of two (2) metres above the ridgeline of any building on the site;
- iii) Located on the lot to which the signage relates and not encroach over any boundary or interfere with any services or pedestrian or vehicle movement.

f) **Top hamper signs** must:

- i) Not extend more than 200mm beyond any building alignment;
- ii) Not extend below the head of the doorway or window to which it is attached.

g) **Portable signs on public footpaths & road reserves** including 'A-Frame' and 'Sandwich Boards' are only permitted where it can be demonstrated that they do not impede the flow of pedestrian traffic and enhance the character of the locality. Only one of these signs is permitted per business. An application must be made to Council with a copy of a Certificate of Currency for Public Liability Insurance for minimum \$20,000,000. These signs must:

- i) Have a maximum dimension of 1m by 0.7m;
- ii) Maintain a minimum clear footpath width of two (2) metres at all times;
- iii) Be located so as not to impede the movements of visionally impaired;
- iv) Be professionally made and painted;
- v) Be placed so that pedestrian areas are uncluttered and access and egress from shops and cars is not impeded;
- vi) Be placed no closer than 600mm to the kerb;
- vii) Not be held in place with posts or other permanent fixtures (other than what is necessary to avoid impacts from wind);



Under-awning sign



Awning fascia sign



Pole or pylon sign



Top hamper sign



- viii) Be aimed at informing the pedestrian (large signs directed at drivers are inappropriate as their size, and scale of lettering, leads to clutter and ineffective signs);
- ix) Be removed from the footpath when the shop is closed.
- h) **Welcome Signs** – Council will allow advertising on Welcome (to Town/Shire) Signs subject to the following:
 - i) Advertising relates to the location or area;
 - ii) Wording is appropriate and fits on a custom made sign bolted to brackets located on the existing poles;
 - iii) Size of lettering is not greater than that on the Welcome Sign;
 - iv) Colouring of the sign is similar to that of the Welcome Sign;
 - v) Number of advertisements on any one sign is limited to a total of six (6);
 - vi) Administration of the advertising may be carried out by a local community group provided any funds raised be used on Council related projects or improvements.

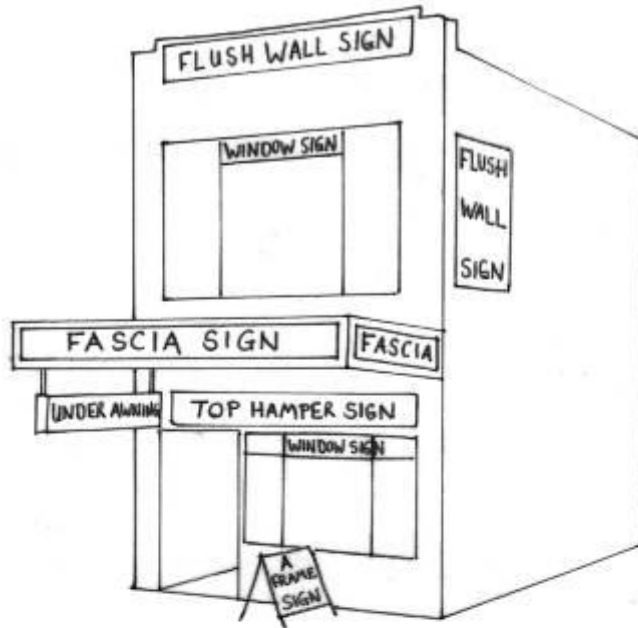


Illustration of SUITABLE types of commercial signage (though not all of these can be used at the same time or in certain circumstances).

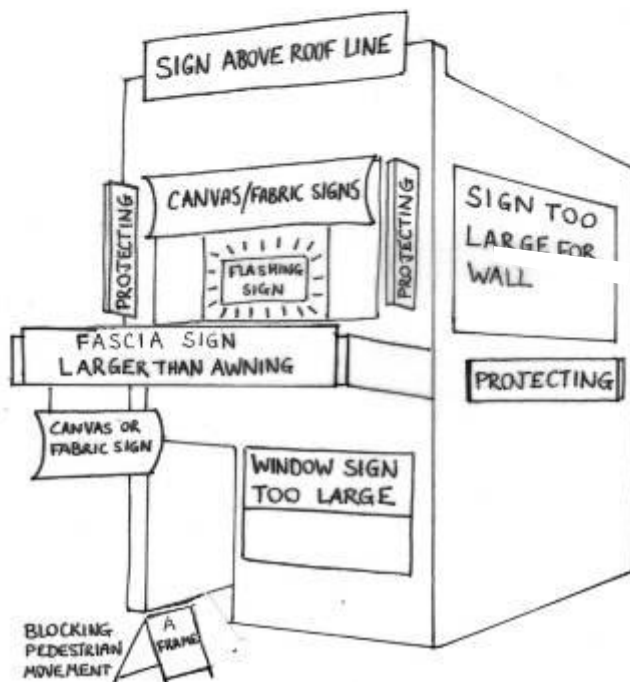


Illustration of UNSUITABLE types of commercial signage (unless there are exceptional circumstances)

A.4.2 STREET TRADING / FOOTPATH DINING

Short term trading occurs when a group sets up a stall in a public area for a limited period (generally not exceeding a day a month). Long term trading occurs when any use of the public area becomes continuous or for extended periods).

- 1) **Short Term Trading:** A **Short Term Trading Application** is required to be completed before commencement of the activity. This includes trading for a period of up to one day in every month for the following purposes:
 - a) Ticket sales by community groups;
 - b) Sale of produces e.g. cake stalls;
 - c) Public collection;
 - d) Busking.

- 2) **Long Term Trading / Footpath Dining:** A **development application** is required for long-term trading (display of merchandise) and/or dining on public footpath areas as well as a lease arrangement with Council and the relevant insurances. The proposed development must:
 - a) Ensure the use of the footpath is only adjacent to the Proponent's property and not an adjacent property;
 - b) Ensure furniture and other obstacles do not impede the use of the footpath for pedestrians and access or compromise public safety;
 - c) Provide a minimum 2.0 metre wide 'clear zone' with no furniture or signage to enhance access and allow all of shop front to be used as a guide for the visually impaired;
 - d) Ensure any items placed along the kerb side of the footpath are placed not closer than 600mm to the kerb;
 - e) Ensure all goods offered for sale through the long term trading / footpath dining area are consistent with those normally sold by the associated commercial premises;
 - f) Permit the sale and consumption of alcoholic beverages only within the designated footpath dining area;
 - g) Provide a copy of a Certificate of Currency for Public Liability Insurance for minimum \$20,000,000.
- 3) **Other Footpath Uses:** The footpath is not to be used for the storage or display of partly assembled items, rubbish (except during Council collection periods) or items not approved by Council.
- 4) **Cancellation:** An approval is subject to cancellation should the requirements of this DCP or any additional conditions be infringed.

A.4.3 EARTHWORKS & EROSION / SEDIMENTATION

- 1) **Local Environmental Plan:** Earthworks must only occur in accordance with WLEP2012 *Clause 6.1 – Earthworks* and the controls in this DCP.
- 2) **Australian Standard:** Earthworks / land filling proposals that are not minor or ancillary to an application for a single dwelling or dual occupancy must demonstrate consideration of *AS3798-2007-Guidelines on earthworks for commercial and residential developments*.
- 3) **Other Reports:** Where significant earthworks are proposed (see definition below), Council may require (in accordance with **Appendix 1**):
 - a) A **Survey Plan**;
 - b) An **Earthworks Plan**;
 - c) A **Stormwater Drainage Plan**;
 - d) A **Structural Plan** (for retaining walls > 600mm above natural ground);
 - e) A **Geo-Technical Report** relating to soil quality if fill is entering or leaving the site;
 - f) A Contamination Review & Site History in the **Statement of Environmental Effects** and/or a **Contamination Assessment** (if the site is found to be contaminated).

Note: Council has discretion to determine what constitutes 'significant' earthworks but this is likely to occur when cut and/or fill:

- Exceeds 1m in depth and/or 200m³ of material;
- Where retaining walls are required exceeding 600mm in height from natural ground;
- Is within proximity to (or could impact on) a watercourse, wetland, riparian corridor, or area of biodiversity or other environmental significance as defined in WLEP2012;
- May impact on an adjacent property (structural stability etc.);
- May impact significantly on flood waters or modify the characteristics of a watercourse;
- Is part of an extractive industry that requires a development approval from Council;
- Where fill is being imported/exported to/from the site.

- 4) **Designated Development:** Excavation or earthworks which are designated under Schedule 3 of the EP&A Act / Regulations must not be undertaken without preparation of appropriate documentation and Council's consent. This may include farm dams within 40 metres of any creeks or natural watercourses or in areas of high water tables 3 metres or less from natural surface level.
- 5) **Large Lot Residential Zone:** In Zone R5 Large Lot Residential, no earth or gravel may be removed or excavated from the subject land 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.
- 6) **Cut & Fill:** Cut and/or fill should be minimised through appropriate site planning, building orientation and design, and should generally not exceed (from natural ground):
 - a) 1 metre for residential development;
 - b) 2 metres for commercial and industrial development.
- 7) **Erosion & Sedimentation:**
 - a) Site runoff must be managed to avoid and/or minimise any land degradation including offsite sedimentation.
 - b) A **Sediment & Erosion Control Plan** may be required in **Appendix 1**.
 - c) Where major earthworks are proposed, the development application must address the NSW Government's *Managing urban stormwater: soils and construction* (Volume 1) (available from Landcom) – commonly referred to as the "The Blue Book."

A.4.4 TOURIST & VISITOR ACCOMMODATION

Note: The term 'tourist and visitor accommodation' is defined in WLEP2012 and includes 'serviced apartments', 'bed and breakfast accommodation', 'farm stay accommodation', 'hotel or motel accommodation', 'serviced apartments' and 'backpacker's accommodation'. It does not include 'camping grounds', 'caravan parks' or 'eco-tourist facilities'.

- 1) **Objective(s):** To encourage tourism and visitor accommodation and tourist oriented activities in areas that are appropriate for that development and the rural setting whilst avoiding or mitigating against any potential land use conflicts with neighbouring properties, the natural environment and/or rural and residential amenity.
- 2) **Permissibility:** All tourist and visitor accommodation has a residential component and, therefore, Council will not permit the establishment of any tourist and visitor accommodation on land on which a single dwelling is not permissible in WLEP2012.
- 3) **Location:**
 - a) Tourist development is encouraged in areas that provide complementary activities and have ready access to the existing service centres and tourist / recreation facilities.
 - b) Tourist development (other than farm stay accommodation or eco-tourist facilities) should generally occur within a 10 kilometre radius of Zone RU5 Village or Zone R1 Residential in each major settlement (Barham, Koraleigh, Moulamein, Murray Downs, Tooleybuc and Wakool).
 - c) Exceptions may be made only where the Proponent can demonstrate that there is no site within this area that is suitable for the particular type of tourist development.
- 4) **Master Plan:** For all developments where the buildings and ancillary facilities either:
 - a) Cover an area exceeding 1 hectare; or
 - b) Have in excess of 10 rooms accommodation; or
 - c) Include a proposal for a recreation facility (such as a golf course),the Proponent must prepare a **Master Plan** for the site in accordance with **Appendix 1**.
- 5) **Land Use Conflicts:** The development application and **Master Plan** must address the potential impacts of the particular land use / activity on other land uses / properties in the

vicinity of the site and demonstrate that all reasonable steps have been taken to avoid or minimise any potential land use conflict.

- 6) **Economics:** The development application must provide a review of the economic viability / sustainability of the proposed tourist development including but not limited to the Proponent demonstrating that they understand the costs of development, the type of product being offered, the target market and pricing for that product, the expected annual return and expenditure, and regional competition for that product/target market.
- 7) **Sewerage:** Tourist development will be encouraged where provision of a reticulated sewerage system is available. Where this is not available, tourist development will only be permitted if it can be demonstrated that soil types in the area are suitable for the installation of an on-site waste management system.
- 8) **Signage:** Is addressed in **Clause B6.8 – Outdoor Lighting, Advertising & Signage** (above) – and would be considered a ‘commercial’ premise’ or ‘home business’ in an urban zone or signage in a rural or environmental zone otherwise.

A.4.5 RIVER STRUCTURES & BOATING FACILITIES

*Note: Proponents should also review and address the requirements of Part 6 of WLEP2012, particularly **Clause 6.6 Riparian land & the Murray River and other watercourses** and **Clause 6.7 – Development on river bed and banks of the Murray River**. Proponents should determine if the development application is classified as integrated development under Section 91 of the Environmental Planning & Assessment Act 1979 and if a controlled activity approval is required.*

- 1) **Objective(s):** To maintain the river corridor and waterway in its natural environment by restricting the use of the river for permanent moorings for houseboats and other commercially operated vessels in certain areas of key watercourses.
- 2) **Regional Plan:** Moorings, mooring pens, marinas, wharf or boating facilities, boat launching ramps, jetties, boat sheds, and water recreation structures require approval under the provision of *Murray River Regional Environmental Plan No.2*. Development may also require a **River Application** and/or **Bed and/or Bank Application** as required in **Appendix 1**.
- 3) **Prohibited Areas:** Council will not approve any applications for moorings, mooring pens, marinas, wharf or boating facilities, boat launching ramps, jetties, boat sheds, water recreation structures and/or ancillary works (including pump ashore facilities) in key watercourses designated on the **Mooring Exclusion Map** in **Appendix 6 – Maps** for Barham, Tooleybuc, and Moulamein (where it is incompatible with the appearance of the surrounding areas) UNLESS the uses listed are ancillary to an approved retail or commercial use and meet all other controls in WLEP2012 and this DCP.

A.4.6 ANIMAL BOARDING OR TRAINING ESTABLISHMENTS

- 1) **Objective(s):** To ensure all animal boarding or training establishments:
 - a) Implement best practice design;
 - b) Minimise the impacts on adjoining land uses.
- 2) **Land Use Conflicts:**
 - a) No establishments will be permitted within 200m of an adjoining residential dwelling;
 - b) Applications for animal boarding or training establishments within 500m of any adjoining residential dwellings need to address how the impacts on these dwellings will be minimised.
 - c) Any building for the housing of animals is to be soundly constructed and sound-proofed to prevent any noise nuisance (where required).
 - d) Noise levels from the premises are not to exceed 5dB(A) at the boundary of the property above the existing background levels and may require a certificate from a suitably qualified acoustic engineer.
- 3) **Management:**
 - a) All feed is to be stored and prepared in a properly constructed building capable of being easily cleaned, maintained and kept rid of vermin;
 - b) Dogs and cats must at all times be kept within the confines of the kennels and exercise yards except during their receipt or release.
 - c) All excremental waste and loose hair, if not removed immediately, is to be collected in an impervious fly-proof container which is to be emptied and cleansed at least once every 7 consecutive days and deposited at an agreed waste disposal depot.
 - d) The drainage system for the establishment must be constructed to collect all waste water and directed to an arrestor pit and absorption drain with all details to be submitted as part of the application for approval.
 - e) Council may require a **Sediment & Soil Erosion Plan** if an establishment is located near a watercourse or environmentally sensitive area and is likely to result in significant topsoil disturbance from animals.

A.4.7 SEX SERVICES PREMISES (BROTHELS)

- 1) **Objective(s):** To minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.
- 2) **Location:** In deciding whether to grant development consent to development for the purposes of sex services premises, the consent authority must consider the following:
 - a) Whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land:
 - i) in Zone R1 General Residential or Zone RE1 Public Recreation, or
 - ii) used for the purposes of a child care centre, a community facility, a school or a place of public worship,
 - b) The impact of the proposed development and its hours of operation on any place likely to be regularly frequented by children:
 - i) that adjoins the proposed development, or
 - ii) that can be viewed from the proposed development, or
 - iii) from which a person can view the proposed development.
- 3) **Entrance / Design:** A Restricted Premises and/or Sex Services Premise must be sited and designed so that arrivals/departures of staff and clients late at night will not cause the disruption to the amenity of the neighbourhood.
- 4) **Signage:** Is addressed in **Clause B6.8 – Outdoor Lighting, Advertising & Signage** (above).

A.4.8 TEMPORARY EVENTS

Note: Temporary events that include the erection of a temporary structure (which includes a booth, tent or other temporary enclosure – whether or not part of the booth, tent or enclosure is permanent – and also includes a mobile structure) or require the use of a building as an entertainment venue are a form of ‘development’ and, as such, require development consent in accordance with State Environmental Planning Policy (Temporary Structures) 2007, WLEP2012 (Clause 2.8), & this DCP.

Major temporary events, where the number of participants and/or spectators is, or is expected to exceed, 500 people will require development consent. Minor events (less than 500 people) may be exempt from requiring consent after discussion with Council.

Under certain situations other forms of approval from Council may still be required (e.g. Temporary Road Closure or event on Council land) and all events must still conform to relevant Council or legislative requirements (e.g. Food Safety Standards).

- 1) **Objective(s):** To ensure that temporary events, particularly those for public entertainment:
 - a) Do not have unacceptable environmental and amenity impacts on existing communities;
 - b) Have adequate public safety, health, and security contingencies in place.
- 2) **Temporary Event Application:** If Council requires a development application for a temporary event then a **Temporary Event Application** must be provided in accordance with **Appendix 1**.

A.4.9 EXTRACTIVE INDUSTRIES / MINING

Note: Extractive industries and mining are controlled by a range of legislation and state environmental planning policies including, but not limited to:

- Environmental Planning and Assessment Act 1979 (‘EP&A Act’);
- Environmental Planning and Assessment Regulation 2000 (‘EP&A Regulation’);
- State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007;
- Murray Regional Environmental Plan No.2 – Riverine Land.

In general development for the purpose of an extractive industry may be carried out with development consent on land which for the purposes of agriculture or industry may be carried out or in any part of a waterway that is not in an environmental conservation zone.

Extractive industries may be designated development in accordance with Part 1, Item 19, Schedule 3 the EP&A Regulations and may require preparation of an Environmental Impact Statement (EIS).

- 1) **Objective(s):** To ensure that extractive industries and mining occurs where the benefits of resource extraction are not over-ridden by potential impacts on:
 - a) The character and amenity of Wakool Shire; or
 - b) Identified environmental values.
- 2) **Land Use Conflict:** Extractive industries should be located, designed and operated to ensure that there is an appropriate buffer to sensitive land uses or environmentally sensitive areas, taking into account the guidelines in **Appendix 2 – Buffers for Sensitive Land Uses**.
- 3) **Rehabilitation:** Rehabilitation must be in accordance with an approved plan (by Council) that identifies:
 - a) Staging of rehabilitation works;
 - b) Appropriate remediation and clean-up works;
 - c) Reinstatement of landform and soil profiles; and
 - d) Suitable re-vegetation.

SECTION **C**

SITE-SPECIFIC CONTROLS

STEP 4

Please read the relevant section in SECTION C that applies to your site or proposed development as follows:

In order to determine if your site is constrained by the natural environment, hazards or heritage and culture you will need to look at the mapping in WLEP2012.

C1 – NATURAL ENVIRONMENT

This Section includes issues such as significant vegetation, biodiversity, watercourses, wetlands, and groundwater sensitive areas.

C2 – HAZARDS

This Section includes issues such as geology, salinity, contamination, stormwater drainage, flooding and bushfire.

C3 – HERITAGE & CULTURE

This Section includes protection of both indigenous and non-indigenous heritage including archaeology and heritage items.

C4 – ACCESS & PARKING

Most development will need to provide access & parking in accordance with this Section.

C5 – URBAN AREA CHARACTER STATEMENTS

Development in the towns & villages of Barham, Moulamein, Wakool, Tooleybuc and Koraleigh may require review of this Section.

C SITE-SPECIFIC CONTROLS

C.1 NATURAL ENVIRONMENT

B.1.1 SIGNIFICANT VEGETATION & BIODIVERSITY

Note: This clause seeks to provide additional explanation to the application of a range of relevant clauses in WLEP2012 including but not limited to:

- Clause 5.9 – Preservation of trees or vegetation;
- Clause 6.2 – Terrestrial biodiversity;
- Clause 6.3 – Watercourses and wetlands;
- Clause 6.5 – Development on river front areas;
- Clause 6.6 – Riparian land and the Murray River and other watercourses;
- Clause 6.7 – Development on river bed and banks of the Murray River

Clause 5.9 of WLEP2012 applies to all trees and shrubs on land that contains a Heritage Item and land identified as being of ecological significance including land mapped as wetlands and land with sensitive sand hills.

Proponents should determine if significant vegetation removal as part of a development application is classified as integrated development under Section 91 of the Environmental Planning & Assessment Act 1979 and if an activity approval is required.

1) Objective(s):

- To avoid or minimise the removal of significant trees and vegetation on-site through appropriate site planning and building locations, minimising cut and fill around trees, and appropriate land management;
 - To maintain and enhance significant tree corridors and ecological linkages, particularly along its rivers, watercourses and wetlands;
 - To protect and enhance the ecological and biodiversity values of environmentally sensitive areas;
 - To maintain and enhance the visual and landscape setting of the Shire, particularly, its rivers, watercourses and wetlands;
 - To protect vegetation on land identified as 'Sand Hills' on the 'Sand Hills Map' including:
 - To protect the fragile environment and ecosystems which exist on sand hill areas in the Shire;
 - To control wind erosion on sand dunes by protecting the natural bushland;
 - To protect existing windbreaks and encourage increased tree planting on rural lands;
 - To reduce adverse impacts of prevailing winds by ensuring that the effect of tree removal essential to normal farming practice is minimised by selective clearing and introduction of a replacement program;
 - To limit disruption to traffic and damage to roads caused by windblown sand.
- 2) **Tree Preservation (All Zones):** Development that has the potential to adversely affect any significant trees or landscape will be discouraged, particularly on larger lots where alternative building sites or agricultural production areas are available. **Survey Plans** showing existing trees and **Landscape Plans** showing proposed landscape may be required in accordance with **Appendix 1**.
- 3) **Tree Preservation (Large Lot Residential):** In Zone R5 Large Lot Residential, no trees in excess of six (6) metres in height and/or a trunk of 30cm in diameter measured at 1.4 metres above ground may be cut down, top lopped or wilfully destroyed except where it is necessary for the erection of a dwelling on the subject land (and no reasonably alternative site/design is available) or it meets the exceptions below.

- 4) **River front areas:** For the purposes of determining whether development consent is granted for development that would result in tree removal in river front areas then an 'adverse impact' or 'environmental harm' or 'visual disturbance' is deemed likely to occur when the tree(s) for removal:
- a) Are identified in WLEP2012:
 - i) within 40m of the top of bank of a watercourse identified on the **Watercourse Map** in WLEP2012; or
 - ii) within 40m of a wetland identified on the **Wetland Map** in WLEP2012; or
 - iii) within an area identified as 'Biodiversity' on the **Biodiversity Map** in WLEP2012 and form part of a significant corridor of biodiversity; and
 - b) Exceed the following dimensions:
 - i) Height greater than 6 metres; or
 - ii) Diameter greater than 30 centimetres (when measured 1.4 metres above ground); and
 - c) There is a reasonable alternative location for the proposed development that would not cause this adverse impact/ environmental harm/ visual disturbance.

UNLESS

- d) The tree meets one or more of the exceptions listed in this clause below; or
- e) The Proponent has provided justification for the removal supported by:
 - i) For up to three (3) trees of the above dimension – a short justification in the **Statement of Environmental Effects**;
 - ii) For the removal of three (3) to ten (10) trees of the above dimensions - an **Arborist Report** prepared and/or certified by a qualified arborist or landscape specialist;
 - iii) For the removal of greater than ten (10) trees of the above dimensions – an **Arborist Report** as well as a **Flora / Fauna Study** prepared by a qualified ecologist,
that are all prepared in accordance with **Appendix 1** and address all relevant controls in WLEP2012, this DCP, and *Murray REP No.2 – Riverine Land* where they apply to that land.

Note: Council is more likely to place weight on the significance of the vegetation where:

- a) it is shown to have high biodiversity value (consult with Council); or
- b) the biodiversity mapping overlaps the watercourse and/or wetland mapping; or
- c) the biodiversity forms part of a regionally significant ecological corridor along a watercourse or road system.

- 5) **Sand Hills:**
- a) This subclause applies to all development on land which is highlighted on the '**Sand Hills Map**' in **Appendix 6 - Maps** of this DCP or any proposal to remove vegetation on land which is highlighted on that map that requires consent.
 - b) Council will require the retention of trees on sand hill formations unless the Proponent prepares a **Sand Hill Impact Review** in accordance with **Appendix 1** that demonstrates that the proposed development:
 - i) Will not harm the environment by way of:
 - (1) Denudation of the land;
 - (2) Uncontrolled flow of water across the land;
 - (3) Soil erosion and sedimentation; and
 - ii) Will only clear discreet areas less than 1 hectare or 10% of the site, whichever is smaller.
- 6) **Flora / Fauna Study:** Council may require a **Flora / Fauna Study** to be prepared by a suitably qualified ecologist in accordance with **Appendix 1** where:

- a) There is likely to be a significant impact on matters of national environmental significance under the (Commonwealth) *Environment Protection and Biodiversity Conservation Act 1999*;
 - b) There is likely to be a significant effect on threatened species, populations or ecological communities listed under the (NSW) *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*, or their habitats;
 - c) The proposed development involves clearing of native vegetation, including wetlands and riparian vegetation as noted in subclause (4) above;
 - d) The proposed development will affect certain vegetation or habitat communities subject to relevant state planning controls, including urban bushland and koala habitat.
- 7) **Exemption(s):** Clause 5.9 of WLEP2012 and this clause of the DCP does not apply if the following conditions are met and, therefore, consent is not required for tree removal:
- a) A tree is dead (as defined) or there is a need to remove dead branches in the tree canopy;
 - b) A tree that has become dangerous to human life or property of significant value;
 - c) A tree is of a species that has been declared a noxious plant under the *Noxious Weeds Act 1993*;
 - d) A tree is a fruit tree or tree grown for commercial or domestic nature for the purpose of fruit or fodder production;
 - e) A development consent to carry out clearing has been obtained under the *Native Vegetation Act 2003* in accordance with an approved Property Vegetation Plan;
 - f) Clearing is authorised under other legislation (e.g. *Rural Fire Act 1997*; *State Emergency and Rescue Management Act 1989*; *National Parks and Wildlife Act 1974*; *Electricity Supply Act 1995*; *Roads Act 1993*; *Fisheries Management Act 1994*; or *Plantations and Reafforestation Act 1999*);
 - g) A tree is on land owned by or under the care and control of Council and it has been identified as a tree scheduled for removal or maintenance.

However, Council may require some proof that the above exceptions have been satisfied through photos of the trees in question and possibly the requirement for an **Arborist Report** to confirm that the tree is dangerous or dead.

- 8) **During Construction:** Where a condition of consent is imposed for the protection of a tree or trees then construction must be carried out in compliance with *Australian Standard - Protection of Trees on Development Sites* (AS 4970-2009).

B.1.2 WATERCOURSES & WETLANDS

Note: Proponents should determine if the development application is classified as integrated development under Section 91 of the *Environmental Planning & Assessment Act 1979* and if a water use approval, water management work approval or activity approval is required.

Under the *Water Management Act*, if a controlled activity (including but not limited to the erection of a building, carrying out of a work, or removal of material) occurs on 'waterfront land' (which includes land within 40 metres of a watercourse) then the NSW Office of Water may need to be consulted to seek a 'controlled activity approval'.

Riparian zone: means any land which adjoins, directly influences, or is influenced by a body of water. The width of the zone varies according to the extent of riparian vegetation, flood levels, water quality, and channel form.

Riparian buffer: means land which is additional to the riparian zone necessary to protect the values and health of the riparian zone.

Riparian corridor: means any land comprising the riparian zone, riparian buffer and wetland buffer as identified on the WLEP2012 Watercourse Map and Wetlands Map.

Building Setbacks: WLEP2012 – Clause 6.6 – Riparian Land and the Murray River and other watercourses sets the minimum setbacks for all buildings (and ancillary on-site sewerage management systems) from the top of bank of key watercourses as follows:

- In all urban zones (Zones R1 General Residential, Zone B2 Local Centre, Zone B6 Enterprise Corridor, Zone IN1 General Industry, Zone RU5 Village, Zone R5 Large Lot Residential, Zone RE1 Public Recreation, Zone RE2 Private Recreation, Zone SP2 Infrastructure) – 40 metres;
- In all other rural and environmental zones – 100m.

