Development Control Plan No. 6

Development Guidelines for North Millthorpe

Blayney Shire Council

Contents

Page Number

1. Introduction

1.1 Name of this plan

This plan is called Development Control Plan No. 6 – Development Guidelines for North Millthorpe.

1.2 When does this plan commence?

This Plan was adopted by Blayney Shire Council on X and came into effect on X.

1.3 Where this plan applies?

This plan applies to certain land to the north of the village of Millthorpe shown edged heavy black in Figure 1.

The land to which this plan applies is hereafter referred to as 'the subject land'.

1.4 Relationship of this plan to other plans and legislation

This plan has been prepared in accordance with Division 6 of Part 3 of the *Environmental Planning and Assessment Act 1979* (the Act) and in accordance with Part 3 of the *Environmental Planning and Assessment Regulation 2000* (the Regulation).

This plan is to be read in conjunction with any other environmental planning instrument (such as a local environmental plan) or other development control plan applying to the subject land.

This plan repeals the following plans so far as they apply to the subject land:

- *Millthorpe Development Control Plan No. 2 – Development Guidelines for Heritage Conservation*
- *Blayney Development Control Plan No. 3 – Rural Residential Development*

If there is any inconsistency between the provisions included in this plan and those contained in any applicable environmental planning instrument, the provisions in the environmental planning instrument shall prevail.

This plan does not affect the operation of any planning agreement negotiated between the Council and a developer that addresses the provision of local public amenities and services required as a consequence of the development.

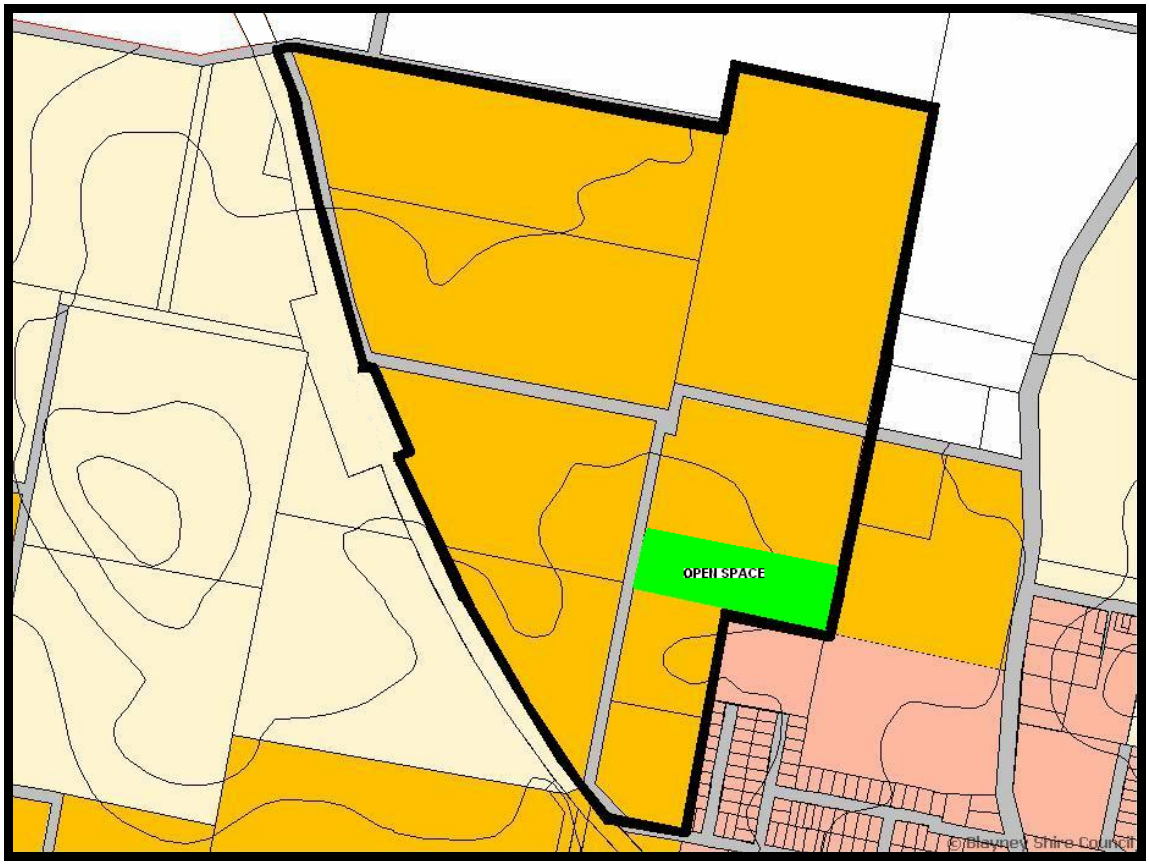

Figure 1 Land to which plan applies

1.5 Purpose, audience and aims of this plan

The purpose of this plan is to articulate Council's policy and guidelines for the future development of the subject land.

This plan provides guidance on the physical aspects of the community that Council envisages for the subject land. The quality of the area's appearance will in part depend on how well the area is developed at the outset and how well the area is managed over time. The primary audience for this plan therefore includes the subdividers, builders, future owners and residents of land in North Millthorpe.