1) **Objective(s):**

- a) To support Part 6 in WLEP2012 relating to watercourses and wetlands;
- b) To protect and enhance riparian corridors including their stream integrity, biodiversity, and ecological values;
- c) To protect and enhance natural flow regimes and natural floodplains, where appropriate, and prevent significant alteration of watercourses;
- d) To protect and enhance water quality and quantity in key rivers and watercourses including minimising bank erosion.

2) **Wetlands & Watercourses:** This clause applies to all land where there is a 'Watercourse' on the 'Watercourse Map' or a 'Wetland' on the 'Wetlands Map' in WLEP2012.

3) **Potential Impacts:** For the purposes of WLEP2012 and this DCP, a proposal that is likely to cause a 'significant adverse impact' would include:

- a) Removal of significant vegetation (as per Clause C1.1 above) within 40 metres of a watercourse or wetland or in a biodiversity area, not in accordance with an **Arborist Report** and/or **Flora / Fauna Impact Study**; and/or
- b) Excavation of land within 100 metres of a watercourse or wetland or in a biodiversity area, not in accordance with an approved **Earthworks Plan**; and/or
- c) Development of land within 200 metres of a watercourse or wetland that has potential to contaminate water, not in accordance with a **Riparian & Watercourse Assessment**;

where the relevant report(s) address Clause 6.2, Clause 6.3, Clause 6.5 & Clause 6.6 (where relevant) of WLEP2012, this DCP, and *Murray REP No.2 – Riverine Lands* in accordance with **Appendix 1**.

4) **Bank or Bed Works:** If the Proponent is proposing any works on the bed or bank of a watercourse or wetland then they will need to lodge a **Bank and/or Bed Works Application** in accordance with **Appendix 1**.

5) **Pump Facilities & Supply Channels:**

- a) If the Proponent is proposing any works for a pump facility and/or supply channel from a watercourse or wetland then they will need to lodge a **Pump Facilities & Supply Channels Application** in accordance with **Appendix 1**.
- b) The use of any natural watercourse areas and wetland areas for pump facilities and supply channels are not considered appropriate on the 'wet side' of any approved levee systems and approvals will not be granted for such proposals.
- c) The development of the unprotected floodplain area for recycling channels and storage dams will not be considered because of the potential impact on the floodplain, water quality, and impact on native flora, fauna and fish breeding habitats.

Note: Where a 'watercourse' or 'wetland' is identified on a lot for which there is a proposed development, Proponents must clearly identify them on any **Site (Analysis) Plan(s)** and in the **Statement of Environmental Effects** and provide dimensions for setbacks from the top of bank of the watercourse as well as the location and size of all significant vegetation.

- 6) **Riparian Corridors:** The rules for controlled activities that require approval under the *Water Management Act 2000* are set out in The NSW State Government publication '*Controlled activities on waterfront land - Guidelines for riparian corridors on waterfront land*' (DPI, Office of Water, July 2012) – a copy of which is in **Appendix 5 – Guidelines – Riparian Corridors** for more details. This provides the definition of appropriate riparian corridor widths.
- 7) **Revegetation:** Where development is proposed within 40 metres of the top of bank of a watercourse or a wetland, Council may require revegetation adjacent to the top of bank of the watercourse or in the wetland in accordance with the recommendations of any **Flora / Fauna Impact Study** and/or **Riparian & Watercourse Assessment** to a depth to create an appropriate riparian buffer in accordance with **Appendix 5 – Guidelines – Riparian Corridors**. Revegetation must use endemic (local) native plant species.
- 8) **Asset Protection Zones:** Asset Protection Zones for bushfire protection must be maintained outside of riparian corridors.
- 9) **Reinstatement:** Piped or channelized watercourses must be reinstated to more natural forms where possible.
- 10) **Public Access:** Opportunities should be maximised for appropriate public access to the top of riverbanks of key watercourses where it is consistent with the principles of riparian corridor protection.

B.1.3 GROUNDWATER

Development is to be designed to prevent adverse effects on groundwater recharge or on groundwater quantity or quality, particularly on land:

- a) where groundwater recharge to saline water tables occurs; or
- b) which is in proximity to a discharge area.

B.2 HAZARDS

B.2.1 GEOLOGY & SALINITY

- 1) **Geology:** Where there is evidence of any geological or soil related issue(s) that may impact on the suitability and construction of any proposed development then:
 - a) The **Statement of Environmental Effects** must give consideration to the potential impacts of erosive soils, saline soils, soils of low wet strength, and highly reactive soils and document how these constraints will be addressed.
 - b) Council may require a **Geo-Technical Report** prepared and/or certified by a qualified engineer in accordance with **Appendix 1**.

Note: The Building Code of Australia may specify additional construction requirements and materials to avoid or minimise risk of damage to proposed buildings.
- 2) **Salinity:** Where any subdivision is proposed that will create 5 or more lots and the subdivision is located on land that is known to be affected by, or expected to have issues with, groundwater salinity then the developer should:
 - a) Provide satisfactory evidence of the level and salinity of the underground water; and
 - b) Make provision whereby these can be monitored in the future.

Note: Whilst WLEP2012 makes 'intensive plant agriculture' permissible without consent in Zone RU1 Primary Production (the majority of the Shire), farmers that use significant irrigation methods should be aware of the issues of 'irrigation salinity' in the Wakool Shire and its impacts on the Murray Basin and there may be other permits or approvals required (for more information see www.environment.nsw.gov.au).

B.2.2 CONTAMINATION & POLLUTION

- 1) **Objective(s):**
 - a) To ensure sites have a suitable soil quality for their intended land use;
 - b) To remediate sites that have become contaminated (where possible); and
 - c) To avoid or minimise the risk of contamination of sites in the future.
- 2) **Historical Contamination:** The **Statement of Environmental Effects** should provide a brief history of the use of the site(s) for the proposed development indicating whether there may have been any previous or current land uses that could have resulted in contamination of the site. **Note:** See **Table 1 in Appendix 3 – Land Uses & Contamination** to this DCP for some potentially contaminating land uses that would trigger a more detailed review.
- 3) **State Policy:** If there is any possibility that the site is contaminated then the Proponent must address the requirements of *State Environmental Planning Policy No.55 – Remediation of Land* and the document entitled '*Managing Land Contamination - Planning Guidelines*' (1998, Department of Urban Planning / Environment Protection Authority) (as amended or replaced).
- 4) **Future Risks:** Where any development and its operation involves significant quantities of chemicals or harmful wastes (in any form) on the site, the Proponent must demonstrate how the proposed development:
 - a) Will manage and safely contain any chemicals or wastes on the site and/or their disposal (including any transport to/from the site);
 - b) Is designed to minimise or mitigate the risk of contamination to land, surface and ground water, or flora/fauna systems.

Note: Proponents should determine if the development application is classified as integrated development under Section 91 of the Environmental Planning and Assessment Act 1979 and if an environmental protection license is required (see www.environment.nsw.gov.au). In addition, there may be planning controls in Murray

REP No.2 – Riverine Land for certain development which has potential to contaminate of impact on the Murray and its tributaries.

B.2.3 STORMWATER & DRAINAGE

1) Objective(s):

- a) To improve water conservation;
- b) To reduce the volume and increase the water quality of stormwater run-off;
- c) To maintain existing stormwater drainage corridors and watercourses to provide for extreme surface water flows;
- d) To increase on-site storage of rainwater (where suitable);
- e) To minimise damage to private and public property from surface water flows during and after high intensity rainfall events.

2) Environment:

- a) All stormwater discharging from a development must not adversely impact on any environmental values of the receiving waters or water quality downstream of a development.
- b) Where possible, stormwater discharge for all proposed development should be equivalent to the levels and volumes of discharge for the pre-developed condition of the site.

3) Stormwater System:

- a) Where available (currently in Barham & Moulamein), stormwater arrangements should be designed to a gravity or stormwater system.
- b) Lot layout and easements are to be established so that no future development will rely upon pump-out infiltration systems or any other method other than connection to the gravity piped system.
- c) Stormwater run-off must not exceed infrastructure capacity.

4) Drainage & Overland Flow Paths:

- a) Where there is a likelihood of significant overland flows on a site a detailed **Site Survey** must be submitted to Council accompanied by a **Stormwater Plan** that designates the overland flow path up to a 1:100 Annual Recurrence Interval ('ARI').
- b) Where the path traverses private property, it must be:
 - i) Dedicated as a drainage reserve UNLESS a natural drainage line is present (as indicated by a blue line on the topographic map); and
 - ii) Where drainage is required to the rear of the lot, inter-allotment drainage must be located in easements in favour of the upstream properties benefited by the easement.
- c) The controls in the following clause for 'Flood Planning' apply to any development affected by overland flow paths up to 1:100 ARI.

5) Management:

- a) Measures to control stormwater flow and water quality may be required and must be documented as part of the development application / **Servicing Strategy**.
- b) Council will only consider alternative forms of drainage, including methods of on-site disposal such as retention and/or detention basins, where it can be demonstrated that there is no other practical solution available.
- c) Council will take into account ease of maintenance, public safety risk, proven functionality and cost liability for Council.

B.2.4 FLOOD PLANNING

1) Objective(s):

- a) To minimise any increased risk to human life from flooding;
- b) To minimise any additional economic and social costs arising from damage to property from flooding that are greater than that which can reasonably be managed by the property owner and general community;
- c) To permit development only where there is either a controlled levee system or effective warning time and reliable access available for the evacuation of an area potentially affected by floods,;
- d) To avoid detrimentally increasing the potential flood affectation on other development or properties (except where levee banks are approved by Council);
- e) To ensure construction methods and materials are compatible with flooding and flood conveyance.

2) **Flood Liable Land:** WLEP2012 Clause 6.4 – Flood planning applies to all 'Flood Liable Land' which is all land below the 'Flood Planning Level'.

Flood Planning Level: Council has adopted as the 'Flood Planning Level':

- a) *The Crown of the adjacent road (or highest level of road where the crown is not established) in the urban areas of Barham and Moulamein (until such time as a Flood Study is adopted by Council); and*
- b) *1:100 ARI (average recurrence interval) flood event for the remaining areas of the Shire.*

Average Recurrence Interval ('ARI'): *The long-term average number of years between the occurrence of a flood as big or larger than the selected event (e.g. floods with a discharge as great or greater than the 100 year ARI event will occur on average once every 100 years)*

New Flood Study: *Council is currently preparing a new flood study to determine the Flood Planning Level for the Shire. Until this flood study is adopted then Council has the discretion to determine what land is flood liable land but will take into account:*

- a) *The Flood Maps in **Appendix 6 - Maps** to this DCP;*
- b) *Flood studies identifying the 1:100 ARI flood level that are/were undertaken in accordance with the Floodplain Development Manual prepared by the NSW Government (as amended);*
- c) *Modelling undertaken for specific sites which identifies the 1:100 ARI flood level;*
- d) *Historic flood inundation records held by Council as the highest known flood (though this may not be as high as the estimated 1:100 ARI flood level);*
- e) *Information contained within an environmental planning instrument or policy including but not limited to the Murray Regional Environmental Plan No.2 – Riverine Land.*

State Floodplain Management Strategies: *It is important to note that under the Water Act 1912 and Murray REP No.2 several Floodplain Management Strategies (and associated flood maps) have been prepared by State Government and adopted as River Management Plans under the REP including:*

- *DECC (January 2011) Edward and Wakool Rivers (Deniliquin to Moama-Moulamein Railway) Stage 1;*
- *DECC (January 2011) Edward and Niemur Rivers (Moama-Moulamein Railway to Gee Gee Bridge) Stage 2;*
- *DECC (January 2011) Edward and Niemur Rivers (Moama-Moulamein Railway to Liewah and Mallan) Stage 3;*
- *DLWC (July 2000) Edward and Wakool Rivers Floodplain Management Strategy (Noorong Road to Wakool Murray Junction) Stage 4.*

Freeboard: is a height above the design floor level or ground level which compensates for factors such as wave action, localised hydraulic effects and construction variations. Reference to freeboard in this DCP refers to an increased height of 0.5 metres above the 1:100 ARI.

Floodway: Land that is below the 1:100 ARI flood level that is subject to high hydraulic hazard (i.e. in accordance with the *Floodplain Management Manual*) or areas that are isolated in a 1:100 ARI flood due to evacuation difficulties.

Flood Fringe: Land that is below the 1:100 ARI flood level that is not subject to high hydraulic hazard where there are no significant evacuation difficulties.

Probable Maximum Flood: All other land that may be affected by a probable maximum flood that is not in the floodway or flood fringe.

- 3) **Flood Study:** Where development is proposed on land that may or may not be below the Flood Planning Level, Council may require the preparation of a Flood Study (in accordance with **Appendix 1**) to determine accurately the location of the Flood Planning Level and to demonstrate that the cumulative impact of a development on flood levels for up and downstream properties is negligible.
- 4) **Flood Management Plan:** Development applications (including subdivision) on flood liable land may need to be accompanied by a **Flood Management Plan** in accordance with **Appendix 1**.
- 5) **Land Behind Levees:** Development on land protected by the urban levee system is to include consideration of inundation resulting from a levee breach (failure or overtopping) or stormwater ponding when the river system is in flood.
- 6) **Development of Floodways:** Minor alterations or improvements to existing developments are permissible within the floodway (with consent). However, further intensification of existing land uses is discouraged. The following factors apply to applications for development in the high hazard floodway:
 - a) No new buildings are permitted (including non-residential buildings and rural buildings);
 - b) Filling is not permitted in a floodway other than in conjunction with riverbank rehabilitation and stabilisation provided that the levels do not protrude above natural surface levels;
 - c) Fences are not permitted except where it can be demonstrated to Council that they are essential, in which case they must be of post and rail, strand wire, or shear connectors construction and approval is to be obtained under Part VIII of the *Water Act* prior to erection; and
 - d) No further intensification of the use of the floodway is allowed unless it relates to the conversion of floodways to natural waterway corridors.
- 7) **Development of the Flood Fringe outside a Controlled Levee Bank:** Development on flood affected land in the low hazard flood fringe outside a controlled levee bank must:
 - a) Be consistent with the principles and standards of the *Floodplain Management Manual*, as amended ('FPMM') and have regard to Council's adopted Flood Studies;
 - b) Ensure safety to life and property;
 - c) Be structurally capable of withstanding the effects of flowing floodwaters including debris and buoyancy forces;
 - d) Be designed and constructed using materials that are flood compatible in accordance with the guidelines in **Appendix 4 – Flood Construction Guidelines**;
 - e) Not increase the risk or implications of flooding to existing areas, obstruct the movement of floodwater, or cause concentration or diversion of floodwaters.

- 8) **On-Site Sewage Management within the Flood Fringe:**
- a) On-site sewage management facilities must be sited and designed to withstand flooding conditions (including consideration of structural adequacy, avoidance of inundation and flushing/leaking into flowing flood waters).
 - b) All on-site sewage management systems are not permitted on land at or below the Flood Planning Level (that is not within a controlled levee) and any storage tanks are to be sealed from flood waters.
 - c) All sewer fixtures must be located above the Flood Planning Level.
- 9) **Residential Development outside a controlled levee bank:**
- a) Floor levels of all habitable rooms or rooms with connection to sewer infrastructure must not be lower than:
 - i) 300mm (freeboard) above the Flood Planning Level in the urban areas of Barham and Moulamein; or
 - ii) 500mm (freeboard) above the Flood Planning Level for all other areas; and
 - iii) Comply with *Australian Standard AS3500 – Plumbing & Drainage*.
 - b) On flat sites, shaped pads are to be a minimum of 300mm above the surrounding natural ground level.
 - c) Sloping allotments below street level that have no inter-allotment drainage or approved rear drainage scheme with a proposed floor level of 300mm or greater below the street level before filling will be required to meet the following design requirements:
 - i) Driveways designed to reduce storm run-off flowing into garage areas;
 - ii) Landscape designed to accommodate water flows through the property;
 - iii) Floor levels are a minimum of 300mm above the finished landscape levels around the dwelling;
 - iv) Roof water drainage lines sealed and taken up to street level and connected into the street drainage system (if present).
 - d) **Stormwater Drainage Plan(s)** may be required by Council in accordance with **Appendix 1**.
 - e) When any building has been erected to floor level, and prior to the erection of wall frames, a certificate by a registered surveyor showing the finished ground and floor levels conform to the approved design levels must be submitted to Council;
 - f) Additions to existing buildings on Flood Liable Land will only be permitted, with limitations, as follows:
 - i) Where the floor level of the proposed addition is located below the Flood Planning Level, the maximum increase in floor area is not to exceed 10% of the floor area of the existing dwelling; or
 - ii) Where the floor level of the proposed addition is located above the Flood Planning Level, the maximum increase in habitable floor space must not exceed 100m².
 - iii) Where additions are below the 500mm freeboard to the Flood Planning Level, Council must be satisfied that the addition will not increase risk to inhabitants in the event of a flood.
 - g) Rebuilding part of a dwelling below the Flood Planning Level may be permitted provided the building maintains the same dimensions which result in the same impact on flood behaviour.
- 10) **Commercial/Retail/Industrial Development outside a Controlled Levee Bank:** For commercial, retail and industrial development in the Flood Fringe areas outside a controlled levee bank:
- a) The minimum floor level is at or above the Flood Planning Level. Variation to the minimum floor level may be approved where Council considers strict adherence to

- the flood planning level is unreasonable and there is a significant impact on the streetscape or accessibility;
- b) Where floor levels are below the Flood Planning Level,
 - i) A **Flood Management Plan** must accompany the application to show that areas area available for the temporary storage of hazardous materials and valuable goods above the Flood Planning Level; and
 - ii) Floor plans must facilitate the flow of water using flood compatible materials in accordance with **Appendix 4 – Flood Construction Guidelines**; and
 - iii) All electrical installations and wiring must be above the Flood Planning Level;
- 11) **Access to Lots within the Flood Fringe:**
- a) Flood free vehicle access is required for all lots created by subdivision and may be achieved by the construction of a controlled levee;
 - b) For development of existing lots, where flood free access is not possible, the development must be able to achieve safe wading criteria as specified in Figure L1 of the *Floodplain Management Manual* (as amended).
- 12) **Subdivision within the Flood Fringe:** Residential subdivision will only be permitted where any lot to be created is above the Flood Planning Level or is protected from a flood by other measures (e.g. levee banks) and the creation of such lot will not create the potential for increased intensity of development on flood liable land.
- 13) **Land Filling within the Flood Fringe:** Land filling proposals must demonstrate consideration of *Australian Standard AS3798-2007-Guidelines on earthworks for commercial and residential developments* and may need to provide (in accordance with **Appendix 1**):
- a) A **Survey Plan**;
 - b) An **Earthworks Plan**;
 - c) A **Stormwater Drainage Plan**; and
 - d) If the proposed earthworks include the construction of a levee bank a report may be required prepared by a structural engineer that the levee bank will be capable of withstanding a 1:100 ARI flood event;
 - e) Surface drains and agricultural drains from cut and filled sites are to be directed to Council's street drainage system unless there is an alternate approved drainage scheme;
 - f) Fill, landscaping, and drainage works are to be designed not to direct surface water to neighbours property or interfere with natural flows.
- 14) **Fencing of Sites Located within the Flood Fringe:** It is preferred that new fencing is constructed of post and rail, strand wire or shear connectors, open collapsible hinge fence structure, or pool-type fence. New fencing must:
- a) Not impede the flow of flood waters;
 - b) Not be constructed of brick or other masonry;
 - c) Gain an approval under Part VIII of the *Water Act* prior to the erection of fencing on flood liable land.
- 15) **Raising Dwelling Floor Levels within the Flood Fringe:** When raising the floor level of existing or proposed new dwellings consideration must be given to:
- a) Potential impacts of a higher than the Flood Planning Level:
 - b) Isolation if flood waters restrict access to the dwelling;
 - c) Capacity of the dwelling for self-sufficiency; and
 - d) Visual impact of the raised dwelling on the streetscape, views, privacy, overshadowing of surrounding dwellings in accordance with the controls in this DCP.

B.2.5 BUSHFIRE

- 1) **Objective(s):**
 - a) To provide for the protection of human life (including fire fighters);
 - b) To minimise impacts on property from the threat of bushfire, while having due regard to development potential, on-site amenity and protection of the environment;
 - c) To ensure safe operational access and egress for emergency service personnel and residents;
 - d) To provide for ongoing management and maintenance of bushfire protection measures, including fuel loads in asset protection zones ('APZ');
 - e) To ensure that utility services are adequate to meet the needs of fire-fighters (and other assisting in bushfire fighting).
- 2) **Bushfire Hazard:** Where the development site is affected by a bushfire hazard as identified on the **Bushfire Prone Land Map** produced by the NSW Rural Fire Service (see Council's website www.wakool.nsw.gov.au), the design and management of the development must comply with:
 - a) The guideline 'Planning for Bushfire Protection 2006' (as amended) published by the NSW Rural Fire Service including Addendum: Appendix 3 (2010) (see www.rfs.nsw.gov.au);
 - b) Where required *Australian Standard AS3959 (2009) – Construction of Buildings in Bush Fire Prone Areas*.

AND Council may require the following:

- c) **Bushfire Assessment Report** in accordance with **Appendix 1**; and/or
- d) If the application is for a new dwelling or alterations and additions to an existing dwelling:
 - i) **Bushfire Attack Level Certificate** in accordance with the Rural Fire Service requirements the BAL Risk Assessment Application Kit and **Appendix 1**; and/or
 - ii) Completed **Single Dwelling Application Kit** (see www.rfs.nsw.gov.au).

Note: Proponents should determine if the development application is subject to the requirements of Section 79BA of the EP&A Act and Section 100B of the Rural Fires Act 1997. It may be classified as integrated development under Section 91 of the Environmental Planning & Assessment Act 1979 and a Bushfire Safety Authority may be required.

- 3) **Bushfire Potential:** Where the development site may be affected by a bushfire hazard but is not identified on the **Bushfire Prone Land Map** produced by the NSW Rural Fire Service then the following may be required by Council at their discretion as part of any development application:
 - a) **Urban Zones:** In Zones IN1, B2, B6, R1 or RU5 – a **Bushfire Attack Level ('BAL') Certificate** from the NSW Rural Fire Service or suitably qualified consultant where the extent of vegetated land adjacent to or on the site is greater than 20 metres deep; or
 - b) **Rural Zones:** In Zones RU1, E3, W1 or W2 – a **Bushfire Attack Level ('BAL') Report** prepared by a non-accredited person (but Council retains the discretion to review and amend this report if required).

Note: Bushfire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent (see WLEP2012 – Clause 5.11).

- 4) **Clearing:** Sites for development should be chosen where they avoid or minimise the need for extensive clearing of native vegetation and must provide for safe access for Bushfire and Emergency Service Vehicles.
- 5) **Management:** Site planning should also consider management regimes for any areas of hazard – identifying the level of hazard, potential risk, and how the risk can be managed (including asset protection zones). These should be maintained and revegetation areas should not contribute to an increased bushfire risk.

B.2.6 NOISE & VIBRATION

- 1) **Objective(s):** To minimise excessive or obtrusive noise and/or vibration from any development impacting unduly on sensitive neighbouring land uses taking into account the land use zone and surrounding similar uses / activities.
- 2) **Noise & Vibration:** Where the proposed development is likely to generate continuous or repetitive or regular loud noise or vibration from the operation of an activity or external plant (generators, air conditioning plant etc.), the Proponent may be required to lodge a **Noise & Vibration Report** in accordance with Appendix 1 that demonstrates that attenuation measures will be provided to protect the amenity of the locality. This may include:
 - a) Incorporation of sound / vibration proofing to machinery / activities / plant likely to create a noise/vibration;
 - b) Locating noisy operational equipment within a noise insulated area away from residential areas and arranging windows, doors and openings to transmission of noise from inside the building is minimised;
 - c) Where sites adjoin a residential area, limiting the hours and times at which mechanical plant and equipment is used;
 - d) The use of appropriate paving or track mounting and acoustic barriers (as required) to minimise noise and vibration of traffic operations.
- 3) **State Legislation:** Development, including any plant and machinery, must not contribute to emissions that are inconsistent with the *Protection of the Environment Operations Act 1997* ('POEO Act') and corresponding regulations. **Note:** *Proponents may need to seek a separate approval from State Government in relation to the POEO Act.*

B.2.7 ODOUR

- 1) **Objective(s):**
 - a) To ensure that any new development is not located in proximity to significant odour sources (e.g. sewage treatment plants or waste depots) that may interfere with the operation of that infrastructure or unduly affect amenity of the use of the proposed development;
 - b) To ensure that new industrial or commercial development that is likely to produce significant odours reviews what impact those odours may have on surrounding development and demonstrates how the odours will be minimised or mitigated.
- 2) **Odour:** Where the proposed development is likely to be:
 - a) within 400m of an existing sewage treatment plant or waste depot; or
 - b) is likely to generate a significant odour in its construction or operation,then Council may require an **Odour Report** to be submitted in accordance with **Appendix 1** that demonstrates how odour will be managed to avoid any adverse impact on the development and/or surrounding uses (whichever is relevant).

B.3 HERITAGE & CULTURE

B.3.1 INDIGENOUS HERITAGE & ARCHAEOLOGY

- 1) **Background:** Council respectfully acknowledges the local Aboriginal peoples who are the traditional owners and custodians of the land within the Wakool Shire. The lands that now make up the Wakool Shire were inhabited by the Aboriginal peoples for thousands of years before the arrival of Europeans, particularly along the Murray River and its tributaries. For this reason the Aboriginal cultural heritage in the area should be protected when considering development. As stated on the Office of Environment & Heritage's ('OEH') website (www.heritage.nsw.gov.au):

'Aboriginal cultural heritage is dynamic and may comprise physical (tangible) or non-physical (intangible) elements. It includes things made and used in traditional societies, such as stone tools, art sites and ceremonial or burial grounds. It also includes more contemporary and/or historical elements such as old mission buildings, massacre sites and cemeteries...Cultural heritage is not confined to sites; it also includes peoples' memories, storylines, ceremonies, language and 'ways of doing things' that continue to enrich local knowledge about the cultural landscape.'

- 2) **Objective(s):** To provide a framework for the consideration of potential impact on indigenous heritage and archaeological values from proposed development within the Shire.
- 3) **References:** Aboriginal cultural heritage is protected by a range of legislation, instruments and policy including but not limited to the following documents. Proponents must ensure that any development is consistent with the requirements of these documents:
- a) **National Parks and Wildlife Act 1974 (NSW)** including, but not limited to, Part 6 which provides specific protection for Aboriginal objects and declared Aboriginal places. Aboriginal objects can include physical objects (such as stone tools, scarred trees etc.), materials deposited on the land (such as middens), and the ancestral remains of Aboriginal people. There are no declared Aboriginal places in Wakool Shire (as at March 2013) but this may change;
 - b) **Wakool Local Environmental Plan 2012** – Clause 5.10 aims to conserve archaeological sites, Aboriginal objects and Aboriginal places of heritage significance and requires development consent for impacts on an Aboriginal object or archaeological site by development. Council may require a **Heritage Assessment** to be prepared (see **Appendix 1** for more details) and notify local Aboriginal communities.
- 4) **AHIMS Register:** The NSW State Government keeps a register of notified Aboriginal objects and declared Aboriginal places in NSW called the 'Aboriginal Heritage Information Management System' ('AHIMS'). You can search AHIMS to discover if an Aboriginal object has been recorded or an Aboriginal place declared on a parcel of land – but objects may still exist on land even though they are not recorded in AHIMS.
- 5) **Heritage Impacts:**
- a) Where development is proposed on or adjacent to a place that has (or is likely to have) Aboriginal heritage values an assessment must be undertaken of all aspects of the cultural heritage significance. This may include an **Archaeological Assessment** and/or a **Heritage Assessment** prepared by a qualified consultant.
Note: Even if a site is not listed on AHIMS, Proponents should determine whether their site has potential archaeological significance or cultural significance prior to any development, particularly where excavation is proposed.
Without determining what areas have Aboriginal heritage values, Council will be more likely to require a formal assessment where a site is located within 100 metres

of a river or watercourse unless the site has been heavily disturbed by non-Aboriginal activities or the proposed development is consistent with the recommendations of an existing assessment.

Council also recommends consulting with the local Aboriginal community if you are planning a development that may be in an area of Aboriginal cultural significance, particularly along river banks and key ridgelines.

- b) Where the development or disturbance of an archaeological site is proposed, the Proponent must liaise with the Heritage Office to ensure that any related statutory requirements of the *Heritage Act 1977* and/or *National Parks and Wildlife Act* (and any subsequent amendments) are complied with prior to the submission of the development application.
 - c) The proposed development must be consistent with the findings and recommendations of any **Archaeological Assessment** and/or **Heritage Assessment** for the site.
- 6) **Permit:** Under the *National Parks and Wildlife Act* it is an offence for a person to knowingly harm or desecrate an Aboriginal object. If you find an Aboriginal object on your land then you need to contact the Aboriginal Registrar or Council to discuss how to proceed. You may need to get an **Aboriginal Heritage Impact Permit** to allow the development to proceed as a defence to any liability under the legislation for harming an object.

Note: Proponents should consult with Council to determine if an Aboriginal Heritage Impact Permit is required. If so, the development application may be classified as integrated development under Section 91 of the Environmental Planning & Assessment Act 1979.

B.3.2 NON-INDIGENOUS HERITAGE

- 1) **Background:** Like our indigenous culture and heritage, our non-indigenous heritage also inform us about our cultural history, connect us with our past, give the community a sense of identity, and enhance our streets and places. Heritage items can benefit the land owner and the community and provide an attraction for tourism and economic development for our Shire.
- 2) **Objective(s):** To recognise and maintain the non-indigenous heritage values within the Shire, including local heritage items (so determined by Council), as well as places listed or identified through Commonwealth and State heritage registers.
- 3) **WLEP2012:** WLEP2012 has listed twelve (12) heritage items of which eight (8) items are bridges and four (4) items are buildings/places including:
 - Murray Downs Homestead & Outbuildings – Swan Hill – Kyalite Road, Murray Downs;
 - The Old Courthouse & Footbridge – off Jebb Street, Moulamein;
 - Uniting Church – 17 Eagles Lane, Koraleigh;
 - Barham War Memorial Hall – 15 Murray St, Barham.

Clause 5.10 of WLEP2012 provides heritage conservation controls for these items and land that is within the vicinity of one of these items. There are no heritage conservation areas currently in Wakool Shire but there may be other controls in this DCP that apply to development in streets where a number of historic buildings exist and there is a strong streetscape character. Please consult with Council to determine if development on any lot is affected by these controls.

- 4) **State Heritage Items:** There are six (6) items on the State Heritage Register which includes five (5) bridges and the Murray Downs Homestead & Outbuildings. In addition to the controls in WLEP2012 these state listed heritage items also receive protection under the *Heritage Act 1977* (NSW). Proponents should consult with Council to determine if the

development application is classified as integrated development under Section 91 of the *Environmental Planning and Assessment Act 1979* if an approval is required under Section 57(1) of the *Heritage Act 1977*.

- 5) **Heritage Assessment:** If a proposed development is a heritage item or it has the potential to impact on a heritage item (due to proximity or otherwise) then Council may require an **Archaeological Assessment** and/or a **Heritage Assessment** to be lodged with the development application in accordance with **Appendix 1**. The development needs to be consistent with the recommendations of any **Archaeological Assessment / Heritage Assessment**.
- 6) **Demolition:** Demolition of heritage items will generally only be permitted where a building is declared unsafe and there are no reasonable alternative actions that could make the building safe. Even if consent is given for demolition then Council is likely to require that a detailed history and site photos are provided to Council prior to demolition.
- 7) **Alterations & Additions:** Alterations and additions must only be undertaken where the work:
 - a) Provides a sensitive transition between the original building works and new building works;
 - b) Maintains the integrity and respects the original architectural intent of the heritage item;
 - c) Ensures that services and mechanical plant do not significantly impact on the aesthetic appearance of the original building.
- 8) **Murray Downs:** Any development in proximity to Murray Downs Homestead and the Historic Precinct around this item may need to address and comply with the requirements and recommendations of the archaeological report as prepared by David Crew for the Murray Downs area dated November 1986 (unless it has been addressed in an earlier subdivision application applying to the same land).
- 9) **Historic Streetscape:** Where a development is proposed within a street within one of the towns or villages in the Shire that has a number of examples of historic buildings, landscape or public domain that contribute significantly to the appearance of that street ('historic streetscape') (whether or not it is a heritage conservation area or contains heritage items) then the Proponent must demonstrate that the proposed development will integrate with and is sympathetic to those aspects of that heritage streetscape. This includes applications for signage in a historic streetscape.

B.4 ACCESS & PARKING

'Classified Road' is defined under the Roads Act 1993 to include any of the following: a main road; a highway; a freeway; a controlled access road; a secondary road; a tourist road; a tollway; a transit-way; and a State work.

B.4.1 GENERAL CONTROLS

- 1) **Objective(s):** All development must be designed:
 - a) To provide safe access and egress to/from the site from any public road;
 - b) To handle the largest 'design vehicle' that the site will accommodate.

Note: The 'design vehicle' is the largest vehicle that the site will regularly accommodate or likely to accommodate based on the proposed land use, types of goods transported and/or vehicles needed to allow the use to operate. This may also include vehicles required during the construction of any development.
- 2) **Standards:** All access & parking must meet Australian Standards AS2890.1 Parking Facilities.
- 3) **Approvals:** All road works and driveways are not to commence until detailed engineering plans have been submitted to and approved by Council.
- 4) **Access Locations:** The location of any driveways must take into account:
 - a) The classification of, and vehicle speeds and traffic densities on, the adjoining road;
 - b) The size and turning radii of the 'design vehicle' for the proposed development;
 - c) Proximity to other access points or driveways;
 - d) Proximity to traffic signals, intersections or roundabouts;
 - e) Sightlines from the driveway to oncoming traffic;
 - f) Pedestrian and bicycle movements and safety;
 - g) Where right turning traffic entering the site may unduly obstruct through traffic;
 - h) Impact of driveways or parking areas in front of buildings on consistency of building setbacks to major retail or business streets with encouragement to utilise rear lane access (where available).
- 5) **Classified Roads:** Direct access to a **Classified Road** will generally only be permitted where there is no other suitable alternative access available and may require additional approval by the Roads & Maritime Services.
- 6) **Access Design:**
 - a) All weather two-wheel-drive access is required to all development unless it is a farm building.
 - b) Public road access is required to all lots in an urban zone unless there is no other suitable alternative. Rural lots may achieve access by way of an easement or right of way.
 - c) The number of access points from a lot to any one street frontage in an urban area is limited to 1 entrance and 1 exit.
 - d) Separate sign-posted entrance and exit driveways are required for developments requiring more than 50 car parking spaces or where development generates a high turnover of traffic.
 - e) Driveways must be provided in accordance with Australian Standard AS2890.1 Parking Facilities.
 - f) Access driveways across Council's footpath area or road verge from the kerb line to the property boundary must be constructed to handle the typical 'design vehicle' that will utilise the site (e.g. for industrial uses it must be constructed of heavy duty concrete).

- 7) **On Site Manoeuvring:**
 - a) The design must demonstrate that conflicts between pedestrians, customer vehicles, and delivery vehicles will be minimised and not pose any undue safety risk;
 - b) Sites should be designed to allow manoeuvring of the largest 'design vehicle' that will commonly use the site within the site boundaries without interfering with other vehicles, buildings, landscaping, storage, or work areas;
 - c) All new development (except for single dwellings or change of use) should be designed so that the largest 'design vehicle' can enter and exit the site in a forward direction and, if required, provide an on-site turning area with adequate dimensions. Alternatively, the Proponent must demonstrate that vehicles can enter and exit the site in a safe manner without impeding traffic on the public road.
 - d) **Vehicle Movement Areas:** Unsealed vehicle movement areas (except for single dwellings & dual occupancies/secondary dwellings) in urban zones will generally not be acceptable due to environmental impacts (dust/noise).
- 4) **Loading/Unloading Facilities:** Loading areas(s) must be:
 - a) Designed to accommodate the largest 'design vehicle' that will use the site and incorporate sufficient turning and reversing areas without interfering with other parking or storage areas;
 - b) Designated for use only by delivery vehicles (line-markings and/or sign-posting) and sited to avoid use for other purposes such as customer parking or materials storage;
 - c) For new commercial or retail development are to be located within the site with no loading to occur from the public road system.

B.4.2 OFF-STREET CAR PARKING

- 1) **Objective(s):** To ensure development provides sufficient on-site parking for the type of development and that parking is appropriately located, designed and landscaped.
- 2) **Number of Spaces:** There is a requirement for provision of off-street parking in accordance with the schedule below. The following rules apply:
 - a) Where a development is mixed-use then the total parking is the sum of the parking required for each of the individual uses unless the Proponent can justify a variation in accordance with the variation clause below.
 - b) Where calculation of parking spaces required results in a fraction of a space ≥ 0.5 , the total required number of spaces will be the next highest whole number.
 - c) Where existing premises are being redeveloped or their use changed, then if the proposed development requires more car parking spaces than the existing development (in accordance with this Section) then either the additional car parking spaces must be provided on-site or a cash-in-lieu contribution made to Council unless the Proponent can justify a reduced parking requirement.
 - d) Rooms capable of occupation as a bedroom (e.g. study) are treated as a bedroom for the purpose of calculating parking requirements.
 - e) Council may also have regard to the *Guide to Traffic Generating Developments* guide prepared by State Government (as amended).
- 3) **Disabled Parking:** The *Building Code of Australia* Part D sets minimum requirements for the provision of parking spaces for people with disabilities.
- 4) **Location:**
 - a) Car parking areas are to be suitably located to serve all sections of the development.
 - b) If there is a retail or customer aspect of the development then a portion of the customer parking should be provided in a convenient location close to the public entrance.
- 5) **Parking Design:** Car parking spaces for all developments (except dwelling houses and dual occupancies) must:
 - a) Have a minimum dimensions of 5.5 metres by 2.6 metres;

- b) Be permanently marked;
 - c) Have adequate turning access;
 - d) Use an all-weather surface and be suitable drained.
- 6) **Stacked Parking:** Stacked parking is not permissible for any residential development except for dwelling houses on their own lot.
- 7) **Parking Landscape:** Large outdoor car parking areas must provide significant areas of landscape to provide shade for vehicles, soften the visual impact of large hard surfaces, and provide water infiltration areas, including:
- a) Less than 20 car spaces - perimeter landscaping; and
 - b) Greater than or equal to 20 car spaces - must be broken up by landscaped strips that are a minimum 2 metres wide and separated from the surfaced area by dwarf walls or kerbs.
- 8) **Bicycle Parking:** Bicycle parking / racks should be considered for shopping and recreational developments but may also be required to support employees cycling to work.
- 9) **Variation of Parking Numbers:** Council may vary the above car parking requirements provided the Proponent:
- a) Justifies the variation in accordance with **Clause 1.7 – Variation to this DCP**; and
 - b) Demonstrates that the site constraints and/or previous development history have limited parking opportunities; and
 - c) If it is a mixed-use development then less parking is required due to a variation in peak demand times of uses; multi-purpose trips; sufficient parking in publicly accessible areas; a high turn-over of spaces; or there is good walking access.
- Council is likely to require a **Traffic Assessment** that addresses car-parking requirements as a means of justification for the variation.

RESIDENTIAL LAND USES

LAND USE TYPE	OFF-STREET PARKING REQUIREMENT RESIDENTS/STAFF	OFF-STREET PARKING REQUIREMENT VISITORS/CUSTOMERS
Dwelling Houses	Two car spaces per dwelling. One space undercover with the potential for one space in the driveway entirely within the site boundary.	Kerbside parking of a minimum of 6 metres length.
Dual Occupancies	<ul style="list-style-type: none"> • 1 bedroom unit – 1 space per dwelling • 2 bedroom unit or more – 2 spaces per dwelling 	Visitor Spaces – 1 space per dwelling where a minimum 6m on-street kerb-site parking per dwelling is not available.
Multi Dwelling Housing	<ul style="list-style-type: none"> • 1 car space for each one bedroom dwelling • 1.5 car spaces per two bedroom dwelling • 2 car spaces per three bedroom dwelling 	Visitor Parking: One space for each 3 dwellings/units or part thereof
Residential Flat Buildings	<ul style="list-style-type: none"> • 1 car space for each one bedroom dwelling • 1.5 car spaces per two bedroom dwelling • 2 car spaces per three bedroom dwelling 	<ul style="list-style-type: none"> • 1 space per 5 dwellings for 1 & 2 bedroom dwellings • 1 space per 3 dwellings for 3 bedroom dwellings • 1 space per 2 dwellings for 4 bedroom or greater dwellings
Other Residential Buildings	As determined by Council or in accordance with State Environmental Planning Policies.	As determined by Council or in accordance with State Environmental Planning Policies.

COMMERCIAL, COMMUNITY & TOURISM LAND USES

- 1) 'GFA' = Gross Floor Area; 'GLFA' = Gross Leasable Floor Area. Floor spaces areas refer to gross internal spaces, excluding stairs, amenities and corridors, except as noted in the schedule.
- 2) Car parking requirements are based on the net increase in demand for parking created by a development. However, where it is proposed to change the use of an existing retail

premises to a restaurant/dining and/or take away food premises then additional car parking must not be required where car parking cannot be provided on site.

3) A reference to staff parking includes staff and management.

LAND USE TYPE	OFF-STREET PARKING REQUIREMENT
Business & Office Premises	One car space per 37m ² of GFA
Bulky Goods Premises, Rural Supplies & Hardware & Building Supplies	1 space per 50m ² GFA
Garden Centres, Landscaping Materials Supplies, Timber Yards & Plant Nurseries	1 space per 500m ² of site area (minimum of 5 spaces) plus 0.5 spaces per staff member.
Major Retail Premises	The sum total of the car parking requirements of the individual tenancies as provided elsewhere in this table.
Other Retail Premises	<ul style="list-style-type: none"> Shops < 1000m² GFA – 1 space per 25m² GLFA Shops > 1,000m² GFA – 1 space per 16m² GLFA Video Stores – 1 space per 16m² GLFA
Car Tyre Retail Outlet	3 car spaces per work bay.
Restaurants or Cafes or Take Away Food & Drink Premises (without Drive-In)	1 space per 6m ² of service area OR 1 space per 3 seats (whichever is the greater)
Restaurants (with Drive-In)	30 car spaces plus 1 car space per 2 employees
Pub (Licensed Hotel)	1 car space per 5m ² of public/licensed bar area plus 1 car space per 6m ² of public lounge and dining area plus 1 car space per motel type accommodation unit plus 1 car space per two employees
Registered Club	1 car space per 6m ² of public lounge and dining area
Tourist & Visitor Accommodation (excluding Restaurant)	1 space per unit / bedroom / suite plus 1 car space per 2 employees
Recreation Facilities (Indoor)	3 spaces per court or lane
Other Recreation Facilities	As determined by Council but generally a minimum of 20 spaces plus spectator parking.
Vehicle Sales or Hire Premises	4 car spaces per 1000m ² of site area plus 1 space per employee
Service Stations (excl. restaurant)	4 car spaces per service bay plus 1 space per 40m ² of GFA for convenience store plus 2 driveway spaces per fuel bowser (If restaurant attached add rates for restaurant from above)
Places of Public Worship, Community Facilities, Entertainment Facilities	1 car space per ten seats or 1 space per 10m ² of space used by the public, whichever is greater.
Function Centres	30 car spaces plus 1 car space for every 3 seats over 60 seats
Mortuaries	1 car space per 5 seats.
Hospitals, Nursing & Convalescent Homes	1 car space per 5 beds plus 1 space per 2 employees
Hospitals	1 space per 3 beds PLUS 1 space per 2 staff (day shift)
Medical Centres	1 car space per 25m ² GFA OR 3 spaces per practitioner PLUS 1 space per employee (whichever is the greater)
Health Consulting Room	3 car spaces per practitioner PLUS 1 car space per employee
Educational Establishments	1 space per staff member plus 1 space per 10 senior students (Year 11 and up), plus adequate pickup space.
Child Care Centre	1 car space for every 5 children (based on maximum number of children allowed)
Roadside Stall	Minimum of 4 off-street car parking spaces
Restricted Premises	1 car space per 30m ² GFA (leasable)
Sex Services Premises	1 car space per member of staff working at any one time PLUS 1 car space per room where sexual services are provided.

INDUSTRIAL LAND USES

LAND USE TYPE	OFF STREET PARKING REQUIREMENT
Industrial Retail	1 car space per 45m ² Gross Floor Area ('GFA')
Industrial	1 car space per 75m ² of GFA OR 1 car space per 2 employees (whichever is greater).
Transport / Truck Depot	1 vehicle space for each vehicle present at peak time onsite PLUS driver car parking.
Vehicle Body Repair Workshop or Repair Station	1 car space per 40m ² GFA OR 3 car spaces per workshop bay (whichever is greater).
Warehouses	1 car space per 300m ² GFA OR 1 car space per employee (whichever is greater).
Other	Based on predicted peak vehicle use.

OTHER LAND USES

Other uses not listed in this DCP must be assessed individually having regard to the expected traffic generation and off-street parking requirements for similar types of uses in this Section taking into account the *Guide for Traffic Generating Development* from State Government.

B.4.3 ROAD DESIGN

- 1) **Objective(s):** Any development where council requires the creation or new roads or upgrade of existing roads should demonstrate how it will:
 - a) Integrate with the existing road network and pattern and create a clear hierarchy of roads;
 - b) Facilitate the ease of vehicle, pedestrian, and cycle connections;
 - c) Facilitate access to public spaces, recreation areas and riverfronts;
 - d) Promote safety for all users;
 - e) Address the requirements of stormwater overland flow paths;
 - f) Incorporate all necessary utility services;
 - g) Promote the principles of 'Safety by Design' or 'Crime Prevention through Environmental Design' ('CPTED').
- 2) **Traffic:** A **Traffic Assessment** may be required by Council in accordance with **Appendix 1**.
- 3) **New Roads:** Where the proposed development needs to create a new public road (including a service road) then the developer must either:
 - a) Construct the full width of the new road (of a suitable quality) including the kerb and gutter, road shoulder, and street lights (as required by Council) to the nearest sealed road; or
 - b) Provide a bond to Council for the works.
- 4) **Existing Roads:** Where the proposed development fronts onto an existing public road then the developer must construct the kerb and gutter (if required), road shoulder, and half width road for the full frontage of the lot being developed except:
 - a) Where it is not practical to undertake the road works the developer must provide a suitable bond to Council;
 - b) Where the development fronts onto a major road, the extent of road construction will be limited to the equivalent of 6.5 metres of road pavement;
 - c) Where land is dedicated for road widening, appropriate allowance will be made for the cost of the kerb and gutter and road construction to be offset in part or in full.
- 5) **Road Standards:** All public road works are to have an alignment, width and design standard suitable for:
 - a) The largest design vehicle likely to utilise that road (including during construction); and

- b) The expected traffic volume, type of traffic and desired speed appropriate to the land use zone and intended use and in accordance with Councils guidelines.
- 6) **Future Development:** Subdivision layouts must make provision for future public road connection(s) to adjoining undeveloped land where the undeveloped land is in Zones R1, R5, RU5, B2, B6 or IN1 and:
 - a) Has no alternative direct access from a sealed public road; or
 - b) The road connection would facilitate significantly improved connections; or
 - c) There is an existing road head in the surrounding area.
- 7) **Large Lot Residential Subdivision:** Subdivision in Zone R5 Large Lot Residential areas must only create one (1) additional access to an existing road frontage where it is a cul-de-sac or two (2) access points where it is a through road.
- 8) **Cul-de-sacs:** If any public roads are created that are not through roads (e.g. cul-de-sacs) then the design must demonstrate/address the following:
 - a) The ability for the largest design vehicle to safely turn around at the terminus of the road;
 - b) The accommodation of stormwater drainage overland flow paths.

Note: In general cul-de-sacs will only be considered in commercial / industrial subdivisions where there is no alternative option. Alternative cul-de-sac configurations will be assessed on their merits (e.g. 'hammer-head' or 'Y' shapes).
- 9) **Industrial Service Roads:** In Zone IN1 General Industrial there may also be a need to provide service roads to allow access to the rear of sites for more efficient loading and unloading and truck movements away from the fronts of premises.
- 10) **Kerb & Gutter:** Kerb and gutter is required for all new public roads in a subdivision unless otherwise determined by Council.
- 11) **Garbage Collection:** Public road design must accommodate the legal movement of garbage collection vehicles including turning facilities.
- 12) **Pedestrians/ Bicycles:** All urban residential subdivisions must incorporate appropriate facilities and opportunities for pedestrian and bicycle movement including a footpath of minimum 2m width.
- 13) **Footpaths:** In Zone IN1 General Industrial:
 - a) The verge width (between the kerb/road edge and the property boundaries) should not be less than 3.5 metres;
 - b) On each road except a service road a paved footpath 2 metres wide should be provided at the developer's cost in the verge area.
 - c) Otherwise the verge area should be used predominantly for landscaping purposes.
- 14) **Approvals:** All works in the road corridor (including roads, kerb & gutter, footpaths and driveways) are not to commence until detailed engineering plans have been submitted to and approved by Council.

B.5 URBAN AREA CHARACTER STATEMENTS

B.5.1 INTRODUCTION

This section applies to the applications for development in the urban settlements of Barham, Koraleigh, Moulamein, Murray Downs, Tooleybuc and Wakool that are either:

- Major developments that either are likely to have a significant impact on surrounding land uses or developments on sites greater than 1 hectare in area; or
- Developments seeking consent for a variation to a control in this DCP.

These developments need to demonstrate that they will meet the desired development outcomes for each of these key urban settlements and protect and enhance the character of these centres. For this reason they should address those aspects of the Character Statement for the particular settlement that are relevant to the particular development.

All development in the six (6) key settlements should address the following objectives:

- 1) **Character Statements:** The Urban Area Character Statements for each settlement are a guideline for desired development outcomes in each area. The Character Statements make recommendations on the desired development pattern, landscape character and urban design of each settlement as well as desirable locations for higher impact land uses within each settlement in order to promote development whilst protecting and enhancing the character of each settlement;
- 2) **Zoning & Land Uses:** The Character Statements define desirable areas within Zone RU5 Village for future business (retail/commercial) and industrial uses to protect and enhance the amenity of sensitive residential uses;

Note: Barham and Murray Downs have specific zones in Wakool Local Environmental Plan 2012 ('WLEP2012') for each land use so the Character Statements do not specify land use locations. However, all of the urban areas of Koraleigh, Moulamein, Tooleybuc and Wakool are within Zone RU5 Village so Character Statements provide guidelines for desirable location of higher impact land uses within the Village Zone in order to protect residential amenity and settlement character.

- 3) **Growth Areas:** The Character Statements identify future growth areas in each settlement to highlight development potential and stimulate economic and population growth.

Note: WLEP2012 sets out those land uses that are permissible with and without consent in Zone RU5 Village for these villages. This DCP defines 'desirable' locations for certain land uses that will allow these applications to be 'fast-tracked' but this does not mean that these land uses would not be permissible in other locations within that zone subject to addressing the requirements of Council. Therefore, the Character Statements do not conflict with WLEP2012. WLEP2012 also defines the Minimum Lot Size ('MLS') for subdivision in each village and surrounding areas.

B.5.2 BARHAM

Barham has the largest settlement population in Wakool Shire. It is located in the south-eastern part of the shire and is closely related to the settlement of Koondrook on the opposite (Victorian) side of the Murray River. It has an established history of both Aboriginal and European occupation and development with the latter providing a strong character to the riverfront and main street.

Future development should demonstrate how it protects and enhances aspects of the settlement character including but not limited to:

- 1) **Urban Pattern & Subdivision:** Barham has a strong grid street pattern (tailored to the curves of the river) so that, except for some more recent residential subdivisions around the periphery, the rectilinear subdivision pattern dominates with a range of lots sizes;
- 2) **Industrial Uses:** Barham is one of two settlements that has an industrial zone and is likely to attract a range of light and general industries. The desired outcome is to reinforce Barham's role as a major industrial support and employment centre for the

- Shire. Whilst heavy and hazardous/offensive industries are not yet present in Barham the use of Zone IN1 General Industrial provides flexibility for these uses where any land use conflicts with adjacent residential areas can be managed. Highway and service industries can also utilise the frontage to Moulamein Road in Zone B6 Enterprise Corridor. Industrial uses will need to demonstrate that they protect the amenity of sensitive land uses (residential, business and recreation) and provide a high standard of design to enhance Moulamein Road as a key gateway to Barham;
- 3) **Commercial & Retail:** The desired outcome is to support Barham's role as major service and agricultural support centre for Wakool Shire (and neighbouring SHIRE) with a wider range of services and employment than other centres in the Shire including specialised retail, grocery shopping, commercial offices, and community facilities. The aim is to promote retail and commercial uses in Zone B2 Local Centre (which occurs along the western end of Murray Street and southern ends of Mellool and Noorong Streets) to reinforce this historic existing centre whilst also protecting its heritage and landscape qualities and making it an attractive place to work and shop. Commercial/ retail development needs to be integrated with community and tourism uses and residences to promote activity and safety;
 - 4) **Health & Aged Care:** The Barham-Koondrook Soldiers Memorial Hospital and other health services/facilities should be promoted and supported as they have the potential to attract a larger number of families and senior citizens to Barham who require higher levels of care, aged care facilities, independent living arrangements and a wider range of housing choice. Health and aged care development need locations that promote access to the community, integration with other support services and aged care housing, and amenity;
 - 5) **Tourism:** Barham supports a wide range of tourist activities, support services, and accommodation options. These developments need to be located to take advantage of the opportunities in Barham including, but not limited to the riverfront and key recreation and community facilities. They should be designed to be sensitive to the river and heritage character of the town, enhance public access to the riverfront and recreation areas, integrate with commercial and community services, and promote safety and security;
 - 6) **Residential Uses:** A wider range of residential accommodation types is likely to occur in Barham due to its size and diversity so there may be mix of housing densities, particularly throughout Zone R1 General Residential. The aim will be to ensure that higher density housing can provide greater housing choice whilst protecting and enhancing the town streetscape and landscape / riverfront character of the town and providing good amenity for residents and adjacent land uses. The provision of a number of Zone R5 Large Lot Residential areas will also add to the diversity of housing and provide a strong attraction for 'lifestyle' lots with a strong rural character;
 - 7) **Environment & Recreation:** Barham should promote and consolidate public recreation and tourism opportunities in high amenity locations that allows access & connection to the river and lakes, facilitates open space / recreation opportunities along the waterfronts and key recreation areas, and strengthens the landscape / environmental character of the streets and parklands. Recreation development should integrate with surrounding development and mitigate against any land use conflicts whilst maximising environmental objectives;
 - 8) **Growth:** Development opportunities exist through infill development or development of vacant land around the periphery of the urban residential zone and in the large lot residential areas to the north, east and south of the town centre. There is significant additional subdivision potential where environmental impacts and natural hazards can be addressed.

B.5.3 KORALEIGH

Koraleigh is a small historic settlement in the west of the shire located between the Murray River and Lake Wollare and Lake Goonimur. It is located on the western side of Koraleigh Road connecting to Tooleybuc in the north and Speewa Road in the south. There are limited local services including a post office / general store / fuel station, the community hall, the Rural Fire Service, a local industry, some tourist cabins, and recreation facilities.

The desired outcome is to support Koraleigh's role as a small support village by retaining the existing level of local retail and community services with some small growth in new dwellings. Future development should demonstrate how it protects and enhances aspects of the settlement character including but not limited to:

- 1) **Urban Pattern & Subdivision:** Koraleigh has a compact and walkable urban area with a strong grid street pattern with connections off Koraleigh Road. The simple subdivision pattern consists of a majority of lots just larger than 1,000m² with a rear lane. There is a minimum lot size for subdivision in WLEP2012 of 2,500m² as Koraleigh does not have a reticulated sewerage system, however, development applications on existing vacant lots below 2,500m² may be permissible subject to meeting other development controls;
- 2) **Commercial & Retail Uses / Main Street:** The aim is retain the existing low level local services to service immediate local needs and passing vehicles along Koraleigh Road;
- 3) **Residential / Tourism Uses:** The dominant dwelling form in Koraleigh is likely to be detached dwellings or dual occupancy dwellings. Medium density housing is not prohibited but is unlikely in this location except for tourist accommodation. The desired outcome is low-scale (one to two storeys) built form character with the promotion of street trees and private landscape for streetscape character, amenity and shade;
- 4) **Industrial Uses:** Koraleigh is not expected to attract significant industrial activity but already supports a light fabrication industry (canvas and vinyl products) and rural industries. Industrial uses and home industries should address how they will protect the amenity of sensitive land uses (residential, business and recreation);
- 5) **Recreation:** The aim is to promote and consolidate public recreation and access in existing areas including the Koraleigh Recreation Reserve, primarily for local users;
- 6) **Growth:** Whilst growth is expected to be low, there is some potential for development of the existing vacant land to the north of Eagle Lane.

B.5.4 MOULAMEIN

Moulamein is the key local government centre and a service centre for the eastern and central areas of the shire. It is located predominantly on the northern side of the junction of the Edwards River and Billabong Creek.

The name Moulamein is derived from a local Aboriginal word meaning 'the meeting of the waters'. The town has a range of local services for local residents and the surrounding rural areas including a post office, school, business centre, council offices, library, electricity depot, cafes, IGA store, hotels, caravan park and a range of recreation facilities and clubs including Moulamein Lake.

The aim is to promote economic and population stability and growth whilst protecting the local township qualities that make it an attractive place to live, work and play. Future development should demonstrate how it protects and enhances aspects of the settlement character including but not limited to:

- 1) **Urban Pattern & Subdivision:** Moulamein has a compact and walkable urban area with a strong grid street pattern (tailored to the curves of the river). The rectilinear subdivision pattern should be continued with slightly larger residential lots for open space and amenity and to maintain the rural character;
- 2) **Business Uses / Main Street:** Moulamein has a strong main street (Marago Street) with active retail and commercial uses that supports local shopping and community needs, tourism, public art, heritage and a strong landscape character. The aim is to promote retail and commercial uses along Marago Street (between Brougham and

- Carne Streets) to strengthen the main street. Applications for stand-alone retail/commercial uses (excluding home businesses) outside of this area will be considered on their merits but will need to justify their location and address any impacts on residential amenity;
- 3) **Residential Uses:** The desired outcome is for low-scale (one to two storeys) built form dwellings and dual occupancies setback from the river (where applicable) with the promotion of street trees and private landscape to maintain the landscape and streetscape character, amenity and shade;
 - 4) **Industrial Uses:** Moulamein's main industrial focus is likely to be rural industries located in the surrounding rural zones and local service industries in the village zone. Industrial uses are likely to be located on the main road frontages and should address how they will protect the amenity of sensitive land uses (residential, business and recreation) and maintain the street character, particularly along key roads and entrances;
 - 5) **Environment & Recreation:** Promote and consolidate public recreation and tourism areas in high amenity locations that allow access & connection to the river / creek / Moulamein Lake, facilitate open space / recreation opportunities along the waterfronts, and strengthen the landscape / environmental character of the streets and parklands;
 - 6) **Growth:** Development opportunities exist through infill development or development of vacant land to the west and north of the village centre.

B.5.5 MURRAY DOWNS

Murray Downs is situated on the eastern side of the Murray River adjacent to Swan Hill in Victoria. It takes its name from the Kidman Reid's historic 'Murray Downs' sheep station with the old homestead adjacent to the main development area. The size and growth of Swan Hill has generated demand for light industrial sites along Moulamein Road and a world-class golf club, recreation and entertainment facilities, and resort hotel supported by new urban residential opportunities along Murray Downs Drive.

The aim is to promote development of the Murray Downs area and provide complementary (rather than competing) uses to the rural city of Swan Hill. Future development should demonstrate how it protects and enhances aspects of the settlement character including but not limited to:

- 1) **Urban Pattern & Subdivision:** As this development commenced in the late 1980s it is different from the other urban settlements in Wakool Shire in that it has not adopted a grid / rectilinear road or subdivision pattern (except for the industrial area) and residential streets and lots are wrapped around the golf course and club house. The objective is to create an integrated development where the various proposed developments are connected and complement one another;
- 2) **Tourism, Recreation & Entertainment Uses:** The focus of the development is the Murray Downs Golf & Country Club and its associated club house, hotel and entertainment facilities. The aim is to reinforce and encourage expansion of the tourist facilities area at the edge of the recreation zone and make it a focal point that is central and accessible from the surrounding residential areas and the golf course;
- 3) **Residential Uses & Growth:** The golf-course style residential developments generally have narrow suburban streets with compact lot sizes and modern dwellings that have adopted Zone R1 General Residential to permit a variety of housing types and densities. There are a number of key zoned residential areas that are suitable for further subdivision and development. The aim is that these are developed to continue a similar development pattern and style whilst promoting connections (vehicle/pedestrian/cycle) throughout the development and to the club house and golf course. Whilst a range of housing types are permitted, it is expected that detached and attached dwellings and dual occupancies will still be the dominant form with some multi-dwelling housing in the future that is sensitive to the low scale of the area. Development in proximity to the Historic Precinct around the Murray Downs homestead will also need to respect this important heritage item. A key aspect of this

development is the promotion of street trees and private landscape to maintain the landscape and streetscape character, amenity and shade and integrate with the surrounding recreation and golf course areas;

- 4) **Industrial Uses:** There are three main pockets of industrial activity located adjacent to or just offset from the Moulamein Road. Whilst these are in Zone IN1 General Industrial it is likely that the small to medium lot sizes will primarily attract light industries, rural industries and storage facilities that provide support to Swan Hill and the surrounding rural areas. A key issues will be avoiding or minimising/mitigating environmental impacts, particularly on the river area and maintaining a reasonable visual amenity from the road frontage;
- 5) **Other Business Uses:** There is a small historic development area on Moulamein Road located near the river crossing (around the Federal Hotel) that contains a number of businesses that currently sit in the rural zone. The aim is to maintain these uses and allow for some limited growth without designating this as a business zone;
- 6) **Aboriginal Settlement:** To the north of the Moulamein Road and adjacent to the river is land owned by the Wamba Wamba Local Aboriginal Land Council. This area is set aside for development in accordance with an Aboriginal settlement and permits other support uses and activities;
- 7) **Environment:** The aim is to facilitate public access to the Murray River and its banks, protect the water quality of the Murray River and watercourses, and protect the productive capacity of adjacent agricultural areas.

B.5.6 TOOLEYBUC

Tooleybuc is a small settlement in the north-west of the shire located on the Murray River and the Mallee Highway (which is a key road connection from Sydney to Adelaide). The *Wakool Land Use Strategy Report (2009)* states that the 'most significant assets of the Tooleybuc township are its sporting and recreation facilities, the river environment, and the small, compact nature of the township.'

The aim is to promote economic and population stability and growth whilst protecting the local village qualities that make it an attractive place to live, work and play. Future development should demonstrate how it protects and enhances aspects of the settlement character including but not limited to:

- 1) **Urban Pattern & Subdivision:** Tooleybuc has a compact and walkable urban area with a strong grid street pattern and rectilinear subdivision pattern (except for some subdivisions in Wakool Street) with slightly larger residential lots for open space and amenity;
- 2) **Commercial & Retail Uses / Main Street:** There is a small village centre focused on Murray Street / the Mallee Highway that supports local shopping and services passing traffic and local tourism needs. The aim is to promote retail uses along Murray Street (between Grant and Lea Streets) in close proximity to the river parkland and the bridge to strengthen the main street and service passing highway traffic. Applications for stand-alone retail/commercial uses (excluding home businesses) outside of this area will be considered on their merits but will need to justify their location and address any impacts on residential amenity;
- 3) **Residential Uses:** The desired outcome is low-scale (one to two storeys) built form that is setback from the river (where applicable) and promotes street trees and private landscape for streetscape character, amenity and shade;
- 4) **Industrial Uses:** Tooleybuc is not expected to be a major centre for industrial activity but may be able to support some highway related uses, trade related uses, and rural industries that do not conflict with the residential amenity and streetscape of the village. These uses are expected to locate away from Murray Street (to preserve the main street amenity) unless they are highway related or trade related services that integrate with the commercial centre. Industrial uses and home industries should address how they will protect the amenity of sensitive land uses (residential, business and recreation);

- 5) **Environment & Recreation:** The desired outcome is to promote and consolidate public recreation and tourism areas in high amenity locations in proximity to the river along Murray Street, along the highway on Lea Street, or associated with the golf club and sportsground facilities. Public access to the river and recreation areas should be facilitated, key heritage buildings and places should be protected and enhanced, and the existing landscape supplemented where possible for improved environmental outcomes and amenity;
- 6) **Growth:** Tooleybuc's highway and river location, attractive character and good residential amenity is likely to result in some small to moderate residential growth – particularly to service people looking for 'lifestyle' lots or as a dormitory suburb to the larger centre of Swan Hill. Development opportunities exist through infill development or development of vacant land to the north and south of the village centre.

B.5.7 WAKOOL

Wakool is a small historic settlement in the south-east of the shire located on the historic railway line from Moama to Moulamein (no longer active) and the Wakool Road from Deniliquin. Wakool's town centre is based around a small cluster of shops, a hotel, a registered club and a community hall. It is also serviced by a primary school, a major branch office and depot for Murray Irrigation Limited, and a range of recreation facilities.

The aim is to support Wakool's role as a rural service centre for the surrounding area by retaining the existing level of local services to meet the needs of local residents, businesses and limited tourism needs and aiming to experience some small growth in new dwellings. Future development should demonstrate how it protects and enhances aspects of the settlement character including but not limited to:

- 1) **Urban Pattern & Subdivision:** Wakool has a compact and walkable urban area with a strong grid street pattern aligned on the diagonal axis of the railway line with a monumental axis along Dampier Street terminating in the memorial and park between Cook and Flinders Streets. The desired outcome is to preserve the rectilinear subdivision pattern and maintain slightly larger residential lots for open space and amenity;
- 2) **Commercial & Retail Uses / Main Street:** The aim is to promote retail uses in the historic business core along Cook Street (between La Perouse and Tasman Streets) opposite the park by utilising existing vacant commercial buildings if possible to strengthen the main street before expanding into Dampier Street & La Perouse Street (if required). Applications for stand-alone retail/commercial uses (excluding home businesses) outside of this area will be considered on their merits but will need to justify their location and address their impacts on residential amenity;
- 3) **Residential Uses:** The dominant dwelling form in Wakool is likely to be detached dwellings or dual occupancy dwellings. Medium density housing is not prohibited but is unlikely in this location except for tourist accommodation. The desired outcome is low-scale (one to two storeys) built form character with the promotion of street trees and private landscape for streetscape character, amenity and shade;
- 4) **Industrial Uses:** Wakool is not expected to be a major centre for industrial activity but may be able to support some additional light industry (manufacturing) and rural industries that do not conflict with the residential amenity and streetscape of the village. Industrial uses and home industries should address how they will protect the amenity of sensitive land uses (residential, business and recreation);
- 5) **Environment & Recreation:** The desired outcome is to promote and consolidate public recreation and access in existing areas including DC Thomas Park, the Cook Street Plantation, and the Wakool Recreation Reserve;
- 6) **Growth:** Whilst growth is expected to be low, there are both infill development opportunities and new vacant land for subdivision and development to the south-west of Koala Street / the railway line and to the north (Fresne Street), north-east (Tasman Street), and east (La Perouse Street).

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APPENDICES

- 1 - APPLICATION REQUIREMENTS**
- 2 - BUFFERS FOR SENSITIVE LAND USES**
- 3 - LAND USES & CONTAMINATION**
- 4 - FLOOD CONSTRUCTION GUIDELINES**
- 5 - GUIDELINES-RIPARIAN CORRIDORS**

APPENDICES

APPENDIX 1 - APPLICATION REQUIREMENTS

STEP 6

The statutory requirements for the supporting information that must accompany a development application are set out in Schedule 1, Part 1 of the *Environmental Planning and Assessment Regulation 2000*.

This Appendix sets out any additional requirements / documents that may need to be lodged with a development application in accordance with the checklist below. Please contact Council if you are unsure whether these requirements apply to your proposed development or how to prepare these documents.

There are three (3) key checklists that Proponents will need to check before lodgement and complete as part of your application:

- 1) **Checklist No.1 – Standard Application Forms & Fees (C1)**
- 2) **Checklist No.2 – Environmental Site Constraints (C2)**
- 3) **Checklist No.3 – Supporting Documentation (C3)**

Note that details on each the supporting documentation requirements follows the checklists.

Council recommends that for all larger development or those with higher impacts that Proponents lodge Form No.1 (see below) to arrange a Pre-Lodgement Meeting with Council staff. This will enable you to explain what your proposed development will seek to achieve and allow Council to provide preliminary advice on:

- a) whether the proposed land use is permissible (BEFORE you spend money on documentation and detailed reports) and, if permissible,
- b) what issues your proposed development may need to address and advise on lodgement requirements.

DEVELOPMENT APPLICATION CHECKLIST NO.1 STANDARD APPLICATION FORMS & FEES

C1

The table below indicates the **minimum information** required to be supplied for your particular type of application. Please note that the development application **may not be accepted** without this **minimum information**.

APPLICATION REQUIREMENTS	RESIDENTIAL				COMMERCIAL & INDUSTRIAL				OTHER								CHECK LIST		
	ALTERATIONS/ ADDITIONS/ ANCILLARY STRUCTURES/POOL	SINGLE DETACHED DWELLING	DUAL OCCUPANCIES / SECONDARY DWELLINGS	HIGHER DENSITY & OTHER RESIDENTIAL BUILDING TYPES	HOME BUSINESS/ INDUSTRY/ B&Bs (USE OF EXISTING BLDG.)	CHANGE OF USE (EXIST. BLDG)	ALTERATIONS/ADDITIONS/ ANCILLARY STRUCTURES	NEW COMMERCIAL/RETAIL & MIXED USE BUILDINGS	NEW INDUSTRIAL/ WAREHOUSE BUILDINGS OR HIGH IMPACT	RECREATION / TOURISM / ACCOMMODATION	COMMUNITY/ CHILD CARE/ EDUCATION / PUBLIC ENT.	ADVERTISING SIGNAGE	SUBDIVISION/CONSOLIDATION	DEMOLITION	SEX SERVICES PREMISES	FARM BUILDINGS	INTENSIVE AGRICULTURE	TEMPORARY EVENT	APPLICANT CHECKLIST (YES / NO / NOT APPLICABLE)
Form No.1: Pre Lodgement Meeting Application Form		❖	✓	✓		❖	❖	✓	✓	✓	✓	❖	✓	❖	✓	❖	✓		
Form No. 2: Development Application Form	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
Form No.3: Statement of Environmental Effects (Low Impact Development)	❖	❖	❖	C3	❖	❖	❖	C3	C3	C3	C3	❖	❖	❖	C3	❖	❖		
	If Council agrees that your development is a 'Low Impact Development' then it will only require Form No.3 to be completed. Otherwise, a Statement of Environmental Effects will need to be completed in Checklist C3 (below).																		
Form No.4: Disclose Political Donations & Gifts	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
Form No.5 – Appointment of Council as Principal Certifying Authority	❖	❖	❖	❖		❖	❖	❖	❖	❖	❖				❖	❖	❖		
Form No.6: Demolition														✓					
Form No.7: Advertising Sign							✓	✓	❖	❖	✓			❖			❖		
Form No.8: Landscape Design	❖	❖	❖	✓			❖	✓	✓	✓	✓	❖	❖	✓	❖	❖			
Form No.9: Modification of a Dev. Consent	If you are seeking to modify an existing development approval (and the modification does not substantially change the original approved design) you must complete Form No.10.																		
Form No.10: Review of a Dev. Determination	If you require a review of a development determination (subject to the provisions of the <i>Environmental Planning & Assessment Act 1979</i>) you must complete Form No. 11.																		
FEES	Please speak to Council about the fees that may be applicable to your project																		

LEGEND

- ✓ Indicates this information **IS** required.
- C3 Indicates that a **Statement of Environmental Effects IS** required under **Checklist C3**.
- ❖ Indicates additional information **MAY** be required (depending on the complexity of the site/development)
- ❖ Indicates this information is required if you are applying for a Construction Certificate or Complying Development Certificate.



DEVELOPMENT APPLICATION CHECKLIST NO.2 ENVIRONMENTAL SITE CONSTRAINTS

C2

All applications should confirm if the following environmental issues may affect the site:

	APPLICATION REQUIREMENT	DCP CLAUSE	ALL APPLICATIONS SHOULD CONFIRM IF THE FOLLOWING ENVIRONMENTAL ISSUES MAY AFFECT THE SITE AND IF ADDITIONAL REPORTS ARE NECESSARY (SPEAK TO COUNCIL)	CHECK LIST	
				YES/ NO N/A	COUNCIL USE
HERITAGE	Archaeological Assessment	C3.1: Indigenous Heritage & Archaeology	Is the proposed development site on or adjacent to a place that has (or is likely to have) Aboriginal heritage values or artefacts or non-indigenous artefacts? You may need further information such as an AHIMS Search, consultation with the local Aboriginal land council, or discussions with National Parks & Wildlife Service to determine this. If YES, then an Archaeological Assessment <u>MAY</u> be required (Speak to Council).		
	Heritage Assessment	C3.2: Non-Indigenous Heritage	Is the proposed development site listed as a heritage item in WLEP2012 or could the proposed development potentially visible from or impact on a nearby heritage item? If YES, then a Heritage Assessment <u>MAY</u> be required (Speak to Council).		
LAND & SOIL	Geo-Technical Report	C2.1: Geology & Salinity	Does the proposed development site show any evidence of geological, hydrological or soil related issues that may impact on the suitability of the site for development or construction or adjacent development? This may include salinity, acid sulphate soils, erosive soils, low wet strength soils. Could the earthworks impact on the structural stability of neighbouring development. If YES, then a Geo-Technical Report <u>MAY</u> be required (Speak to Council).		
	Contamination Assessment	C2.2: Contamination & Pollution	If the historical review of the site suggests that there have been uses that may have caused contamination (see Table 1 in Appendix 3-Land Uses & Contamination for some potentially contaminating uses) then a Contamination Assessment <u>MAY</u> be required (Speak to Council). It may also be required when fill is entering/leaving the site.		
	Earthworks Report/Plan(s)	B6.3: Earthworks & Erosion/ Sedimentation	Council's discretion may require this in accordance with the definition for 'significant' earthworks in Clause B6.3 – Earthworks & Erosion / Sedimentation. If YES to any of these factors then an Earthworks Report/Plan(s) <u>MAY</u> be required (Speak to Council).		
	Erosions & Sediment Control Plan	B6.3: Earthworks & Erosion/ Sedimentation	Does the proposal include any earthworks (cut and/or fill)? Is there any chance of unstable soil washing off site or into a watercourse? If YES an Erosion & Sediment Control Plan <u>MAY</u> be required (Speak to Council).		
BIODIVERSITY & VEGETATION	Arborist Report	C1.1: Significant Vegetation & Biodiversity Preservation C1.2: Watercourses & Wetlands	Is the proposed development site: <ul style="list-style-type: none"> • within 40m of the top of bank of a watercourse identified on the Watercourse Map or a 'wetland' identified on the Wetland Map in WLEP2012; or • identified as 'biodiversity' on the Biodiversity Map in WLEP2012; and • do the trees proposed for removal exceed a height of 6m or diameter of trunk greater than 30cm (1.4m above ground); THEN, if greater than three (3) trees will be removed then an Arborist Report <u>IS</u> required to justify that tree removal unless the exemptions in sub-clause (7) apply.		
	Flora / Fauna Study	C1.1: Significant Vegetation & Biodiversity Preservation C1.2: Watercourses & Wetlands	The same test applied for an Arborist Report applies here except it only applies to removal of greater than ten (10) trees unless the exemptions in sub-clause (7) apply. A Flora / Fauna Study <u>MAY</u> also be required if there is a significant impact on matters raised in sub-clause (6) (national env. significance / threatened species or communities / koala habitat etc.). Where development is within 40m of the top of bank of a watercourse or wetland then revegetation will need to occur in accordance with the recommendations of any Flora/ Fauna Study.		
	Sand Hill Impact Review	C1.1: Significant Vegetation & Biodiversity Preservation	Is the proposed development site identified on the Sand Hills Map in Appendix 6 of the DCP? If YES, and the proposed development will result in tree removal on sand hill formations then a Sand Hill Impact Review <u>MAY</u> be required.		



DEVELOPMENT APPLICATION CHECKLIST NO.2 ENVIRONMENTAL SITE CONSTRAINTS (CONT.)


C2

	APPLICATION REQUIREMENT	DCP CLAUSE	ALL APPLICATIONS SHOULD CONFIRM IF THE FOLLOWING ENVIRONMENTAL ISSUES MAY AFFECT THE SITE AND IF ADDITIONAL REPORTS ARE NECESSARY (SPEAK TO COUNCIL)	CHECK LIST	
				YES / NO / N/A	COUNCIL USE
WATER & RIPARIAN CORRIDORS	Riparian & Watercourse Assessment	C1.2: Watercourses & Wetlands	Does the proposed development include development of land within 200m of a watercourse or wetland identified in the WLEP2012 Maps and the development has the potential to contaminate water then a Riparian & Watercourse Assessment MAY be required.		
	River Application	B6.5: River Structures & Boating Facilities Clause	Is the proposal located adjacent to a river? Does the proposal include any structures in proximity to the river? If YES, does the proposal include moorings, mooring poles, or methods of access to river vessels (steps, ramps, planks, pontoons, jetties etc.)? If YES then a River Application IS required.		
	Bank and/or Bed Works	B6.5: River Structures & Boating Facilities C1.2: Watercourses & Wetlands	Is the proposal located adjacent to a river? Does the proposal include any structures in proximity to the river? If YES, does the proposal include any works that will affect the bed or banks of the river? If YES then a Bed and/or Banks Works Application IS required.		
	Pump Facility & Supply Channels Application	C1.2: Watercourses & Wetlands	Does the proposal include works for a pump facility and/or supply channel from a watercourse or wetland identified on the Watercourse Map or Wetland Map in WLEP2012? If YES, then a Pump Facility & Supply Channels Application IS required.		
	Flood Study	C2.4: Flood Planning	If the proposed development site is known to be Flood Liable Land or Council is unsure if it is Flood Liable Land (at or below the Flood Planning Level - See Clause C2.4 for definitions) then Council MAY require a Flood Study to be prepared to determine the Flood Planning Level accurately.		
	Flood Management Plan	C2.4: Flood Planning	If the proposed development is Flood Liable Land then Council MAY require a Flood Management Plan to be prepared to demonstrate how the proposed development will address flooding issues.		
FIRE	Bushfire Assessment Report / BAL Certificate	C2.5: Bushfire	If the proposed development site is affected by a bushfire hazard either on the Bushfire Prone Land Map (Council's website) or where Council deems the land to have a bushfire risk then a Bushfire Assessment Report or Bushfire Attack Level Certificate/Report MAY be required (speak to Council).		
OTHER IMPACTS	Noise & Vibration Study	C2.6 Noise & Vibration	If new development is proposed near rail corridors or busy roads then it will be subject to the Department of Planning (2008) <i>Development near Rail Corridors & Busy Roads – Interim Guideline</i> and EPA (2013) <i>Rail infrastructure noise guideline (RING)</i> . Where noise & vibration may be a significant issue for a development a Noise & Vibration Study MAY be required.		
	Odour Study	C2.7 Odour	If new development is proposed near existing Sewage Treatment Plants or Waste Depots or industrial development that produces odours or a new industrial development that produces odours is proposed then an Odour Study MAY be required.		
	Environmental Impact Statement (EIS)	A2.6: Designated Development	If the proposed development is determined to be Designated Development (See Clause A2.6) then the application MUST be accompanied by an Environmental Impact Statement (EIS).		
<p>If there is any doubt whether the above issues apply to your site then Applicants should refer to WLEP2012 and DCP for the specific clause wording and get professional advice.</p>					

DEVELOPMENT APPLICATION CHECKLIST NO.3 SUPPORTING DOCUMENTATION


C3

The table below indicates the **minimum information** required to be supplied for your particular type of application depending on what it involves. Speak to Council if your type of application is not listed. Please note that the development application **may NOT be accepted** without this **minimum information**.

 WAKOOL SHIRE naturally APPLICATION REQUIREMENTS	RESIDENTIAL				COMMERCIAL & INDUSTRIAL				OTHER								CHECK LIST			
	ALTERATIONS/ ADDITIONS/ ANCILLARY STRUCTURES/POOL	SINGLE DWELLING	DUAL OCCUPANCIES / SECONDARY DWELLINGS	HIGHER DENSITY & OTHER RESIDENTIAL BUILDING TYPES	HOME BUSINESS/INDUSTRY/ B&Bs (USE OF EXISTING BLDG.)	CHANGE OF USE (EXIST. BLDG.)	ALTERATIONS/ADDITIONS/ ANCILLARY STRUCTURES	NEW COMMERCIAL/RETAIL & MIXED USE BUILDINGS	NEW INDUSTRIAL/ WAREHOUSE BUILDINGS OR HIGH IMPACT	LARGE TOURISM/ RECREATION / ACCOMMODATION	COMMUNITY/ CHILD CARE/ EDUCATION / PUBLIC ENT.	ADVERTISING SIGNAGE	SUBDIVISION/CONSOLIDATION	DEMOLITION	SEX SERVICES PREMISES	FARM BUILDINGS	INTENSIVE AGRICULTURE	TEMPORARY EVENT	APPLICANT CHECKLIST (YES / NO / NOT APPLICABLE)	COUNCIL USE ONLY
PLANNING / SURVEY																				
Statement of Env. Effects (SoEE)	If Council has NOT agreed that it is a 'Low Impact Development' (see Form 3 in Checklist C1) then you will need to prepare a Statement of Environmental Effects																			
Survey Plan	❖	❖	❖	✓		❖	❖	❖	❖	❖	❖		✓	❖	❖		❖	❖		
Subdivision Plan / Strata / Comm. Title				❖				❖	❖	❖	❖		✓				❖			
Operational Plan / Report					❖	❖	❖	✓	✓	✓	✓				✓					
DESIGN / LANDSCAPE																				
Site (Analysis) Plan(s)	❖	❖	✓	✓			❖	✓	✓	✓	✓	❖	✓	❖	✓	❖	❖	❖		
Master Plan(s)				❖				❖	❖	❖	❖		❖							
Building Plan(s)	✓	✓	✓	✓	❖	✓	✓	✓	✓	✓	✓			❖	✓	❖		❖		
Signage / Lighting Plans					❖	❖	❖	❖	❖	❖	❖	✓			✓			❖		
Sun Shadow Diagram(s)	❖	❖	❖	✓					❖	❖	❖						❖			
BASIX Certificate	❖	✓	✓	✓																
Design Verification Statement SEPP65				❖																
Landscape (Concept) Plan(s)	❖	❖	❖	✓			❖	✓	✓	✓	✓		❖	❖	✓	❖	❖			
Notification / Advertising Plan(s)	See DCP Section A3 to determine when notification and/or advertising is required and this may also be at the discretion of Council if it is a higher impact activity or there is community interest																			
ENGINEERING / SPECIALIST																				
Traffic Assessment			❖	✓		❖	❖	✓	✓	❖	✓		❖		❖		❖	❖		
Stormwater & Drainage Plan(s)	❖	❖	❖	✓			❖	✓	✓	✓	✓		❖		❖		❖	❖		
Fire Safety Schedule			❖	❖	❖	❖	❖	✓	✓	❖	✓				✓	❖		❖		
Access Report				❖		❖	❖	❖	❖	❖	✓				❖			❖		
Structural Plan(s)/Report	○	○	○	◇		◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇	◇		

DEVELOPMENT APPLICATION CHECKLIST NO.3 SUPPORTING DOCUMENTATION (CONT.)

C3

 WAKOOL SHIRE <i>naturally</i> APPLICATION REQUIREMENTS	RESIDENTIAL				COMMERCIAL & INDUSTRIAL				OTHER						CHECK LIST				
	ALTERATIONS/ ADDITIONS/ ANCILLARY STRUCTURES/POOL	SINGLE DWELLING	DUAL OCCUPANCIES / SECONDARY DWELLINGS	HIGHER DENSITY & OTHER RESIDENTIAL BUILDING TYPES	HOME BUSINESS/INDUSTRY/ B&Bs (USE OF EXISTING BLDG.)	CHANGE OF USE (EXIST. BLDG.)	ALTERATIONS/ADDITIONS/ ANCILLARY STRUCTURES	NEW COMMERCIAL/RETAIL & MIXED USE BUILDINGS	NEW INDUSTRIAL/ WAREHOUSE BUILDINGS OR HIGH IMPACT	NEW RECREATION / TOURISM / LARGER ACCOMMODATION	COMMUNITY / CHILD CARE/ EDUCATION / PUBLIC ENT.	ADVERTISING SIGNAGE	SUBDIVISION/CONSOLIDATION	DEMOLITION	SEX SERVICES PREMISES	FARM BUILDINGS	INTENSIVE AGRICULTURE	TEMPORARY EVENT	APPLICANT CHECKLIST (YES / NO / NOT APPLICABLE)
UTILITIES / WASTE MANAGEMENT																			
Servicing Strategy		❖	✓		❖	❖	✓	✓	✓	✓	❖	✓		❖	❖	❖	❖		
Effluent Report	Required for any new on-site wastewater/effluent management system or where a proposed development may impact on an existing on-site effluent system.																		
Waste Man. Plan			✓		❖	❖	✓	✓	✓	✓		❖	✓	✓	❖	✓	✓		
Liquid Trade Waste Application					❖	❖	❖	❖	❖	❖									
OTHER																			
Temporary Event Application																	✓		
Short Term Trading Application	Short Term Trading in a public space or footpath is defined in Clause B6.2 of this DCP.																		
Environmental Reports	See Checklist C1 above for the list of Environmental Reports that may be required subject to whether the site is affected by those particular issues in the checklist.																		
Other Authorities	Please note other regulatory authorities may also have additional application forms and checklists that will need to be completed, particularly where it is Integrated or Designated Development.																		

LEGEND

- ✓ Indicates this information **IS** required.
- ❖ Indicates additional information **MAY** be required (depending on the complexity of the site/development)
- ❖ Indicates this information **MAY** be required if you are applying for a Construction Certificate or Complying Development Certificate.
- Indicates that a Structural Report **IS** required at the development application stage if it involves a Relocated Dwelling (see Clause B1.19 of DCP).

Certain applications may require the submission of **additional information** that has not been listed above. Council encourages consultation prior to lodging your application. This ensures that many issues may be resolved before an application is lodged and that each application contains all necessary information to enable prompt processing by Council.

Construction Certificate / Complying Development Certificate

Plans and details shall be submitted with the Construction Certificate (CC) application showing:

- as constructed detail design plans;
- building footprints and floor levels;
- surrounding overland spot levels;
- the internal drainage system showing pits and pipes;
- cross sections and/or long sections through tanks, pits and trenches;
- the catchment area draining to each drainage structure;
- locations and levels of the discharge points for each drainage structure;
- overflow structures and surcharge paths for each drainage structure; and
- certification, from a suitably qualified professional, that the stormwater system has been designed in accordance with the development approval.

If you are lodging a Complying Development Certificate, OR a Construction Certificate as part of a Development Application, AND **you are appointing Council as your Private Certifying Authority (PCA)** then you may also need to provide Building Specifications; Owner-Builder Permit; Owner-Builder Education Course; Home Warranty Insurance; and Building Industry Long Service Levy.

DETAILS FOR EACH LODGEMENT REQUIREMENT

This section sets out the requirements for each of the plans/reports noted above.

PLANNING / SURVEY

Statement of Environmental Effects ('SoEE') & Form No.3

Some low impact developments will only need to lodge **Form No.3 – Statement of Environmental Effects (Low Impact Developments)** (see Checklist C1). For all other developments they will need to provide a Statement of Environmental Effects ('SoEE').

A SoEE seeks to explain more detail about the proposed development and demonstrates how the development addresses all relevant issues (including the planning controls) and justifies any variations or inconsistencies with the controls. For more complex developments it is recommended that a SoEE is prepared by a qualified planner.

The SoEE is likely to summarise the issues and recommendations of all of the other supporting plans and documents that are required for the development (see below) and show how the development will:

- meet the relevant planning controls;
- avoid or minimise impacts on the natural environment;
- avoid or mitigate against natural hazards;
- ensure the development fits within its surrounding context and the character of the area; and
- other issues raised in all of the following supporting report(s) / plan(s).

Survey Plan

A Survey Plan is usually prepared by a qualified surveyor and gives an accurate description of the existing (prior to development) site boundaries, significant features of the site, and surrounding context (where applicable) including, but not limited to:

- a) Legal property description – Lot, Section (if applicable), Deposited Plan (DP), street address and location;
- b) North point and scale;
- c) Land dimensions – site boundary, lot boundaries, dimensions (metric), area;
- d) Contours / topography – Spot heights or contours showing levels to Australian Height Datum (AHD)- usually to at least 0.5 metre intervals;
- e) Existing significant vegetation – location and estimated height and size of canopy;
- f) Existing buildings and structures – location and external details (internal details may also be required);
- g) Existing fencing or gates and any existing pedestrian and vehicle access points / driveways, car parking areas and surrounding roads;
- h) Existing services / infrastructure and overhead / underground services;
- i) Any significant development on adjacent sites within close proximity to the proposed site;
- j) Any easements, covenants or restrictions on title;
- k) Any key environmental constraints including but not limited to geo-technical issues, flood liable land, significant vegetation, watercourses & drainage lines, dams, heritage items or archaeology, or other notable features.

Subdivision Plan

Torrens Title / Strata Title / Community Title

A Subdivision Plan clearly indicates the proposed subdivision layout. This will include details from the Survey Plan (see above) as well as proposed boundaries / dimensions / lot areas (Torrens Title), relationships to adjacent roads, proposed internal roads and pathways, proposed easements and rights of way, proposed public and drainage reserves, and any common property.

A Subdivision Plan will also be necessary where Strata Title or Community Title is proposed (predominantly for multi-dwelling housing, residential flat buildings or large commercial or industrial premises). Speak to your Surveyor or Planning Consultant if this is required.

A Subdivision Plan may also need to show indicative locations for proposed future buildings ('building envelopes') and effluent disposal areas in sufficient detail so that Council can assess how the future subdivision and land uses will function and assess the whether the lot size is sufficient.

Operational Plan/Report

All industrial, higher impact, commercial & retail uses must provide an Operational Plan/Report that addresses all of the following matters in sufficient detail for Council to understand the potential impacts of the operation. It may include text and supporting plans as follows:

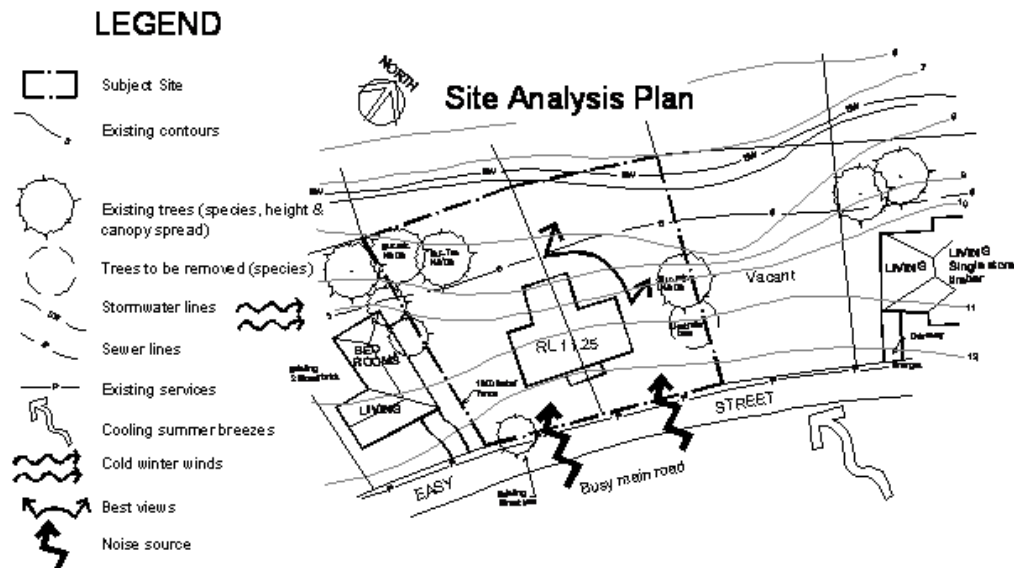
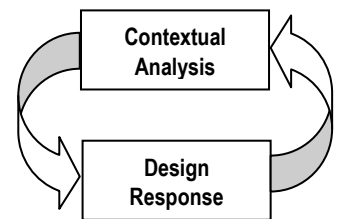
- Type of development, nature and volume of goods produced, handled, distributed, sold and/or stored on site;
- Number of employees (total and on-site at key intervals);
- Hours of operation and employee shift-hours (if applicable);
- Description of plant, machinery and equipment involved in the operation;
- Anticipated noise levels at the boundaries of the site and methods to mitigate noise transmission to adjacent properties;
- Any hazardous or flammable chemicals, liquids or goods stored or used on site;
- Proposed vehicle movements, access, manoeuvring, parking, loading and unloading arrangements and heavy vehicle haulage routes (see **Traffic Assessment**);
- Likely size, frequency and number of deliveries to and from the site;
- Likely number of visitors to the premises, including customers, trade representatives etc.;
- Waste disposal arrangements (see **Waste Management Plan**);
- Capacity for or anticipated future expansion (if known);
- Availability of water, sewer, electricity, telecommunications and stormwater drainage (see **Servicing Strategy**).

Alternatively, these matters could be addressed in the Statement of Environmental Effects.

DESIGN / LANDSCAPE

Site (Analysis) Plan(s)

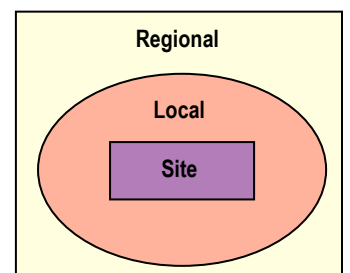
Site (Analysis) Plan(s) utilise the base information from a Survey Plan or sketch diagrams of the site and surrounds as well as other local information about the site and its context and overlay an outline of the proposed development to show how the development responds to the opportunities and constraints of the site and surrounds. The aim is that the contextual analysis should relate to the design response so that the design addresses the site constraints and maximises the site opportunities.



Site (Analysis) Plans showing the Site Context may look like the diagram above (Source: www.redlands.qld.gov.au).

More detail should be provided the greater the potential impact from the proposed development.

- If it is a relatively simple development like a single dwelling then an analysis of the site and the immediately surrounding lots may be sufficient.
- If the development is more complex or may have impacts extending beyond the site then the analysis may need to extend to either the local context (e.g. the block or the village) or the regional context (e.g. the entire river catchment, the Shire, or into Victoria or adjacent LGAs).



Speak to Council to determine what level of site analysis is required for your development. Examples of site analysis issues that may need to be covered are provided in the table below and demonstrated in the following diagrams.

For a simple development Site Plans may just be sketches (to-scale). For more complex developments these are usually prepared by a qualified building designer, architect or planner.

Site Context For Small Low Impact Developments	Local Context For Larger Higher Impact Developments	Regional Context For Regionally Significant Development
<ul style="list-style-type: none"> • North point & scale • Site dimensions & site area • Spot levels &/or contours & differences in levels to adjacent properties • Fences – types & heights • Easements for drainage & services • Location of existing vegetation, including species, height & spread of trees • Location of buildings & other structures on-site • Location of buildings & other structures on adjacent sites (including use, height, window locations and private open spaces) • Natural drainage / drainage lines • Heritage features of the site & lots in proximity to the site including archaeology • Site orientation, path of solar access in winter/ summer & climate including prevailing winds • Overshadowing of lot from surrounding uses • Views to/from the site • Pedestrian & vehicle access • Previous uses & contaminated soils • Geotechnical constraints such as slippage or rocky outcrops • Street frontage features such as poles, kerb-crossovers, street-trees, bus-stops & other features 	<ul style="list-style-type: none"> • Directions & distances to local shops, schools, parks, town centres, and community facilities. • Local topography • Local transport (e.g. local rail, bus and pedestrian/bicycle paths) • Local street hierarchy and layout • Local visual analysis (e.g. visibility of site from local area) • Local environmental systems (e.g. local watercourses, drainage channels, and vegetation / ecological connections) • Local area character including street patterns, setbacks, fence types etc. • Local subdivision pattern (e.g. block and road pattern) • Local heritage items, conservation areas or streetscapes • Sources of local impacts such as flight paths, major roads & noise, railways & vibration, nearby industries etc. 	<ul style="list-style-type: none"> • Regional context and urban centres (e.g. nearest major centres) • Regional topography (e.g. general terrain for region) • Regional transport (e.g. major rail and road connections) • Regional environmental systems (e.g. major watercourses and open space connections/facilities) • Regional infrastructure/services (e.g. road connections, high voltage power networks, sewerage & water systems) • Regional supply of the proposed land use (economic & social impacts)

Table above suggesting some of the matters that Site (Analysis) Plan(s) may need to show or alternatively are addressed in the Statement of Environmental Effects

Master Plan

Where a large development is proposed that may involve a large site, multiple buildings, mixed uses, significant vehicle & traffic issues, a long-term development plan, built form that is different from the character of the surrounding area, or higher impact development etc. then Council may require a Master Plan to be prepared.

A Master Plan utilises illustrative diagrams and text to show the vision & objectives for the project and how it will guide future development. Relevant factors may include, but are not limited to:

- a) Any relevant natural characteristics of the site including contours, vegetation, watercourses, and environmentally sensitive areas (see Site (Analysis) Plan for more detail);
- b) Existing infrastructure, services, structures, fences and existing buildings and their function(s);
- c) Areas for each land use including open space, environmental and recreation areas, waste management, storage, etc.;
- d) Conceptual footprints of all proposed buildings and their function(s);
- e) Where buildings are greater than 1 storey in height then all building heights (and 3D perspectives and Shadow Diagrams may also be required- see below);
- f) The purpose, form and function of all buildings and how they are meant to work together;
- g) Maximum numbers of people attending the facility and how the site will manage those people;
- h) All existing & proposed access ways / driveways from any public road to each and all buildings and associated car-parking areas & loading/unloading facilities;
- i) All pedestrian walkways or connections;
- j) All open space & recreation areas and their intended use(s);

- k) A conceptual landscape plan with proposed areas of hard surface, soft surface and gravel – incorporating vehicle and pedestrian paths as well as indicative proposed landscape treatments and levels and any features addressing water or vegetation;
- l) Safety-by-design principles including lighting, sight-lines, casual surveillance of public spaces etc.;
- m) All indicative future development proposals to show the long term plan / expansion of the development, staging, and integration with surrounding built form;
- n) Emergency areas and protocols for managing events and customers;
- o) The business plan to achieve the master plan including its social, economic and environmental long-term sustainability.

Building Plan(s)

Building Plan(s) provide more detail about any proposed buildings and any ancillary development (such as earthworks and landscape). For simple development this may include a set of hand drawn (to scale) floor plans. For more complex development it is recommended to ask a qualified building designer or architect to draw up the plans that may include, but is not limited to:

- a) **Demolition Plan** – Showing what will be demolished and what will be retained;
- b) **Floor Plans** – Detail of the internal layout of the proposed building including internal walls, openings and window locations, and proposed use of each room;
- c) **Building Sections** – Cross sections through the site and building showing any cut and fill, floor and ceiling levels above natural and proposed ground levels, windows & openings, roof design, & relationship to surrounding roads/buildings/open spaces (levels);
- d) **Other Sections** – Cross sections of any other relevant aspects of the site (e.g. earthworks, watercourses, new roads, driveways) to demonstrate levels and modifications;
- e) **Elevations** – Plans showing all faces of each of the proposed buildings illustrating the height, bulk & scale, and external materials and how it integrates with neighbouring development;
- f) **Schedule of Materials & Finishes** – Providing more details about the selection of material and finishes to be used on any external elevations;
- g) **Fence Details**- Details of any proposed fences including heights & materials (elevations may be required for any fences facing public spaces or streets);
- h) **3 Dimensional Views or Models** – 3D views of the proposed development and surrounding context

Generally plans provided to Council should be on A3 sheets, drawn to scale with a north point shown, the title of each drawing, and the details of any designer who made the drawings.

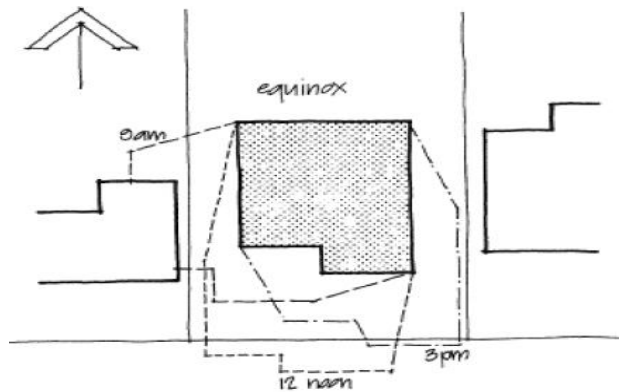
Signage and/or Lighting Plan(s)

When there is any commercial or industrial signage for a building/site then Council will need sufficient detail of the sign location, size, materials, style of lettering, illumination etc. to understand its impacts on the streetscape. If there is any outdoor lighting that will have a significant impact on surrounding lots or the public domain (such as high powered security lighting or sports-field lighting) then details of that lighting may also need to be provided.

Sun Shadow Diagram(s)

Sun shadow diagrams must demonstrate the shadowing effect of the proposed development between 9am and 3pm on the Winter Solstice (21st June) (to demonstrate a minimum of 2-3 hours solar access to living spaces or private open spaces of development or adjacent properties) and may include:

- a) Location, size, height and window openings of buildings on adjoining properties;
- b) Existing shadow-casting structures such as fences, carports, hedges, trees, etc.;
- c) Location of any solar panels / sky-lights / private open spaces on adjoining sites that may be affected by overshadowing from the proposed development;
- d) Topographical details, including sectional elevations where land has any significant slope.



Shadow diagrams may need to show the impact of a building on solar access to surrounding buildings and places, particularly during the Winter Solstice when the sun is lowest in the sky (and the shadows the greatest).

Building Sustainability Index (BASIX) Certificate

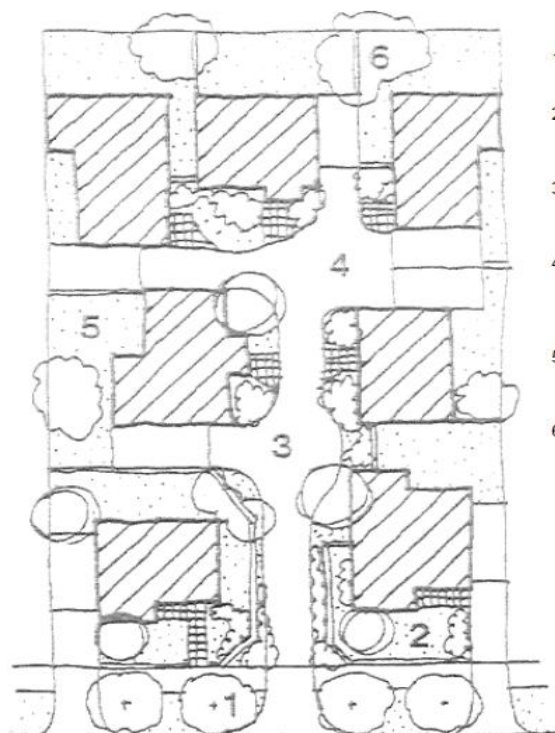
Certain development set out in *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* requires the submission of a BASIX certificate. This generally applies to significant alterations & additions to residential properties or any other residential development. Please see that policy or the website (www.basix.nsw.gov.au) or contact Council for more details.

Design Verification Statement (SEPP65)

All residential flat buildings must have a supporting Design Verification Statement prepared in accordance with *State Environmental Planning Policy No.65 (Design Quality of Residential Flat Development)* and the supporting Residential Flat Design Code prepared by the Department of Planning.

Landscape (Concept) Plan(s)

Landscape (Concept) Plan(s) (and potentially supporting reports) provide details about the proposed landscaping, finished levels of the site, and building surrounds for the development. The level of detail depends on the complexity of the development and resulting levels and may need to be prepared by a qualified Landscape Designer.



1. Advanced trees species appropriate to street provided or reinstated
2. Front gardens landscaped to a standard and a character compatible with those in the rest of the street
3. Driveways and communal spaces landscaped with low maintenance in mind
4. Paving for driveways chosen to complement the development and constructed to maximise on site infiltration
5. Landscape treatment of private open space leaving scope for residents to develop
6. Existing mature trees retained where practicable, especially when along property borders

Landscape (Concept) Plans should show the planting concept for a development but do not necessarily need a lot of detail.

Landscape Concept Plan(s) may include:

- b) An outline of the proposed building(s) (including any eaves or overhangs);
- c) Existing trees (location, height, and estimated spread / drip line);
- d) Trees to be removed or trees that may be adversely affected by the development;
- e) Schedule of proposed plantings (quantity, species, expected mature height and spread, and time to expected mature height);
- f) The intent of the proposed planting including but not limited to the shading of buildings, privacy, security, recreation and amenity of the subject site and adjacent lots (This may be addressed in SoEE);
- g) Private open spaces for buildings and/or public/communal open spaces (and their delineation & separation);
- h) Proposed fences and retaining walls with construction method and structural details, materials, and elevations (if facing a street);
- i) Landscaping structures such as pergolas, decks, courtyards etc.;
- j) Areas for stormwater and drainage management including storage and detention basins, tanks, drainage pits, etc.;
- k) Proposed changes in ground level (including any proposed earth mounding, cut and fill, retaining walls, and fill material) and the finished surface levels, embankments and grades;
- l) Hard surfaced areas including parking areas, driveways, paths and paving (location, materials, levels, markings, drainage, and permeability to water);
- m) Calculation of areas of soft landscaping (grass and planting areas) versus hard paved surfaces (driveways, footpaths, patios and building areas) as a percentage of total site area
- n) The proposed maintenance program and watering system (SoEE);
- o) Suitability of species to the climate (frost and drought tolerance) and local ecology (avoiding, where possible, weed or invasive species) (SoEE).
- p) **Note:** that Council may require (as a condition of consent) that a more detailed Landscape Plan is prepared for a development if the Landscape (Concept) Plan is not sufficiently detailed.

Notification / Advertising Plan(s)

When a development application is required to be notified and/or advertised in accordance with DCP Section A3 – Notification & Advertising then the Proponent will need to provide the following plans summarising the development that will form part of the notification / advertisement:

- a) A Location Plan that shows the location of the development site (this may be a Site Plan);
- b) Summary plans of the proposed development including ground floor plan, street elevation(s), and 3D views (if available).
- c) Any other plans Council requests.

These plans will need to be provided on A4 size paper with a scale and north point.

ENGINEERING / SPECIALIST

Traffic Assessment

A Traffic Assessment is likely to be required where a development is likely to generate significant amounts of traffic, it is located in an area where access may impact on existing roads (their safety and efficiency), or new roads are required to be constructed and integrate with existing road networks. Traffic assessments are not just limited to vehicle traffic but can also review opportunities and challenges for public transport, pedestrian and bicycle connections as well.

Traffic Assessments must generally be prepared by a suitably qualified traffic engineer unless it is a small development with limited traffic generation / a change of use with similar traffic generation/ and the opportunities/constraints are straight-forward – in which case addressing traffic issues in the Statement of Environmental Effects may be significant (check with Council).

A Traffic Assessment is required to demonstrate the adequacy of:

- a) The road network to/from the site for a variety of modes of travel;
- b) Geometric design for intersections, including pavement impacts;
- c) Site access / driveway design / security etc.;
- d) Loading/unloading facilities (if required);
- e) Safe on-site manoeuvring for the largest design vehicle; and

- f) Wearing surfaces for access driveways, parking areas, loading/unloading facilities and associated vehicle manoeuvring areas relative to the largest design vehicle.

Parking and traffic requirements will be based on consideration of:

- a) Likely peak usage times;
- b) The availability of public transport;
- c) Likely demand for off-street parking generated by the development;
- d) Existing traffic volumes on the surrounding street network; and
- e) Efficiency of existing parking provision in the location.

Stormwater Drainage Report & Plans

A Stormwater & Drainage Report and Plans must be prepared by a suitably qualified consulting engineer detailing how stormwater can be adequately drained and addressed on the site. Depending on the proposed development works it may also need to address the impact of the proposed fill on adjoining properties and, where levee banks are proposed, the methods of internal drainage. Input from Council's Engineer is likely to be required.

Fire Safety Schedule

Essential fire safety services apply to all buildings (except domestic single dwellings or outbuildings), being Class 2 to Class 9 buildings under the Building Code of Australia, which are subject to a building approval, construction certificate, complying development certificate or a fire safety notice or order by the Council, after 1 July 1998 (in accordance with *Environmental Planning & Assessment Regulation 2000* – Clause 168).

A *fire safety schedule* must deal with the whole building, not just part of the building to which the development consent, complying development certificate and construction certificate relates, and must include the fire safety measures currently implemented in the building, and the *fire safety schedule* must include the fire safety measures proposed or required to be implemented in the building as are statutory fire safety measures.

A *fire safety schedule* must differentiate between the fire safety measures currently implemented in the building, and the fire safety measures proposed to be implemented in the building. The *fire safety schedule* must also identify each measure that is a critical fire safety measure and the intervals (being intervals of less than 12 months) at which supplementary fire safety measure, and must specify the minimum standard of performance for each fire safety measure included in the *fire safety schedule*.

Access Report

An Access Report may be required for any buildings which allow members of the public to enter. In general, this will include larger community, educational, commercial and retail buildings or industrial retail areas. The aim is to ensure that the entrances and circulation areas are designed to comply with Australian Standards relating to accessibility for the broader community. Access Reports may also consider accessibility for larger residential developments for existing and future users of the dwellings. Please contact Council for more detail.

Structural Plan(s)/Report

A Structural Plan/Report may be required whenever there is a structural component to a building, outbuilding or retaining wall that requires verification that it is structurally sound and will not collapse in a range of circumstances.

Where development involves standard components that have standard certification then this may be sufficient as long as the development is constructed in accordance with that certification.

Where development involves site-specific development requirements then a Structural Engineer may need to prepare a report validating the structural adequacy of a development or structure.

As specified in DCP Clause B1.19 – Relocated Dwellings – a Structural Report will be required for any relocated (existing) dwellings to certify the structural soundness and/or certify that there is no asbestos or other hazardous material in the building.

Please contact Council for further details on the requirements for any Structural Reports.

Servicing Strategy

A Servicing Strategy must demonstrate:

- a) The availability and feasibility of providing water, sewer, electricity, telecommunications, stormwater, and solid waste services appropriate to the scale of the development and the land use zone in which it is occurring;
- b) The availability and location of existing services in relation to the site;
- c) The estimated demand on these services by the proposed development;
- d) The capacity of existing services and ability to service the development;
- e) The method of connecting the proposed development to these services;
- f) Whether any augmentation of these services will be required;
- g) The proposed location for any extensions or augmentations to these services including the area required, any specifications, and any necessary easements to protect/access the services.

Evidence of consultation with the key solid waste, electricity, and telecommunications authorities may be required where there are any issues with capacity of the existing or proposed services / utilities to meet the needs of the development without significantly impacting on other users. Therefore, any development larger than a single dwelling is likely to require evidence that the existing utilities can support the development or any additional requirements that the relevant authority needs for the development to operate. The Servicing Strategy can be a separate document or incorporated into the Statement of Environmental Effects.

Effluent Report

An Effluent Report is a geo-technical investigation of a site to determine what the capacity of the soils, geology, and hydrology of the site is to dispose of sewage on-site with minimal risk to surface or groundwater systems. It estimates the total volume or loading of sewage that is likely to be produced by the proposed development and gives recommendations as to suitable locations, methods, and areas of land required to achieve safe disposal.

Different site characteristics, land uses, and waste types will require different disposal methods. This report must be prepared by a qualified geo-technical engineer that understands hydrology and waste water management issues. Council must be satisfied by a geo-technical assessment that disposal of effluent on-site and within the boundaries of the site is feasible, for human (and if relevant – industrial) waste material. Separation of on-site systems from existing and proposed water systems (including bores & dams) is mandatory.

Domestic waste-water management systems must be designed in accordance with *Australian Standard AS 1547-2000 On-site Domestic Wastewater Management* and the Environment and Health Protection Guideline *On-site Sewage Management for Single Households*. The impact of on-site effluent management systems on the water table must be considered in each application. Cumulative impacts of surrounding development (particularly when it is part of a new development area) may also need to be assessed.

Waste Management Plan

Waste Management Plans will generally be required for developments larger than a single dwelling or dual occupancy. They must address the following information (as part of the Statement of Environmental Effects or as a separate report):

- a) Note the available waste collection services that are available in proximity to the site, the types of waste collected, the interval between collections, and the proximity of all waste collection or disposal sites for the types of waste that will be generated by the proposed development (including any demolition, construction, and the ongoing operation of the development);
- b) Estimate the amount of waste material of each major type that will be generated during the demolition and/or construction of the proposed development including whether there is any potential to re-use or recycle that material, where it will be stored on site during the process, and how the environment will be protected;
- c) Estimate the average amount of waste generated during the operation of the proposed development, and relate this to the design of any on-site waste collection areas to ensure there is sufficient storage between each period when waste is collected or how else it will be managed on-site;
- d) Provide detail as to the location of daily waste storage both inside buildings and in central collection areas and (if required) longer term storage. If waste storage areas are visible from

public areas then the design of any waste storage enclosure must demonstrate that it will be sympathetic to the streetscape and have a reasonable appearance;

- e) Demonstrate how waste collection areas and access roads / driveways (if relevant) are appropriately located and sized for ease of access of garbage trucks with any necessary turning facilities.
- f) Determine if there are any ways to reduce the disposal of waste to landfill through education on ways to minimise waste creation, re-use, recycle, or treat waste on site (e.g. worm farms, compost etc.).

Liquid Trade Waste Application

Liquid trade waste is any discharge to a sewerage system other than domestic waste from a hand wash basin, shower, bath or toilet. Sewerage systems are designed to safely collect, transfer and treat wastewater that is mostly of domestic origin. However, sewerage systems may also accept liquid trade waste discharges provided they are planned and controlled within acceptable limits.

A detailed description will be required for any industrial or trade waste, including liquid effluent, generated on-site to ensure it is safe to dispose of on-site or through the town sewerage system. Council may need to consult with the relevant state government agencies.

To assist local water utilities (LWUs) with best-practice regulation of sewerage and trade waste in non-metropolitan NSW, the NSW Government has issued *Liquid Trade Waste Regulation Guidelines*. The *Liquid Trade Waste Regulation Guidelines* set out the comprehensive NSW framework for the regulation of sewerage and trade waste. The guidelines are driven by the NSW Best-Practice Management of Water Supply and Sewerage Framework and are consistent with the Water Services Association of Australia (July 2008) *National Wastewater Source Management Guideline*. Council will provide the necessary application forms on request.

OTHER

Temporary Event Application

A Temporary Event Application must address the relevant sections of the following information (either in the **Statement of Environmental Effects** or in a separate report):

- 1) Development application form (completed), fees and written land owner's consent;
- 2) Site plan providing the location of all structures, etc.;
- 3) Description and plans addressing the following:
 - a) Description of event;
 - b) Date and times of event opening and closing & daily schedules;
 - c) Any temporary buildings or structures;
 - d) Date and times of set up/removal;
 - e) Details of music, amplification or other potential noise emissions;
 - f) Details of food sold / served / provided;
 - g) Details of parking, including owner's permission if off-site;
 - h) Details of amenities e.g. toilets and sewerage management;
 - i) Details of waste management including general garbage and recycling;
 - j) Power & water supply;
- 4) An assessment of any potential environmental impacts that may arise from the event including, but not limited to, vegetation removal, pedestrian and vehicle impacts, noise and odours, lights & fireworks, erosion and sediment control etc.
- 5) Risk Assessment including emergency and security protocols that may include (where relevant) illegal drug use and alcohol abuse, removal of event patrons, emergency medical attention, unruly social behaviour, evacuation contingencies, and bad weather contingencies etc.;
- 6) Noise mitigation measures including an assessment of the nearest residences and the likely noise levels at the boundary of the property holding the event.
- 7) Review of traffic issues or **Traffic Assessment** that review the provision of parking, road access for 2WD vehicles, dust suppression measures on public roads and at the venue, and emergency escape routes (e.g. in a bushfire situation).
- 8) Relevant insurance documents;
- 9) Food notification numbers and site plans for all food stalls;
- 10) For large tents, stages and platforms
 - a) Internal layout plan to scale;
 - b) Details of compliance with *Building Code of Australia* – particularly with regards to structural adequacy, egress and fire safety;

- c) Documentation that specifies the live/dead loads the temporary structure is designed to meet;
 - d) A list of any proposed fire safety measures to be provided in connection with the use of the temporary structure,
 - e) Documentation describing any accredited building product or system sought to be relied on for the purposes of Section 79C(4) of the Act;
 - f) Copies of any compliance certificates to be relied on, and
 - g) Elevations and sections showing heights of any proposed temporary structures and the materials of which any such structures are proposed to be made.
- 11) Consultation, if required, with key emergency services such as the NSW Ambulance Service, Rural Fires Service; NSW Police; electricity authority, etc. where these services may be used or form part of an emergency response for the event or where permits are required.
- 12) Other Approvals that may be required:
- a) Road closures will require approval under Section 138 of the *Roads Act 1993*.
 - b) Events involving sale of liquor require an approved licence from the Office of Liquor Gaming and Racing and may be subject to approval of NSW Policy and Council.
 - c) Events involving fireworks require approvals from NSW WorkCover Authority.
 - d) Events involving Amusement Devices require separate approval under Section 68 of the *Local Government Act 1993* (that can be addressed at the same time as the Development Application).

Short Term Trading Application

A Short Term Trading Application needs to provide sufficient information for Council to understand how the public space will be used, the date/hours of operation, relevant insurances, any potential impacts on other users of the public space, and waste management / clean-up. It can be a simple letter from the relevant group. Issues may include interference with normal vehicle or pedestrian traffic, r access to shopfronts, or reasonable use of that public space.

ENVIRONMENT - HERITAGE

Heritage and/or Archaeological Assessment

A Heritage Assessment may include a variety of documents for the management of a heritage item ranging from a short review of the impacts of proposed development on a heritage item (in a SoEE), to a Heritage Impact Study or a Conservation Management Plan prepared by a qualified Heritage specialist and/or Architect. A Heritage Impact Study must include:

- b) A description of the item and its setting including a location plan showing the proposed development, adjoining development and the immediate locality;
- c) Photographs accompanied by an annotated location map;
- d) Plans and elevations of the proposed development in the context of the heritage item (Sometimes, heritage items need to be considered within the wider contexts of the settings of the item ('heritage curtilage'), its vistas, streetscapes or rural landscapes);
- e) An assessment of the heritage values of the existing place (the assessment should demonstrate an understanding of the significance of the place);
- f) Strategies for conservation and management, with timing costs and other resources required, and the conservation principles and processes that will be relied upon;
- g) A list of people responsible for carrying out actions of the plan;
- h) The measures proposed for the conservation and management of the place;
- i) Ongoing maintenance and monitoring plan and who is responsible for this; and
- j) Any other issues or actions that may affect the place or its cultural heritage significance.

An Archaeological Assessment is an evaluation of the probable extent, nature and integrity of a site, determination of the significance of a site, and definition of appropriate management measures for a site having regard to its heritage significance (including both Aboriginal or non-indigenous artefacts). An Archaeological Assessment is to be prepared in accordance with guidelines contained within the document titled '*Archaeological Assessment*' (Heritage Office and Department of Urban Affairs and Planning, 1996) or other suitable guidelines produced by the Heritage Office in consultation with the local Aboriginal communities.

ENVIRONMENT – LAND & SOIL

Geo-Technical Report

A geo-technical report is usually prepared by a qualified 'geo-technical engineer' or 'engineering geologist' or someone able to demonstrate considerable relevant experience with a similar geology & soils to that found in the Shire.

A geotechnical report may be required in a number of situations where the geology, soils, or underlying hydrology of the site pose a significant risk to the development or the development poses a risk to the natural environment. This may include, but is not limited to, slope stability, erosive soils (soils that easily erode), saline soils (salt), acid sulphate soils, soils of low wet strength (soils with less strength when wet), and highly reactive soils ('reactive' soils are those soils where there is a high clay content that tends to swell and shrink with varying moisture content and can impact on foundations and building stability).

A geo-technical report will analyse the geology, soils, and possibly the hydrology of the site to determine if there is any risk of impact and what response the proposed development must take (if any) to address any impacts. Geo-technical or structural reports may be required where earthworks are required near the footings of existing buildings to avoid their collapse. The response may require a different location for the proposed development or a different method of construction that is suited to that particular constraint. The *Building Code of Australia* may also specify certain construction types or materials for certain types.

Contamination Assessment

A Contamination Assessment will be required whenever a site history identifies a potentially contaminating use (see DCP Appendix 3 – Land Uses & Contamination) or the site is known or suspected to involve contaminated land. It will need to be prepared by a suitably qualified geo-technical engineer.

A Contamination Assessment needs to be prepared in accordance with the requirements of the:

- *Contaminated Land Management Act 1997*;
- *State Environmental Planning Policy No.55 (Remediation of Land)*; and
- *DUAP/EPA (1998) Managing Land Contamination – Planning Guidelines – SEPP55 – Remediation of Land*.

Earthworks Report & Plans

Earthworks occur when a Proponent plans any significant reshaping of any existing land form (whether it is natural or man-made). An Earthworks Report/Plan may be required when there are 'significant' earthworks on a site. Council has discretion to determine what constitutes 'significant' earthworks but this is likely to occur when cut and/or fill:

- Exceeds 1m in depth and/or 200m³ of material;
- Where retaining walls are required exceeding 600mm in height from natural ground;
- Is within proximity to (or could impact on) a watercourse, wetland, riparian corridor, or area of biodiversity or other environmental significance as defined in WLEP2012;
- May impact on an adjacent property (structural stability etc.);
- May impact significantly on flood waters or modify the characteristics of a watercourse;
- Is part of an extractive industry that requires a development approval from Council;
- Where fill is being imported/exported to/from the site.

An earthworks report may be a separate report prepared by an engineer or specialist earthworks contractor or incorporated into the Statement of Environmental Effects. A report and/or plans may include, but are not limited to:

- a) The location and volume of any cut and/or fill on the site and justification for that level of cut and/or fill based on the design and an assessment of impacts on the site and surrounds;
- b) Any areas for temporary soil / material storage during construction/earthworks;

- c) Methods to contain disturbed soil/material on-site including location and types of barriers or coverings that takes into account the topography, drainage and nearby watercourses (This may also be covered by a Sediment & Erosion Control Plan);
- d) The geo-technical stability of the proposed earthworks including any retaining walls and excavations around the footings of existing buildings (see Geo-technical report);
- e) Any impacts of earthworks on groundwater, surface water, stormwater, drainage or flood storage;
- f) A contamination and geological assessment of any earth that will be disturbed or fill brought to site including the source of any fill or destination of any extracted material, historical use of the site where the fill comes from, risk of contamination, issues of salinity etc.;
- g) An assessment of the impact of haulage vehicles on roads and potentially a precondition report of all haulage routes;
- h) Details of method of compaction of fill and associated impacts (e.g. control of dust, sedimentation, water quality impacts, noise and vibration);
- i) Contingency for containment of fill in the event of a flood during placement;
- j) The ability of any resulting surface soils to support vegetation;
- k) Staging plans where land reshaping is proposed to be done in stages;
- l) Rehabilitation Plan for applications involving earthworks without associated buildings or landscape plans to restore the site after extraction works are completed.

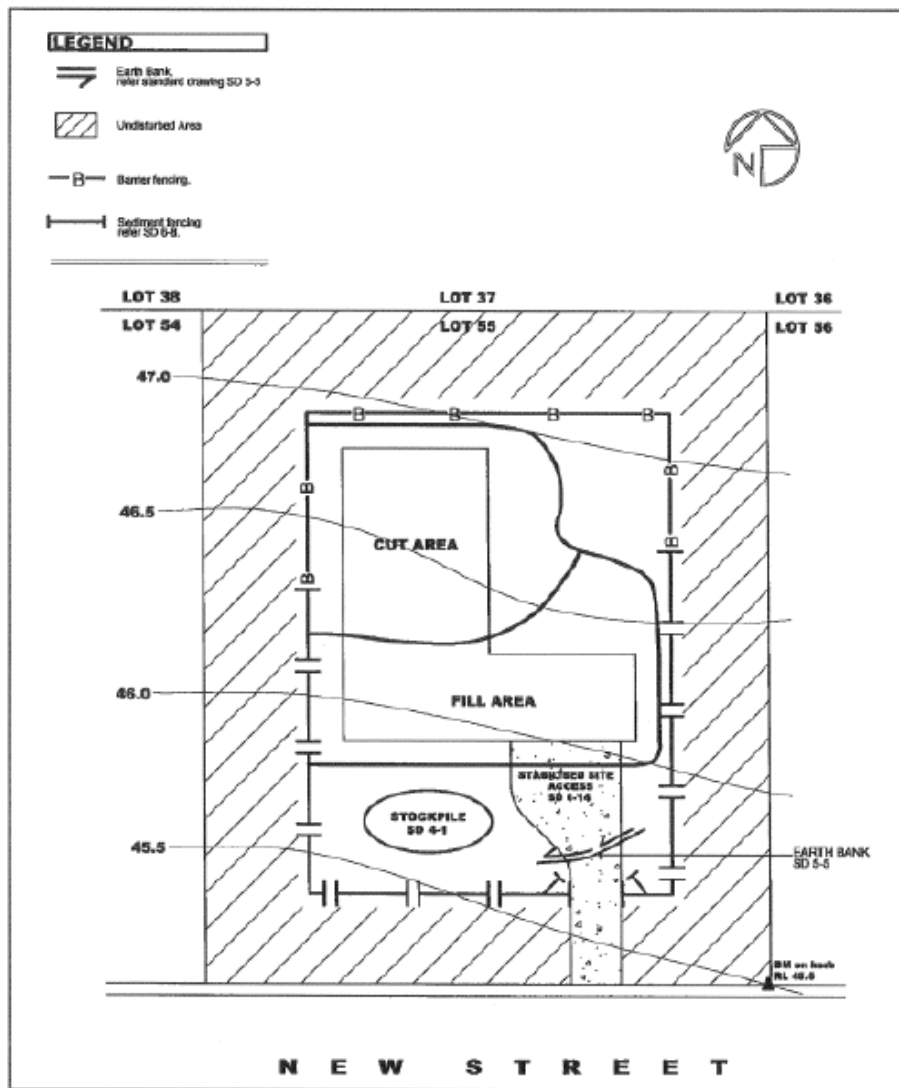


Illustration above of an Earthworks plan showing the cut and fill areas as well as locations of any stockpiles and barriers to prevent earth from eroding and spreading to nearby sites or watercourses.

Any plans supporting this information should be based on an accurate Survey Plan of the site and site levels, any known flood levels, existing vegetation, existing fences and surrounding buildings. Cross sections may be required to demonstrate depths of any cut and/or fill and mechanisms for stability. In support of an Earthworks Plan/Report, Council may also require a supporting Survey Plan, Geotechnical report, Structural Reports, Flood Study, Stormwater Drainage Plan and/or Sediment & Erosion Control Plan to be prepared.

Sediment & Erosion Control Plan

When a development involves any significant earthworks, removal of vegetation that maintains soil stability, stockpiling of materials on a site, or ongoing operational or traffic movements that may produce dust or other pollution or erosion of the soil structure - then a Sediment & Erosion Control Plan may be required. This plan demonstrates the locations and techniques to avoid soil or materials from being eroded, blown or washed off the site and minimises the risk of sedimentation in nearby drainage systems and watercourses and impacts of dust on neighbouring properties.

For a simple detached dwelling this may just include a plan of proposed works, locations of soil stockpiles, and the barriers to prevent any soil being eroded or washed/blown from the site. The plans should demonstrate awareness and response to Landcom (2004) *Planning for Erosion and Sediment Control on Single Residential Allotments*. This may a plan demonstrating the topography/slope of the site, likely drainage patterns, barriers around the perimeter of any disturbed soil areas, covers for stockpiles, and measures to trap soil. For larger developments or more significant earthworks or disturbed soil areas the plan should be prepared in accordance with Landcom (2004) *The Blue Book – Managing Urban Stormwater: Soils and Construction*.

ENVIRONMENT – BIODIVERSITY & VEGETATION

Arborist Report

An Arborist Report prepared by a suitably qualified and independent arborist assists in determining a development proposal that will have an impact on trees. An arborist is not a person whose primary income is derived from pruning and/or removal of trees. They will usually hold a diploma or horticulture (arboriculture) or other similar qualification to the satisfaction of Council.

The following matters should be addressed in an Arborist Report:

- a) The full name, business address, telephone number, evidence of technical qualification(s) and the experience of the arborist carrying out the tree inspection, diagnosis, and reporting;
- b) The full address of the site containing the trees;
- c) The methods and techniques used in the site and tree inspection;
- d) A suitably scaled plan of the site showing:
 - i) The location of all trees on the site and any trees on adjoining land which overhand or undergrow the subject land;
 - ii) The subject land including its lot boundaries (if relevant) and the location of any above or below ground utilities (if relevant) and their proximity to the trees shown;
- e) A table showing for each tree surveyed:
 - i) The common and full scientific name;
 - ii) The age class
 - iii) The estimated height
 - iv) The trunk diameter at 1.4 metres
 - v) The canopy spread to the four cardinal points
 - vi) A summary of the trees' health and structural condition
 - vii) An estimation of the trees useful life expectancy.
- f) A summary and/or discussion of other relevant tree and site information such as soil and drainage characteristics, wildlife habitation, root structure and distribution, pests and diseases, and tree hazard assessment details.
- g) Supporting evidence such as annotated photographs and laboratory results (if relevant) to the proposed works or to assist in describing tree or site conditions.
- h) A discussion of ALL options available, including why they are recommended or not recommended (within the qualifications of the arborist);
 - i) Details of any trees proposed for replanting.
 - j) The sources of technical information referred to in the report.

Flora / Fauna Study

A Flora / Fauna Study is an ecological study of a specific area that documents the components of biodiversity within the study area that are either confirmed to be present or not confirmed but likely to be present and assesses the extent and nature of likely impacts of a development proposal on those species with particular regard to matters of national, state, regional and local significance. It will usually address plants, mammals, birds, reptiles and amphibians but may also include aquatic vertebrates (fish), terrestrial invertebrates etc.

It is required to be undertaken by an ecological scientist / ecologist having appropriate qualifications, experience and competence, especially with the region and its special biodiversity. It makes recommendations as to how any development proposal relating to the study area should be dealt with or modified so as to avoid unacceptable impacts on biodiversity. The study area is to include all of the site area subject to the proposal as well as land outside that area where this is necessary to assess off-site impacts. The degree of detail required will depend on the scale and likely impact of the development proposal as well as the environmental sensitivity of the site – but in general should:

- a) Undertake survey design including seasonal species and local climatic conditions;
- b) Undertake survey and data collection;
- c) Analyse and interpret data;
- d) Prepare assessment report;
- e) Provide any recommendations; and
- f) Supply digital data.

An example of a set of guidelines for the preparation of a Flora and Fauna Study (for a different area) is 'Flora and Fauna Survey Guidelines – Lower Hunter Central Coast Region' (LHCC / REMS 2002) at www.cessnock.nsw.gov.au.

Sand Hill Impact Review

A Sandhill Impact Review must address the following information (as part of the Statement of Environmental Effects or as a separate report):

- a) The location of existing improvements on the property and, where applicable, the location of existing residences or public roads on adjoining land that may be affected by windblown erosion;
- b) The topography of the site and adjoining land and, in particular, the slope of the land to be cleared in relation to the surrounding land - with contours plotted at 0.5 metre intervals;
- c) The distribution of soil types and location of sand hills on the site and the immediate surroundings;
- d) The location of existing vegetation on sand hills;
- e) The location of the proposed development;
- f) The approximate number, position, type, height, and span of trees to be removed, the total area of trees to be removed (either in discrete parcels or as a percentage of the total site area) and the justification for their removal;
- g) The proposed method of draining the site (if applicable);
- h) The effect of the development and any vegetation removal on the landscape and scenic quality of the land;
- i) The potential for wind erosion;
- j) The measures to avoid, minimise or mitigate any impact on vegetation and/or sand hill stability;
- k) The proposed method of restoration of the land including tree planting (see windbreaks below);
- l) The advice of any relevant NSW State Government departments responsible for soil conservation, forestry, agriculture and fisheries.

In addition, the Sand Hill Impact Review must demonstrate that the development provides for windbreaks:

- a) To be established along all road boundaries or erosion prone land (or where required by Council);
- b) To form continuous belts at least 100 metres long with a minimum 3 rows of appropriately spaced native trees and shrubs;
- c) To be fenced for the establishment period to protect trees from stock;
- d) Where a recoverable bond of \$20 per tree to a maximum of \$2600 is provided to Council to ensure trees planted will reach maturity.

As a condition of approval to development which involves removal of trees from sand hill formations the registered proprietor of the land (the subject of the application) must enter into a positive covenant with Council to establish and maintain windbreaks and other vegetation as required for a period of ten (10) years. Such positive covenants are to be created pursuant to Section 88E of the Conveyancing Act 1919, as amended. Positive covenants may make provision where appropriate for:

- a) Rehabilitation of cleared or denuded areas by planting, fertilizing, protecting and maintaining grasses, shrubs and trees as appropriate;
- b) Where earthworks are involved - the removal, stockpiling and replacement of topsoil and prevention of erosion of excavated areas and topsoil stockpiles;
- c) Stabilisation and maintenance of beds and banks of natural watercourses;
- d) The prevention of transmission of soil, sediment and waste products from land by construction and maintenance of sediment traps.

ENVIRONMENT – WATERCOURSES & RIPARIAN CORRIDORS

Riparian & Watercourse Assessment

A Riparian & Watercourse Assessment should be conducted by someone who has experience in the ecology of riparian corridors of the region as well as hydrology / water engineering experience of rivers and watercourses. The aim is to demonstrate to Council the development will either enhance, or as a minimum, will not adversely affect ecological function or limit opportunities to reinstate the area in the future to the greatest possible extent. Where appropriate, a Riparian & Watercourse Assessment is to demonstrate through an attached engineer's report the proposed development is not at risk from damage from creek bank erosion. The NSW Office of Water and Office of Environment and Heritage should be contacted to determine what additional guidelines may be required to address these issues.

River Application

Where a River Application is required then it the Plan(s) and/or the Statement of Environmental Effects should identify and address the following details.

- 1) Moorings / Water Recreation Structures:
 - a) Location of moorings in relation to river (dimensions) and the maximum number of vessels;
 - b) Position and type of mooring poles;
 - c) Method of access to Vessel(s) at moorings (steps, ramp, planks, pontoon, jetty etc.).
- 2) Where there are proposed bank or bed works:
 - a) Details of any filling or excavation works proposed to provide access to the mooring site by vessels and people;
 - b) Any flood levees on the bank;
 - c) Steps excavated into bank;
 - d) Erosion control works and shoring along the bank.
- 3) Where there is any impact on vegetation or landscaping:
 - a) The trees/vegetation that will be removed/lopped to accommodate access to mooring by boats or vehicles;
 - b) Additional plantings to the landscape of the river bank area;
- 4) Services:
 - a) Effluent disposal services;
 - b) Fuel deliveries and spillage containment;
 - c) Garbage disposal;
 - d) Electrical services to mooring site;
 - e) Telecommunication services;
 - f) Vehicle access and parking;
 - g) Cleaning and maintenance services;
 - h) Support services for vessels when under hire.
- 5) Vessel Maintenance: Indication of where vessels are to be surveyed or removed from the river for routine maintenance, painting, mechanical and structural repairs to vessels;
- 6) General Information to Support Application:
 - a) Indicate the area of the river in which the house boat/vessel is to operate;
 - b) Any detailed instructions or conditions of hire relating to the following issues:
 - i) Use of fire arms while on the river;
 - ii) Lighting fires;
 - iii) Access to private lands;
 - iv) Cutting down trees;
 - v) Correct mooring procedures when stopping overnight;
 - vi) Location to any dwellings
 - c) Any other information that will assist Council and the other agencies in determining your application.

Bank and/or Bed Works Application

The following information and plans must accompany a development application for any works associated with bed and/or bank works on watercourses or land covered by the *Murray Regional Environmental Plan No.2 – Riverine Land*.

- a) Contour levels for the bed and/or bank areas to be disturbed;
- b) Finished levels for the bed and /or bank upon completion of the works;
- c) Details of any trees or native vegetation to be destroyed or lopped;
- d) Consent from the land owner to allow the application to be lodged with and determined by Council;
- e) Plans of the proposed works (10 copies to accompany the DA) including:
 - i. Locality Plan
 - ii. Site Plan
 - iii. Cross section of any structure and excavation works;
 - iv. Erosion & Sediment Control Plan;
 - v. Navigation structures to be erected in the waterway;
- f) Statement of Environmental Effects to address the following aspects:
 - i. Description of the project and proposed construction process;
 - ii. Assessment of impact of the works on the river and water quality;
 - iii. Any restriction to public access along the waterway;
 - iv. Bank disturbances and erosion control;
 - v. Any associated de-snagging works;
 - vi. Impact on the riverine environment (includes flora / fauna / Aboriginal heritage);
 - vii. Any landscape proposals to reduce visual impact;
 - viii. Impact on flood flows;
 - ix. Maintenance dredging program and estimated quantities of material to be removed;
 - x. Access to the structure for routine maintenance;
 - xi. Methods of construction works and possible impacts on the above points.

Pump Facility & Supply Channels Application

Proponents seeking to lodge a development application for the installation of pump facilities and supply channels should first consult with the relevant authorities including Council, the NSW Office of Water, the Office of Environment and Heritage and the Murray Darling Basin Commission.

Any application should include/address the following information:

- a) Site Plan showing:
 - i) Location of the pump and delivery channel, distance from the river/creek/lake;
 - ii) Trees and any vegetation to be removed;
 - iii) Any bank or bed works (excavation for footings, suction pipes or pump wells) (you may also need to complete a Bank and/or Bed Works Application – see above);
 - iv) Height of delivery channel across the floodplain;
 - v) Method of stabilising channel bed and bank at point of delivery from the pump;
 - vi) Location of any flood levee and storage dams to be used with the flood facility;
 - vii) Fuel storage and method of protecting river, creek, lake or watercourse in in case of spillage or fuel line brakeage.
- b) Locality Plan showing:
 - i) Detailing the watercourse on which the pump is to be located
 - ii) Location of the nearest dwellings to the pump site;
 - iii) Access track to the nearest public road.
- c) General information to accompany the application:
 - i) Description of site, lot, section, DP or portion no.;
 - ii) Flooding details of the pump site (how often does the site flood);
 - b) Type of pump to be installed (e.g. mobile, temporary pump on transportable frame, permanent fixture on bank etc.);
 - c) Size of pump, suction and delivery times;
 - d) Proposed use for pump water (e.g. stock watering, domestic, irrigation or other);

- e) Details of any buildings associated with the pump site;
- f) Details of any earthworks associated with the installation of the pump and supply channel;
- g) Impact of channel on flood flows.

The number of plans will depend on the location of the pump site. Sites on minor streams need 6 sets of plans. Sites on major streams being the Murray, Wakool, Edward, Niemur Rivers and Eagle, Hudson and Billabong Creeks will need 10 sets of plans. Plans must be to a suitable scale or fully dimensioned. Free hand sketches are not acceptable.

Further approvals or licenses may be required from other State Government Departments for water extraction, earthworks on the floodplain, removal of native vegetation, works on Crown land (road reserves or reserves along watercourses).

Flood Study

A Flood Study determines the extent of 'Flood Liable Land' on the proposed development site (& surrounds). If land is flood liable, then the Flood Study will also determine the Flood Planning Level across the existing site and proposed development. By modelling the impact of the proposed development on flood waters the Flood Study can demonstrate whether the development will meet standards for safety and/or impact on upstream or downstream properties.

The Flood Planning Level is defined in Clause C2.4 Flood Planning and is often, but not always, the 1:100 Annual Recurrence Interval ('ARI') of flooding on that site (or alternatively the 1% Annual Exceedance Probability ('AEP')). A Flood Study must be prepared by a suitably qualified hydraulic engineer.

A Flood Study is usually based on a detailed **Survey Plan** (see above) or flood modelling of the area and must include:

- a) The position of existing building(s) or proposed building(s);
- b) Any proposed earthworks or filling of land showing relative levels to Australian height datum (with a contour interval of 0.25m);
- c) The existing and proposed ground levels to Australian height datum around the perimeter of the building(s) and contours of the site;
- d) The existing or proposed floor levels of any buildings to Australian height datum; and
- e) A response to the relevant flood controls in State legislation, policy, and WLEP2012 and this DCP.

For large scale developments, or development for essential services, particularly where an existing catchment based flood study is not available, a flood study using a fully dynamic one or two dimensional computer model may be required and may need to look at the catchment areas for water affecting the site. For small developments an existing flood study may be used if available and suitable (e.g. it contains sufficient local detail), or otherwise a one dimensional steady state flood model would normally suffice. Please speak to Council to determine any detailed requirements before preparing a Flood Study.

Flood Management Plan

A Flood Management Plan is usually prepared in response to a Flood Study that states that the proposed development site is Flood Liable Land. The Flood Management Plan seeks to demonstrate how the proposed development will address any flooding issues raised by the Flood Study and provide details of any mitigating measures and their potential effect on flood levels in accordance with the planning controls and state legislation and policy. In addition to the requirements for a Flood Study, a Flood Management Plan must include:

- a) A reliable emergency escape route, with regular levels to Australian height datum along the centreline of this route;
- b) How the materials and construction of any proposed buildings or structures will be able to withstand flood water or overland flows (see DCP Appendix 4 – Flood Construction Guidelines);
- c) How the proposed development does not exacerbate or increase the risk of flooding or overland flows to adjoining land or downstream properties.

ENVIRONMENT - BUSHFIRE

Bushfire Assessment Report / Bushfire Attack Level (BAL) Certificate

The submission requirements for a Bushfire Assessment Report and/or Bushfire Attack Level (BAL) Certificate are set out on the Rural Fire Service ('RFS') of NSW's website (www.rfs.nsw.gov.au) under the following side-menu tabs 'For the Community' / 'Building in a Bush Fire Prone Area' / Legal Obligations / Submission Requirements. This website sets out submission requirements for Development Applications (including the Single Dwelling Application Kit) and Subdivisions or Special Fire Purpose Developments (Section 100B of the *Rural Fires Act 1997*). Please refer to this information for the latest requirements.

If a Bushfire Assessment Report is required it is recommended that you engage the services of a bushfire consultant to prepare this report. Bush Fire Risk must be certified/assessed by a qualified consultant or Council with possible consultation with the NSW RFS (for a local development application that is not integrated development) or a Bush Fire Safety Authority ('BFSA') from the RFS for integrated development under Section 100B of the *Rural Fires Act 1997*.

ENVIRONMENT - OTHER

Noise & Vibration Study

A Noise & Vibration Study will need to be prepared in accordance with DCP Clause C2.6 Noise & Vibration. It will need to be prepared by a suitably qualified acoustic / structural engineer. Please speak to Council for further requirements.

Odour Study

An Odour Study will need to be prepared in accordance with DCP Clause C2.7 Odour. It will need to be prepared by a suitably qualified engineer. Please speak to Council for further requirements.

Environmental Impact Statement (EIS)

An Environmental Impact Statement (EIS) will need to be prepared when an application is considered Designated Development under the *Environmental Planning & Assessment Act 1979* and regulation. Please speak to Council for further requirements.

APPENDIX 2—BUFFERS FOR SENSITIVE LAND USES

The following table is an excerpt from the NSW Department of Primary Industries publication entitled 'Living and Working in Rural Areas – A handbook for managing land use conflict issues on the NSW North Coast' (www.dpi.nsw.gov.au) and provides guidelines for buffers for some sensitive land uses (top row) from some relevant primary & extractive industries, environmentally sensitive areas, and other land uses (left column) in metres (m).

A. PRIMARY (RURAL) & EXTRACTIVE INDUSTRIES

(NB: The desirable buffer in the circumstances will be the separation distance and conflict avoidance strategy that protects: community amenity, environmental assets, the carrying out of legitimate rural activities in rural areas and the use of important natural resources.)

	Residential areas & urban development	Rural dwellings	Education facilities & pre-schools	Rural tourist accommodation	Watercourses & wetlands	Bores & wells	Potable water supply/ catchment	Property boundary	Roads
Piggeries ¹ Housing & waste storage	1000	500	1000	500	100	SSD	800	100	100
	Waste utilisation area	500	250	250	250	100	SSD	800	20
Feedlots ² Yards & waste storage	1000	500	1000	1000	100	SSD	800	100	100
	Waste utilisation area	500	250	250	250	100	SSD	800	20
Poultry ³ Sheds & waste storage	1000	500	1000	500	100	SSD	800	100	100
	Waste utilisation area	500	250	250	250	100	SSD	800	20
Dairies ⁴ Sheds & waste storage	500	250	250	250	100	SSD	800	100	100
	Waste utilisation area	500	250	250	250	100	SSD	800	20
Rabbits ⁵ Wet shed, ponds & irrig. Dry shed	300	150	150	150	100	SSD	800	50	50
		120	60	120	60	100	SSD	800	20
Other intensive livestock operations ⁶	500	300	500	300	100	SSD	800	100	100
Grazing of stock	50	50	50	50	BMP	SSD	BMP	NAI	BMP
Sugar cane, cropping & horticulture	300	200	200	200	BMP	SSD	BMP	NAI	BMP
Greenhouse & controlled environment horticulture	200	200	200	200	50	SSD	SSD	50	50
Macadamia de-husking	NOT APPLICABLE								
Forestry & plantations	SSD	SSD	SSD	SSD	STRC	SSD	SSD	BMP	STRC
Bananas	NOT APPLICABLE								
Turf farms ⁸	300	200	200	200	50	SSD	SSD	BMP	SSD
Rural industries (incl. feed mills and sawmills)	1000	500	500	500	50	SSD	SSD	SSD	50
Abattoirs	1000	1000	1000	1000	100	SSD	800	100	100
Potentially hazardous or offensive industry	1000	1000	1000	1000	100	SSD	800	100	100
Mining, petroleum, production & extractive industries	500	500	500	500	SSD	SSD	SSD	SSD	SSD
	1000*	1000*	1000*	1000*					

* Recommended minimum buffer distance for operations involving blasting.

NAI: Not an issue.

SSD: Site specific determination (no standard or simple buffer distance applies).

BMP: Best management practice to apply given site circumstances. Buffer and/or management practice should represent duty of care to the environment and the public and include measures necessary to protect bank stability, maintain riparian vegetation and protect water quality. The incorporation of best management practice measures in property and farm plans is encouraged.

STRC: Subject to relevant codes.

Buffer distances represent the recommendations of the North Coast Land Use Conflict Working Group following a synthesis of existing guidelines and policy. In some cases, specific and relevant guidelines may require larger buffers or lesser buffers than those prescribed may be appropriate in the circumstances.

Notes:

1. Subject to environmental assessment in accordance with *National Environmental Guidelines for Piggeries* (APL 2004) and *Assessment and Management of Odour from Stationary Sources in NSW* (DEC 2006)
2. Subject to environmental assessment in accordance with *NSW Feedlot Manual* (NSW Agriculture 1997) or *A Producers Guide to Starting a Small Beef Feedlot in NSW* (NSW Agriculture, 2001) and *Assessment and Management of Odour from Stationary Sources in NSW* (DEC 2006)
3. Subject to environmental assessment in accordance with *NSW Poultry Farming Guidelines* (NSW Agriculture 1996), *NSW Meat Chicken Guidelines* (NSW Agriculture 2004), *Assessment and Management of Odour from Stationary Sources in NSW* (DEC 2006)
4. Subject to environmental assessment in accordance with *NSW Guidelines for Dairy Effluent Resource Management – Draft* (NSW Agriculture 1999), and *Assessment and Management of Odour from Stationary Sources in NSW* (DEC 2006)
5. Subject environmental assessment in accordance with *Rabbit Farming: Planning and development control guidelines* (NSW Inter-Departmental Committee on Intensive Agriculture, 1999) and environmental assessment in accordance with *Assessment and Management of Odour from Stationary Sources in NSW* (DEC 2006)
6. Subject to environmental assessment in accordance with *Assessment and Management of Odour from Stationary Sources in NSW* (DEC 2006) and any other relevant guideline or policy
7. Subject to environmental assessment in accordance with *Guidelines for the Development of Controlled Environment Horticulture* (NSW DPI 2005)
8. Subject to environmental assessment in accordance with *Turf Farming – Guidelines for Consent Authorities in NSW* (NSW Agriculture 1996)

B. ENVIRONMENTALLY SENSITIVE AREAS

	Residential areas & urban development	Rural settlement & on-site waste systems	Education facilities & pre-schools	Rural tourist accommodation
Native vegetation/habitat	50	50	50	50
Ecosystem & wildlife corridors	50	50	50	50
Estuaries & major waterways	100	100	100	100
Minor waterways	50*	50*	50*	50*
Wetlands	100	50*	50*	50*
SEPP 26 littoral rainforests	100	100	100	100
State & regionally significant farmland	300	300	300	SSD

* Site assessment is necessary as 50m buffer may be inadequate given groundwater, soil type, topography and site factors.

C. OTHER INFRASTRUCTURE & LAND USES

	Residential areas & urban development	Rural settlement	Education facilities & pre-schools	Rural tourist accommodation
Waste facilities	300	300	300	300
Sewerage works	400	400	400	400
Dip sites ¹	200	200	200	200
Boarding kennels	500	500	500	500
Stock yards including cattle yards	200	200	200	200
Stock homes/stables ²	SSD	SSD	SSD	SSD
Effluent re-use areas ³	SSD	SSD	SSD	SSD

SSD: Site specific determination (no standard buffer distances apply).

Notes:

1. The Cattle Tick Dip Site Management Committee (DIPMAC) recommends a nominal 200 metre radius assessment zone around cattle dip sites. Residential development proposed within this zone should be subject to a contaminated lands assessment to determine the extent of contamination and risks posed by contamination. The assessment and any proposed remediation works must also meet the requirements of *State Environmental Planning Policy No. 55 – Remediation of Land*. Urban encroachment onto working cattle dip sites is to be avoided where possible.
2. Subject to assessment in accordance with NSW Department of Environment and Conservation publication *Environmental Management on the Urban Fringe – Horse Properties on the Rural Urban Fringe, Best Practice Environmental Guide for Horses* (2004).
3. Subject to assessment in accordance with NSW Department of Environment and Conservation publication *Use of Effluent by Irrigation* (2003) or local policy as adopted by individual councils.

Note: Other buffers or setbacks may apply under other legislation or policies for items such as:

- High voltage power lines
- Railway lines
- Airports
- Rifle ranges
- Bushfire protection
- Heritage.

D. REFERENCES

Land use or environmental asset	Reference source
Piggeries	<i>National Environmental Guidelines for Piggeries</i> APL 2004 <i>North Coast Guidelines for Subdivision and Development in Agricultural Areas</i> NSW Agriculture 1995 Lismore Development Control Plan Chapter 11 – Buffer Areas Nambucca Shire Council DCP 16 – Rural Buffers (2005)
Feedlots	<i>NSW Feedlot Manual</i> NSW Agriculture 1997 Lismore Development Control Plan Chapter 11 – Buffer Areas Tweed DCP <i>North Coast Guidelines for Subdivision and Development in Agricultural Areas</i> NSW Agriculture 1995 Nambucca Shire Council DCP 16 – Rural Buffers (2005)
Poultry farms	Lismore Development Control Plan Chapter 11 – Buffer Areas Tweed DCP
Dairy farms	Lismore Development Control Plan Chapter 11 – Buffer Areas Tweed DCP <i>North Coast Guidelines for Subdivision and Development in Agricultural Areas</i> NSW Agriculture 1995 Nambucca Shire Council DCP 16 – Rural Buffers (2005) <i>NSW Guidelines for Dairy Effluent Resource Management</i> NSW Agriculture, 1999
Other intensive livestock operations:	Tweed DCP
Grazing	Lismore Development Control Plan Chapter 11 – Buffer Areas Nambucca Shire Council DCP 16 – Rural Buffers (2005)
Sugar cane, cropping & horticulture	<i>North Coast Guidelines for Subdivision and Development in Agricultural Areas</i> (NSW Agriculture) Lismore Development Control Plan Chapter 11 – Buffer Areas <i>Planning Guidelines; Separating Agricultural and Residential Land Uses</i> Qld Department of Natural Resources 1997
Greenhouse & controlled environment Horticulture	<i>North Coast Guidelines for Subdivision and Development in Agricultural Areas</i> NSW Agriculture 1995 <i>Guidelines for the Development of Controlled Environment Horticulture: Planning Greenhouse and Hydroponic Horticulture in NSW</i> NSW DPI 2005
Macadamia de-husking	Lismore Development Control Plan Chapter 11 – Buffer Areas <i>Code of Practice for noise management of on-farm processing of macadamia nuts</i> Australian Strategic Planning Pty Ltd 2003 Nambucca Shire Council DCP 16 – Rural Buffers (2005)
Bananas	Nambucca Shire Council DCP 16 – Rural Buffers (2005) Pesticide Control Order AIR-1 1987
Turf farms	<i>North Coast Guidelines for Subdivision and Development in Agricultural Areas</i> NSW Agriculture 1995
Abattoirs	Lismore Development Control Plan Chapter 11 – Buffer Areas Tweed DCP Nambucca Shire Council DCP 16 – Rural Buffers (2005)
Ecosystems & wildlife corridors Native vegetation/ habitat	State Environmental Planning Policy No. 26 – Littoral Rainforests Lismore Development Control Plan Chapter 11 – Buffer Areas Recommendations of NSW Department of Environment and Climate Change

cont./95

Land use or environmental asset	Reference source
Estuaries and major waterways	<i>Policy and Guidelines: Aquatic Habitat and Fish Conservation</i> – NSW Fisheries (1999) Lismore Development Control Plan Chapter 11 – Buffer Areas
Waste facilities	Tweed DCP
Sewerage works	Lismore Development Control Plan Chapter 11 – Buffer Areas Byron DCP Nambucca Shire Council DCP 16 – Rural Buffers (2005)
Dip sites	DIPMAC (NSW Cattle Tick Dip Site Management Committee) <i>North Coast Guidelines for Subdivision and Development in Agricultural Areas</i> NSW Agriculture 1995 Nambucca Shire Council DCP 16 – Rural Buffers (2005)
Stock yards including cattle yards	<i>North Coast Guidelines for Subdivision and Development in Agricultural Areas</i> NSW Agriculture 1995
Boarding kennels	Western Australian EPA Dungog Council DCP
Extractive Industries	Lismore Development Control Plan Chapter 11 – Buffer Areas Tweed DCP Recommendations of NSW DPI Mineral Resources Nambucca Shire Council DCP 16 – Rural Buffers (2005)
State & regionally significant farmland	<i>North Coast Guidelines for Subdivision and Development in Agricultural Areas</i> NSW Agriculture 1995 Northern Rivers Farmland Protection Project and the Mid North Coast Farmland Mapping Project
Rural land uses as listed	<i>Rural Land Use Conflict: Review of Management Techniques</i> Robert J. Smith, Report to Lismore Living Centres, Planning NSW 2003

Where there are other relevant legislative or policy buffers and/or references for Wakool Shire they should replace the above references and overrule the buffers in the tables above.

APPENDIX 3 – LAND USES & CONTAMINATION

Except from DUAP / EPA (1998) *Managing Land Contamination – Planning Guidelines – SEPP55 – Remediation of Land.*

Table 1. Some Activities that may Cause Contamination

- 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

Source: ANZECC & NHMRC 1992 *The Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites*. For information on chemicals commonly associated with these activities see Appendix A.

Note: It is not sufficient to rely solely on the contents of this Table to determine whether a site is likely to be contaminated or not. The Table is a guide only. A conclusive status can only be determined after a review of the site history and, if necessary, sampling and analysis.

APPENDIX 4 – FLOOD CONSTRUCTION GUIDELINES

FLOOD PROOFING CODE

Adequate flood proofing of buildings in flood liable areas is an effective and equitable means of reducing flood damage to the structure or buildings. It is essential that flood proofing be a condition of both compatible and conditional developments in flood liable areas.

Construction Methods and Materials

Construction methods and materials are graded into four classes according to their resistance to floodwaters.

Suitable – the materials or products which are relatively unaffected by submersion and unmitigated flood exposure and are the best available for the particular application.

Mild effects – where the most suitable materials or products are unavailable or economic consideration prohibit their use, these materials or products are considered the next best choice to minimise the damage caused by flooding.

Marked effects – as for “2nd preference” but considered to be more liable to damage under flood conditions.

Severe effects – the materials or products listed here are seriously affected by floodwaters and in general have to be replaced if submerged.

Electrical and Mechanical Equipment

For dwellings constructed on land to which this Policy applies, the electrical and mechanical materials, equipment and installation should conform to the following requirements.

Main power supply - Subject to the approval of the relevant power authority, incoming electricity mains, service equipment and meters shall be located 1m above the flood planning level. Means shall be available to easily disconnect the building from the main power supply.

Wiring - All wiring, power outlets, switches, etc, should, to the maximum extent possible, be located 1m above the flood planning level. All electrical wiring installed below the flood planning level should be suitable for continuous submergence in water and should contain no fibrous components. Only submersible-type splices should be used below the flood planning level. All conduits located below the relevant flood level should be so installed that they will be self-draining if subjected to flooding.

Equipment - All equipment installed below or partially below the flood planning level should be capable of disconnection by a single plug and socket assembly.

Reconnection - Should any electrical device and/or part of the wiring be flooded it should be thoroughly cleaned or replaced and checked by an approved electrical contractor before reconnection.

Heating and Air Conditioning Systems

Heating and air conditioning systems should, to the maximum extent possible, be installed in areas and spaces above the flood planning level. When this is not feasible every precaution should be taken to minimise the damage caused by submersion according to the following guidelines.

Fuel - Heating systems using gas or oil as a fuel should have a manually operated valve located in the fuel supply line to enable fuel cut-off.

Installation - The heating equipment and fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks should be vented to an elevation of 600 millimetres above the flood planning level.

Ducting - All ductwork located below the flood planning level should be provided with openings for drainage and cleaning. Self-draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a watertight wall or floor below the relevant flood level, the ductwork should be protected by a closure assembly operated from above the flood planning level.

Services - All sewer connections to buildings on flood prone land are to be fitted with reflux valves to prevent backflow of sewage in a flood event.

component	order of preference			
	suitable	mild effects	marked effects	severe effects
flooring and sub-floor structure	<ul style="list-style-type: none"> concrete slab-on ground monolith construction note: clay filling is not permitted beneath slab-on-ground construction, which could be inundated suspension reinforced concrete slab 	<ul style="list-style-type: none"> timber floor (t&g boarding, marine plywood) full epoxy sealed joints 	<ul style="list-style-type: none"> timber floor (t&g boarding, marine plywood) with ends only epoxy sealed on joints and provision of side clearance for board swelling 	<ul style="list-style-type: none"> timber close to ground surrounding base timber flooring with ceilings or soffit linings timber flooring with seal on top only
	floor covering	<ul style="list-style-type: none"> clay tiles concrete, precast or in situ concrete tiles epoxy, formed-in-place mafic flooring, formed-in-place rubber sheets or tiles with chemical-set adhesives silicone floors formed-in-place vinyl sheets or tiles with chemical-set adhesives ceramic tiles, fixed with mortar or chemical set adhesive asphalt tiles, fixed with water 	<ul style="list-style-type: none"> cement/bituminous formed in-place cement/latex formed-in-place rubber tiles, with chemical-set adhesive terrazzo vinyl tile with chemical-set adhesive vinyl-asbestos tiles asphaltic adhesives loose rugs ceramic tiles with acid and alkali-resistant grout 	<ul style="list-style-type: none"> asphalt tiles with asphaltic adhesives loose fit nylon or acrylic carpet with closed cell rubber underlay
wall structure (up to the DFL)	<ul style="list-style-type: none"> solid brickwork, blockwork, reinforced, concrete or mass concrete 	<ul style="list-style-type: none"> two skins of brickwork or blockwork with inspection openings 	<ul style="list-style-type: none"> brick or blockwork veneer construction with inspection openings 	<ul style="list-style-type: none"> inaccessible cavities large window openings
roofing structure (for situations where DFL is about the ceiling)	<ul style="list-style-type: none"> reinforced concrete construction galvanised metal construction 	<ul style="list-style-type: none"> timber trusses with galvanised fittings 	<ul style="list-style-type: none"> traditional timber roof construction 	<ul style="list-style-type: none"> inaccessible flat roof construction ungalvanised steelwork lintels, arch bars, tie rods, beams, etc. unsecured roof tiles

component	order of preference			severe effects
	suitable	mild effects	marked effects	
doors	<ul style="list-style-type: none"> solid panel with water proof adhesives flush door with marine ply filled with closed cell foam painted metal construction aluminum or galvanised steel frame 	<ul style="list-style-type: none"> flush panel or single panel with marine plywood and water proof adhesive t&g lines door, framed ledged and braced painted steel timber frame fully epoxy sealed before assembly 	<ul style="list-style-type: none"> fly-wire doors standard timber frame 	<ul style="list-style-type: none"> hollow core ply with pva adhesives and honeycomb paper core
wall and ceiling linings	<ul style="list-style-type: none"> asbestos-cement board brick, face or glazed clay tile glazed in waterproof mortar concrete block steel and waterproof applications stone, natural solid or veneer, waterproof ground glass blocks glass plastic sheeting or wall with waterproof adhesive 	<ul style="list-style-type: none"> brick, common plastic wall tiles metals, non ferrous rubber mouldings and trim wood, solid or exterior grade plywood fully sealed 	<ul style="list-style-type: none"> chipboard exterior grade hardboard exterior grade wood, solid (boards or timber) with allowance for swelling wood, plywood exterior grade fibrous plaster board 	<ul style="list-style-type: none"> chipboard fibreboard panels mineral fibreboard paperboard plaster-board, gypsum plaster wall coverings (paper, burlap cloth types) wood, standard plywood strawboard
insulation	<ul style="list-style-type: none"> foam or closed cell types 	<ul style="list-style-type: none"> reflective insulation 	<ul style="list-style-type: none"> bat or blanket types 	<ul style="list-style-type: none"> open cell fibre types
windows	<ul style="list-style-type: none"> aluminum frame with stainless steel or brass rollers 	<ul style="list-style-type: none"> epoxy sealed timber waterproof glues with stainless steel or brass fittings galvanised or painted steel 		<ul style="list-style-type: none"> timber with pva glues mild steel fittings
nails, bolts, hinges and fittings	<ul style="list-style-type: none"> brass, nylon or stainless steel removable pin hinges 	<ul style="list-style-type: none"> galvanised steel aluminum 		<ul style="list-style-type: none"> mild steel

FLOOD COMPATIBLE MATERIALS

BUILDING COMPONENT	FLOOD COMPATIBLE MATERIAL
Flooring and Sub-floor Structure	<ul style="list-style-type: none"> concrete slab-on-ground monolith construction suspension reinforced concrete slab.
Doors	<ul style="list-style-type: none"> solid panel with water proof adhesives flush door with marine ply filled with closed cell foam painted metal construction aluminum or galvanized steel frame
Floor Covering	<ul style="list-style-type: none"> clay tiles concrete, precast or in situ concrete tiles epoxy, formed-in-place mastic flooring, formed-in-place rubber sheets or tiles with chemical-set adhesives silicone floors formed-in-place vinyl sheets or tiles with chemical-set adhesive ceramic tiles, fixed with mortar or chemical-set adhesive asphalt tiles, fixed with water resistant adhesive
Wall and Ceiling Linings	<ul style="list-style-type: none"> fibro-cement board brick, face or glazed clay tile glazed in waterproof mortar concrete concrete block steel with waterproof applications stone, natural solid or veneer, waterproof grout glass blocks glass plastic sheeting or wall with waterproof adhesive
Insulation	<ul style="list-style-type: none"> foam (closed cell types) aluminium frame with stainless steel rollers or similar corrosion and water resistant material.
Windows	
Wall Structure	solid brickwork, blockwork, reinforced, concrete or mass concrete
Roofing Structure (for Situations Where the Relevant Flood Level is Above the Ceiling)	<ul style="list-style-type: none"> reinforced concrete construction galvanised metal construction
Nails, Bolts, Hinges and Fittings	<ul style="list-style-type: none"> brass, nylon or stainless steel removable pin hinges hot dipped galvanised steel wire nails or similar

<p>Electrical and Mechanical Equipment</p>	<p>For dwellings constructed on land to which this Policy applies, the electrical and mechanical materials, equipment and installation should conform to the following requirements.</p> <p>Main power supply - Subject to the approval of the relevant authority the incoming main commercial power service equipment, including all metering equipment, shall be located above the relevant flood level. Means shall be available to easily disconnect the dwelling from the main power supply.</p> <p>Wiring - All wiring, power outlets, switches, etc., should, to the maximum extent possible, be located above the relevant flood level. All electrical wiring installed below the relevant flood level should be suitable for continuous submergence in water and should contain no fibrous components. Earth core linkage systems (or safety switches) are to be installed. Only submersible-type splices should be used below the relevant flood level. All conduits located below the relevant designated flood level should be so installed that they will be self-draining if subjected to flooding.</p> <p>Equipment - All equipment installed below or partially below the relevant flood level should be capable of disconnection by a single plug and socket assembly.</p> <p>Reconnection - Should any electrical device and/or part of the wiring be flooded it should be thoroughly cleaned or replaced and checked by an approved electrical contractor before reconnection.</p>
<p>Heating and Air Conditioning Systems</p>	<p>Heating and air conditioning systems should, to the maximum extent possible, be installed in areas and spaces of the house above the relevant flood level. When this is not feasible every precaution should be taken to minimise the damage caused by submersion according to the following guidelines.</p> <p>Fuel - Heating systems using gas or oil as a fuel should have a manually operated valve located in the fuel supply line to enable fuel cut-off.</p> <p>Installation - The heating equipment and fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks should be vented to an elevation of 600 millimetres above the relevant flood level.</p> <p>Ducting - All ductwork located below the relevant flood level should be provided with openings for drainage and cleaning. Self draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water-tight wall or floor below the relevant flood level, the ductwork should be protected by a closure assembly operated from above relevant flood level.</p>

APPENDIX 5 – GUIDELINES - RIPARIAN CORRIDORS



Department of
Primary Industries
Office of Water

CONTROLLED ACTIVITIES ON WATERFRONT LAND

Guidelines for riparian corridors on waterfront land

Controlled activities carried out in, on or under waterfront land are regulated by the *Water Management Act 2000* (WM Act). The NSW Office of Water administers the WM Act and is required to assess the impact of any proposed controlled activity to ensure that no more than minimal harm will be done to waterfront land as a consequence of carrying out the controlled activity.

Waterfront land includes the bed and bank of any river, lake or estuary and all land within 40 metres of the highest bank of the river, lake or estuary.

This means that a controlled activity approval must be obtained from the Office of Water before commencing the controlled activity.

What is a riparian corridor?

A riparian corridor (RC) forms a transition zone between the land, also known as the terrestrial environment, and the river or watercourse or aquatic environment. Riparian corridors perform a range of important environmental functions such as:

- providing bed and bank stability and reducing bank and channel erosion
- protecting water quality by trapping sediment, nutrients and other contaminants
- providing diversity of habitat for terrestrial, riparian and aquatic plants (flora) and animals (fauna)
- providing connectivity between wildlife habitats
- conveying flood flows and controlling the direction of flood flows
- providing an interface or buffer between developments and waterways
- providing passive recreational uses.

The protection, restoration or rehabilitation of vegetated riparian corridors is important for maintaining or improving the shape, stability (or geomorphic form) and ecological functions of a watercourse.

Changes to controlled activities within riparian corridors

On 1 July 2012 new rules commenced regarding controlled activities within riparian corridors. The new rules amend the riparian corridor widths that apply to watercourses, providing more flexibility in how riparian corridors can be used and making it easier for applicants to determine the Office of Water controlled activity approval requirements. Key aspects of the changes include:

- Provision of greater flexibility in the allowable uses and works permitted within riparian corridors.
- The core riparian zone and vegetated buffer have been combined into a single vegetated riparian zone (VRZ).
- The width of the VRZ within the riparian corridor has been pre-determined and standardised for first, second, third and fourth order and greater watercourses.
- Where suitable, applicants may undertake non-riparian corridor works or development within the outer 50 per cent of a VRZ, as long as they offset this activity by connecting an equivalent area to the RC within the development site.
- A new 'riparian corridors matrix' enables applicants to determine what activities can be considered in riparian corridors.

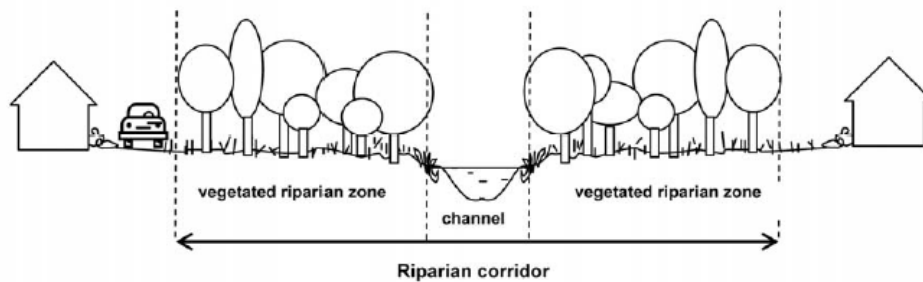
www.water.nsw.gov.au

These changes will simplify the controlled activities application and assessment process, provide greater flexibility, help make more land available for housing, support floodplain, stormwater and bush fire management, and allow riparian corridors to be used for public amenity whilst continuing to deliver environmental outcomes required under the WM Act.

The riparian corridor consists of:

- the channel which comprises the bed and banks of the watercourse (to the highest bank) and
- the vegetated riparian zone (VRZ) adjoining the channel.

Figure 1. The riparian corridor



Riparian corridor widths

The Officer of Water recommends a VRZ width based on watercourse order as classified under the Strahler System of ordering watercourses and using current 1:25 000 topographic maps (see Figure 2 and Table 1). The width of the VRZ should be measured from the top of the highest bank on both sides of the watercourse.

Figure 2. The Strahler System

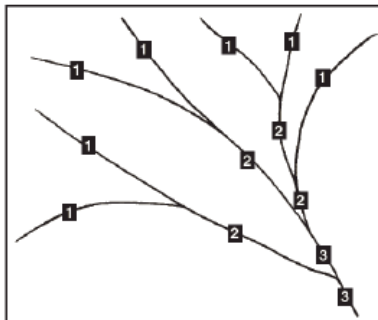


Table 1. Recommended riparian corridor (RC) widths

Watercourse type	VRZ width (each side of watercourse)	Total RC width
1 st order	10 metres	20 m + channel width
2 nd order	20 metres	40 m + channel width
3 rd order	30 metres	60 m + channel width
4 th order and greater (includes estuaries, wetlands and any parts of rivers influenced by tidal waters)	40 metres	80 m + channel width

Note: where a watercourse does not exhibit the features of a defined channel with bed and banks, the Office of Water may determine that the watercourse is not waterfront land for the purposes of the WM Act

Objectives for riparian corridor management

The overarching objective of the controlled activities provisions of the WM Act is to establish and preserve the integrity of riparian corridors.

Ideally the environmental functions of riparian corridors should be maintained or rehabilitated by applying the following principles:

- Identify whether or not there is a watercourse present and determine its order in accordance with the Strahler System.
- If a watercourse is present, define the RC/VRZ on a map in accordance with Table 1.
- Seek to maintain or rehabilitate a RC/VRZ with fully structured native vegetation in accordance with Table 1.
- Seek to minimise disturbance and harm to the recommended RC/VRZ.
- Minimise the number of creek crossings and provide perimeter road separating development from the RC/VRZ.
- Locate services and infrastructure outside of the RC/VRZ. Within the RC/VRZ provide multiple service easements and/or utilise road crossings where possible.
- Treat stormwater run-off before discharging into the RC/VRZ.

The Office of Water however, does allow for a range of works and activities on waterfront land and in riparian corridors to better meet the needs of the community, so long as they cause minimal harm as outlined in the riparian corridor matrix below.

Riparian corridor matrix

The riparian corridor matrix enables applicants to identify certain works and activities that can occur on waterfront land and in riparian corridors. Applicants should note that the matrix relates to controlled activity approvals under the WM Act only. They are still required to comply with other relevant government legislation, such as threatened species, flood planning levels and fisheries guidelines.

Table 2. Riparian corridor matrix

Stream order	Vegetated Riparian Zone (VRZ)	RC off-setting for non RC uses	Cycleways and paths	Detention basins		Stormwater outlet structures and essential services	Stream realignment	Road crossings		
				Only within 50% outer VRZ	Online			Any	Culvert	Bridge
1 st	10m	•	•	•	•	•	•	•		
2 nd	20m	•	•	•	•	•		•		
3 rd	30m	•	•	•		•			•	•
4 th +	40m	•	•	•		•			•	•

Key

Stream order: The watercourse order as classified under the Strahler System based on 1:25,000, 1:50,000 or 1:100,000 topographic maps whichever is the smallest scale available. A full list is provided at Part 2, Schedule 2 of the Water Management (General) Regulation 2011.

Vegetated riparian zone (VRZ): The required width of the VRZ measured from the top of the high bank on each side of the watercourse.

Riparian corridor (RC) off-setting for non RC uses: Non-riparian uses, such as Asset Protection Zones are allowed within the outer 50 per cent of the VRZ, so long as offsets are provided in accordance with the averaging rule as seen in Figure 3.

3 NSW Office of Water, July 2012

Cycleways and paths: Cycleways or paths no wider than four metres total disturbance footprint can be built in the outer 50 per cent of the VRZ.

Detention basins: Detention basins can be built in the outer 50 per cent of the VRZ or online where indicated. Refer to the Office of Water's *Controlled activities. Guidelines for outlet structures* and *Controlled activities. Guidelines for instream works*. Online basins must:

- be dry and vegetated
- be for temporary flood detention only with no permanent water holding
- have an equivalent VRZ for the corresponding watercourse order
- not be used for water quality treatment purposes.

Stormwater outlet structures and essential services: Stormwater outlets or essential services are allowed in the RC. Works for essential services on a fourth order or greater stream are to be undertaken by directional drilling or tied to existing crossings. Refer to the Office of Water's *Controlled activities. Guidelines for laying pipes and cables in watercourses* and *Controlled activities. Guidelines for outlet structures*.

Stream realignment: Indicates that a watercourse may be realigned. Refer to the Office of Water's *Controlled activities. Guidelines for instream works*.

Road crossings: Indicates permitted road crossing methods. Refer to the Office of Water's *Controlled activities. Guidelines for watercourse crossings* and NSW DPI policy and guidelines for fish friendly waterway crossings for Class 1 and 2 waterways.

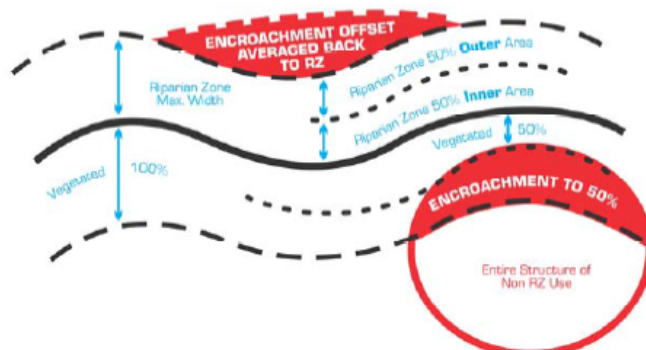
What is the averaging rule?

Non riparian corridor works and activities can be authorised within the outer riparian corridor, so long as the average width of the vegetated riparian zone can be achieved over the length of the watercourse within the development site. That is, where appropriate 50 per cent of the outer vegetated riparian zone width may be used for non-riparian uses including asset protection zones, recreational areas, roads, development lots and infrastructure. However, an equivalent area connected to the riparian corridor must be offset on the site (see Figure 3) and the inner 50 per cent of the vegetated riparian zone must be fully protected and vegetated with native endemic riparian plant species.

Bridges, cycleways, paths, stormwater outlets and other essential services do not need to be offset, but must comply with the requirements set out in the riparian corridor matrix (Table 2) and other relevant Office of Water controlled activities guidelines. Offline detention basins do not need to be offset so long as there is an equivalent VRZ for the corresponding watercourse and they are built in compliance with the Office of Water's *Controlled activities: Guidelines for watercourse crossings* and *Controlled activities: Guidelines for in-stream works*. If a proposed basin will not have an equivalent VRZ for the corresponding watercourse, it may still be built in the outer 50 per cent of the VRZ but must be offset.

The averaging rule should generally be applied to cleared waterfront land. Development proposals involving waterfront lands that contain existing native vegetation should seek to preserve that riparian vegetation in accordance with the minimum riparian corridor requirements outlined in Table 1.

Figure 3. Averaging rule



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Applications for controlled activity approvals

Applications for controlled activities approvals should be informed by the riparian corridor matrix shown in Table 2 and prepared using the *Application for a Controlled Activity Approval for works on waterfront land* form and the *Guideline for completing an application for a Controlled Activity Approval*.

Other controlled activity guidelines are available on the Office of Water website and outline relevant considerations for applicants when proposing activities and works on waterfront lands.

Streamlined assessment

Where applications are presented in accordance with the riparian corridor matrix (Table 2) and other Office of Water controlled activity guidelines, they will be assessed under a streamlined process. This may decrease the amount of time it takes the Office of Water to make a determination, saving applicants time and money.

Applications that do not conform to the matrix and/or relevant Office of Water controlled activity guidelines will continue to be subject to merit assessment to ensure that the proposals meet the requirements of the WM Act. All applications will still need to demonstrate that minimal harm will occur to waterfront land before a controlled activity approval will be issued.

Where do I go for additional information?

Find out more about controlled activities at the Office of Water website www.water.nsw.gov.au.

Contact us

Contact a water regulatory officer as listed on the Office of Water website www.water.nsw.gov.au, free call the licensing information on 1800 353 104 or email information@water.nsw.gov.au.

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (June 2012). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent adviser.

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APPENDIX 6 - MAPS

Map A) Flood Maps

The attached maps provide estimations of flood liable lands for the purposes of WLEP2012 and this DCP. However, as stated in the DCP, Council may also use a range of other information to determine whether or not development is considered to be at or below the flood planning level and subject to these or other controls.

Map B) Sensitive Sand Hill Areas

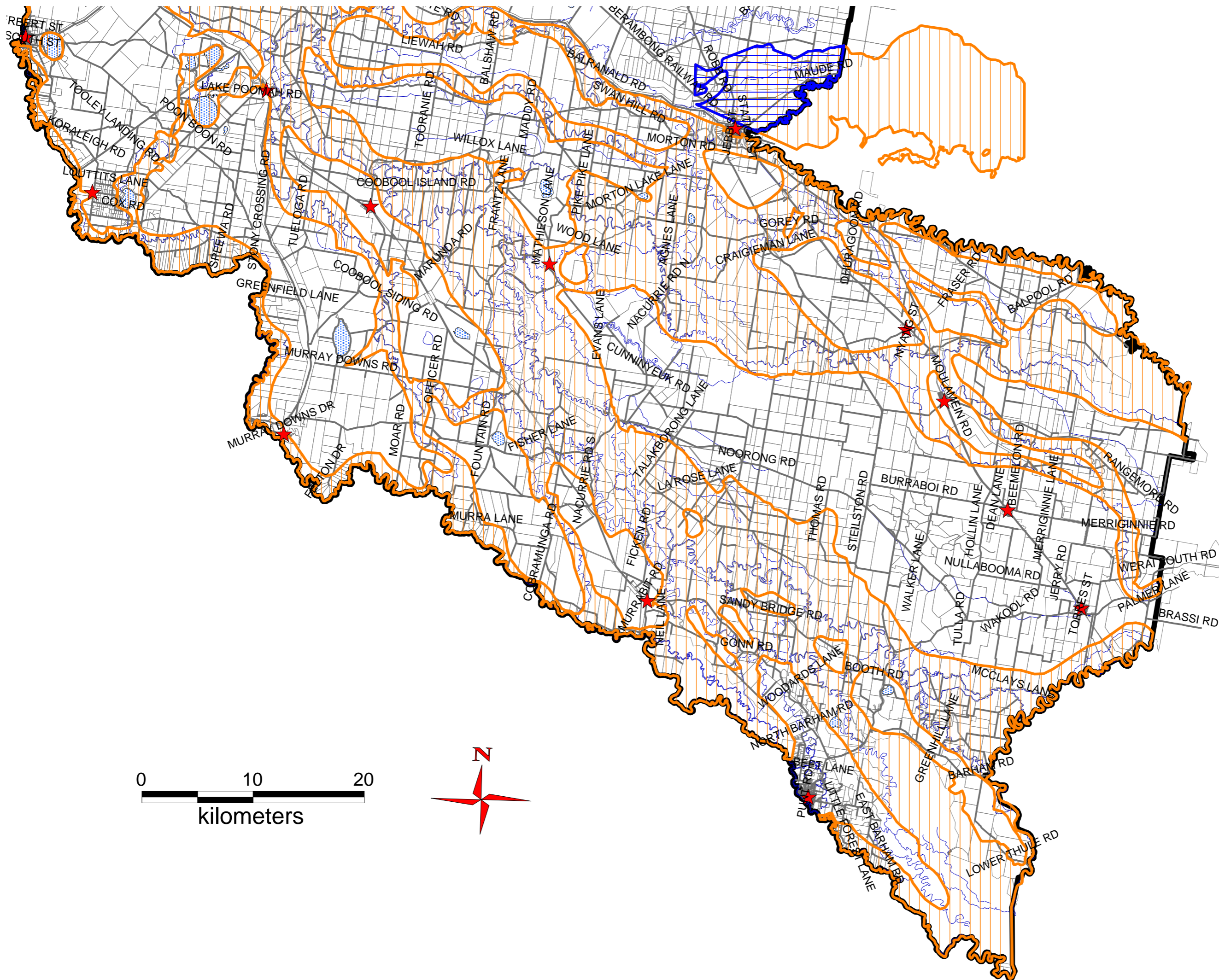
The attached maps provide estimations of areas where sensitive sand hills may exist for the purposes of this DCP.

Map C) Mooring Exclusion Zones

The attached maps provide details of the Mooring Exclusion Zones for the purposes of this DCP.

Wakool Development Control Plan 2013

Flood Liable Land Wakool Shire (South)



LGA Boundary



Lot Boundary



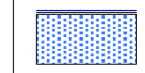
Road



Settlement



Watercourse



Flood Liable



Flood Liable

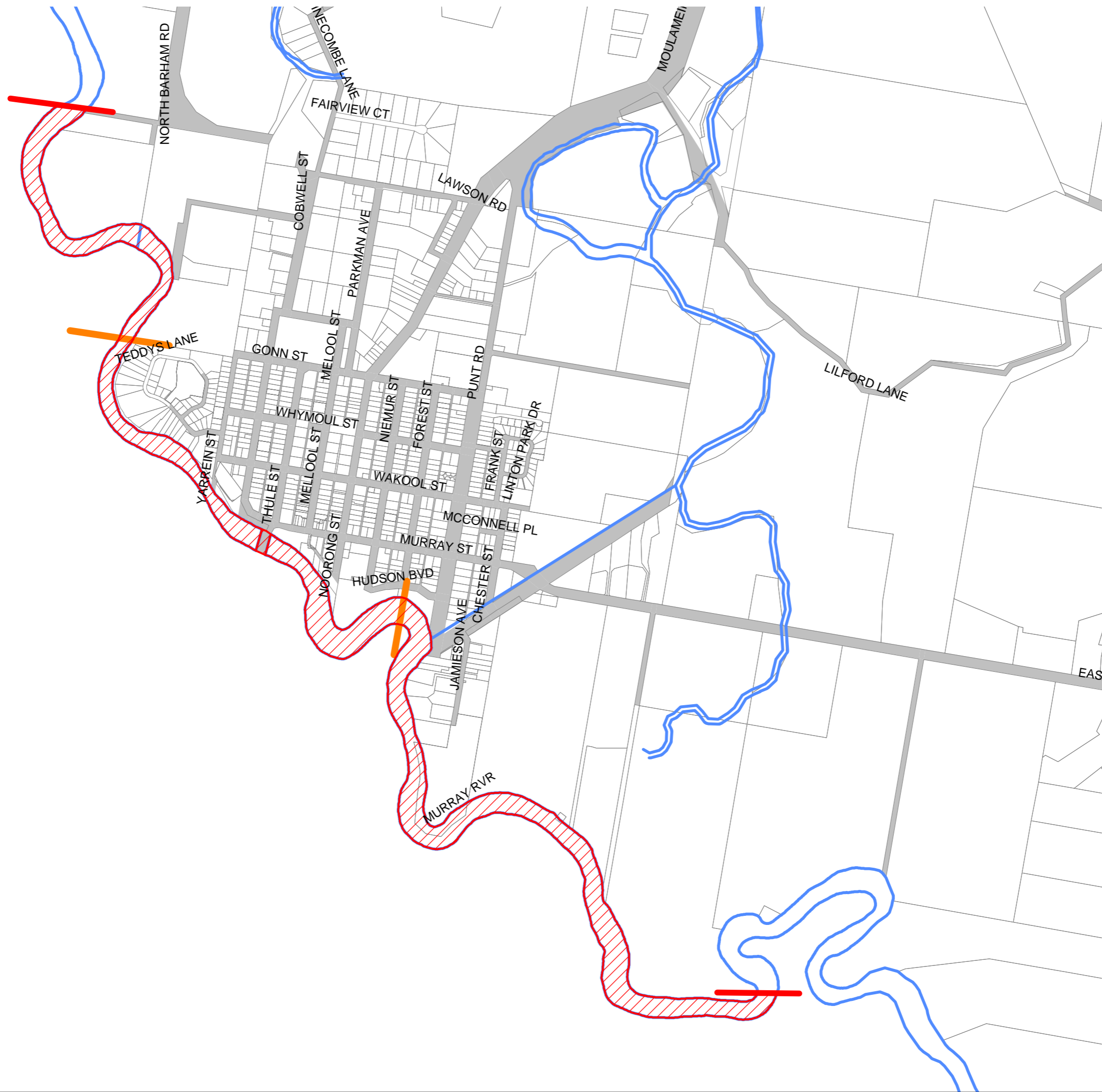


Flood Liable Land



Wakool Development Control Plan 2013

Mooring Exclusion Zone - Barham



LGA Boundary



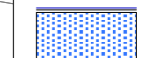
Roads Legend



Lot Boundary



Watercourse



Mooring Exclusion Zone Policy 14.1 (Revoked)



Mooring Exclusion Zone DCP 2013



Boundary

Zone

Wakool Development Control Plan 2013

Mooring Exclusion Zone - Moulamein

LGA Boundary



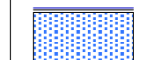
Roads Legend



Lot Boundary



Watercourse



Mooring Exclusion Zone Policy 14.1 (Revoked)



Mooring Exclusion Zone DCP 2013



Boundary

Zone



Wakool Development Control Plan 2013

Mooring Exclusion Zone - Tooleybuc

LGA Boundary



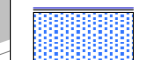
Roads Legend



Lot Boundary



Watercourse



Mooring Exclusion Zone Policy 14.1 (Revoked)

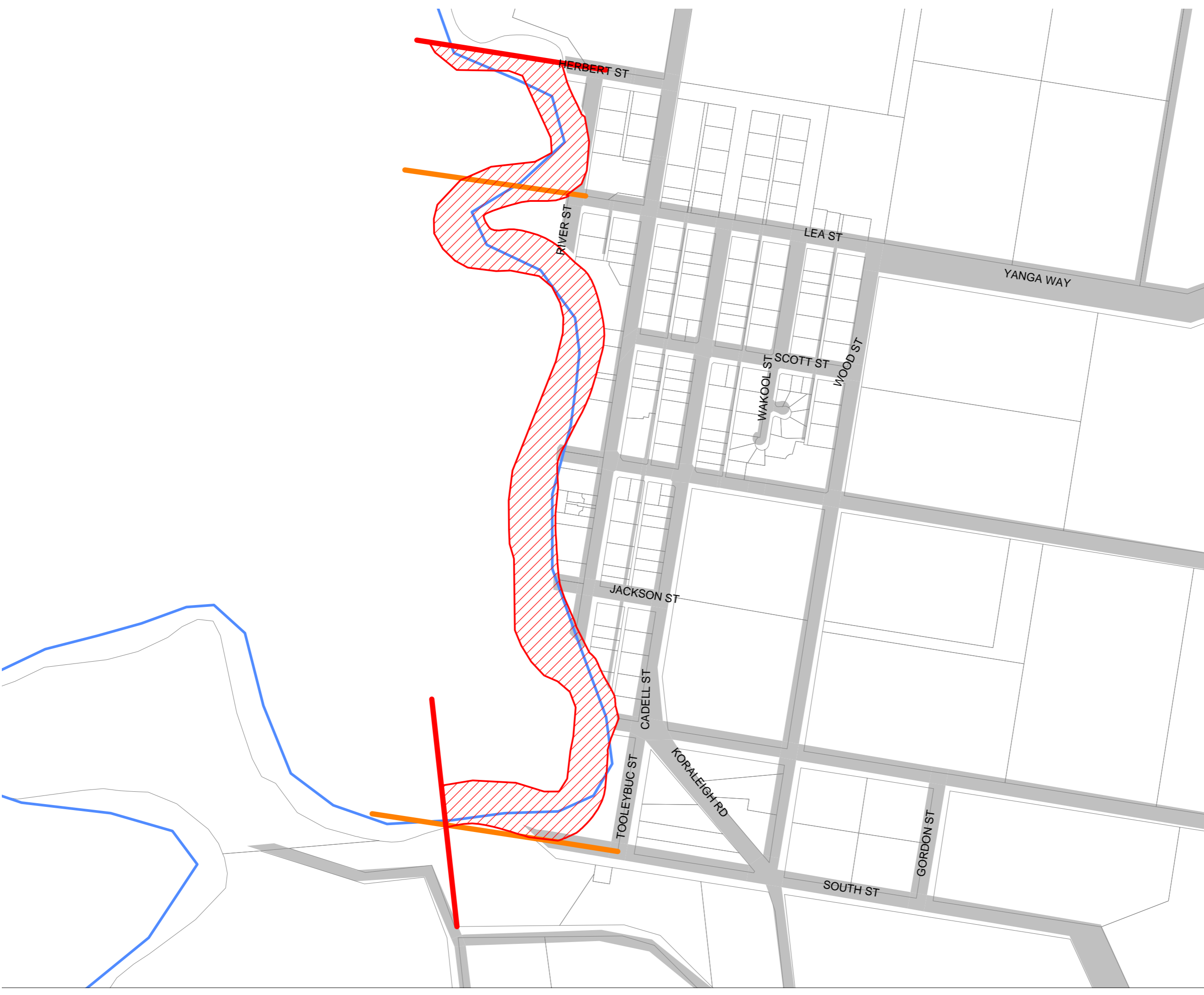


Mooring Exclusion Zone DCP 2013



Boundary

Zone



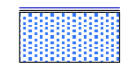
Wakool Development
Control Plan 2013

Sandhills Map
Wakool Shire (South)

Settlement



Watercourse



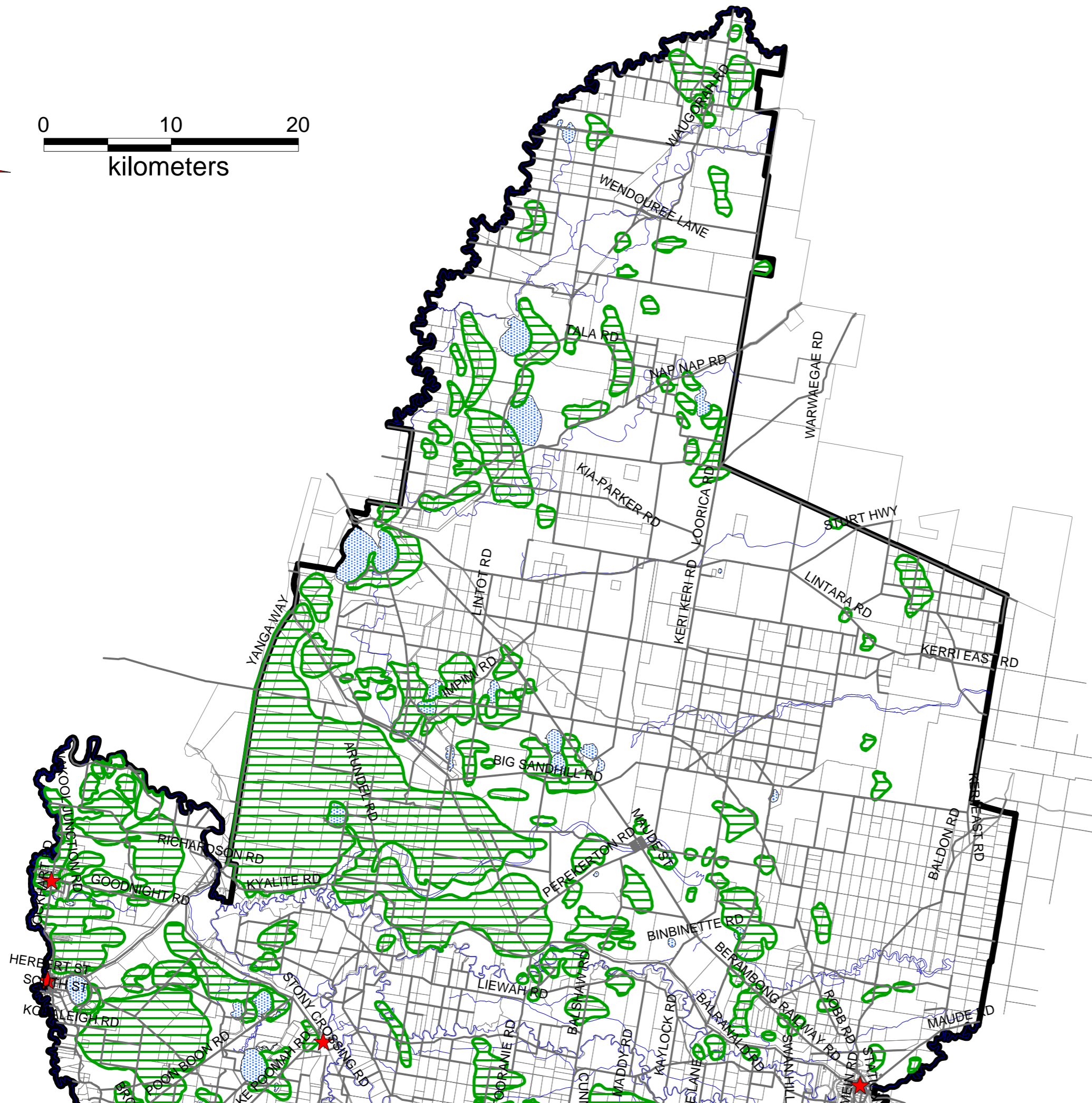
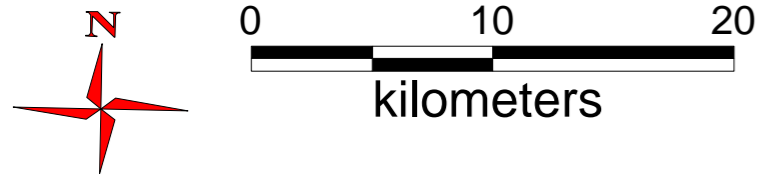
Sandhill Area



LGA Boundary



Lot Boundary



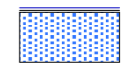
Wakool Development Control Plan 2013

Sandhills Map
Wakool Shire (South)

Settlement



Watercourse



Sandhill Area



LGA Boundary



Lot Boundary