The aims of this plan are as follows:

- Promote excellence and best practice in the provision of rural residential housing on allotments with a minimum size of 4,000 square metres.
- To create a pleasant, attractive and safe rural residential environment through quality urban design.
- Promote development that complements, and does not detract from, the heritage significance of Millthorpe village and its setting.

- Ensure that future development on the subject land responds positively to its context and setting and does not result in any unreasonable impacts on the amenity of the surrounding neighbourhood.
- Ensure that those parts of the subject land that are environmentally sensitive or are otherwise constrained are satisfactorily conserved, rehabilitated and managed.

1.6 How to use this plan

This plan sets out a range of guidelines, objectives, requirements and criteria relating to the development of the subject land.

Requirements for the lodgement of development applications are contained in section 1.7 of the plan.

Subject to section 1.8, development on the subject land must meet all the objectives and controls included in the plan. Objectives and controls are contained in Sections 2, 3, 4 and 5 of this plan.

Section 2 of the plan identifies key planning matters all proposed development is required to consider.

Section 3 of the plan identifies planning objectives and controls relating to subdivision proposals.

Section 4 of the plan identifies planning objectives and controls relating to building work.

Section 5 of the plan identifies planning objectives and controls relating to other matters.

1.7 Development application requirements

1.7.1 The development approval process

Development requires consent

All development on the subject land requires the development consent of Council, except development that is classed exempt or complying or that otherwise does not require the consent of Council under *Blayney Local Environmental Plan 1998*.

Development consent is obtained by lodging a development application for determination by Council in accordance with the provisions of the Act and Regulation. The application is to be accompanied by plans and such other information and details that would allow the Council to properly determine it. A checklist of information requirements in contained in section 1.6.2 of this plan.

Developers and applicants are strongly encouraged to consult with Council officers prior to the preparation and submission of a development application.

Notification and assessment of applications

All development applications involving the subject land will be public notified in accordance with Council's notification policy. Any submissions made to an application are required to be taken into consideration by Council in its assessment of the application.

Each development application that is lodged with the Council will be assessed on its merits and compliance with the provisions of this plan does not imply an automatic approval or development right.

Applications are assessed against a range of criteria including:

- whether the proposal meets the controls contained in this plan;
- the social, economic and environmental impacts of the proposal and other requirements of section 79C of the Act;
- the objectives of the zone in which the proposed development is located;
- any submission received by Council in relation to the proposal;
- any relevant requirements of any public authorities;
- whether the land is subject to excessive slope, flooding, soil instability, salinity, soil contamination, environmental hazards/constraints; and
- whether the land contains or is near a heritage/archaeological site or conservation area and the impact, if any, the development will have on those sites or areas.

Following the assessment of all relevant factors Council will determine the application, either by issuing development consent or by refusing the application.

Construction certificate

Prior to the commencement of building works the applicant shall apply for and obtain a construction certificate pursuant to section 109C of the Act. This may be obtained from Council or a private accredited certifier.

Occupation certificate

Prior to the occupation and use of the building, the applicant will be required to apply for and obtain an occupation certificate pursuant to section 109C of the Act. An occupation certificate may be obtained from the Principal Certifying Authority (PCA) for the project (Council or a private accredited certifier).

Modification of development consent

Any change to development consent and/or approved plans will require either an application to modify development consent pursuant to section 96 of the Act, or a new development application, depending on whether or not it is a minor modification or substantially the same development. An application to modify a development consent may be required to be re-notified.

1.7.2 Checklist for applications[1]

Applications involving subdivision

- Statement of environmental effects.
- Dimensions and area for existing and proposed lots, roads, easements, etc.
- Details of servicing arrangements (water, sewerage, stormwater, electricity, telecommunications) and requirements of relevant utility providers.
- Location of the access driveway to each site.
- The existing levels of the land in relation to the buildings and roads (survey plan).
- Any existing buildings, including those which will be demolished in the development process.
- Effluent disposal report for the land (if on-site effluent disposal is proposed).
- Details of landscaping of public areas (such as road verges) and buffers identified in this plan, showing species botanical names and mature heights.

Applications involving building work

- Statement of environmental effects.
- Site plan fully dimensioned, including all existing structures and trees (incl. botanical names, canopy spread and trunk width), and all surface treatments, proposed development and other relevant details.
- Details of all proposed external finishes/colours. One coloured set of all plans and samples is to be submitted, along with the colour names and finish types.
- Floor plans including fully dimensioned internal and external size, position of doors and windows, the floor area and intended use for each room.
- Elevations including type and colour of material for all elevations (also driveway material/finish), finished floor, ceiling and ridge levels relative to natural/proposed ground levels adjacent to walls.
- Sections indicating floor to ceiling height and ridge height.
- Drainage for roof water and surface water, including proposed easements.
- Indicative position of clothes drying facility (washing line must not be located within the building line).
- Details of any proposed cut and/or fill and retaining walls.
- Owners consent
- A BASIX Certificate.
- Ten (10) A4 reduced copies of each of the above plans for notification (one set being coloured). All plans to show location of trees.
- 2 copies of Erosion and Sediment Control Plan as per Council's adopted Erosion and Sediment Control Policy.

[1] Note that some items on this checklist may change due to evolving legislative requirements. Additionally, not all of the information will be required for all applications (for example, minor alterations and additions). Please check with Council to confirm submission requirements.

- Fees, as calculated based on Council's Adopted Fees and Charges Schedule.
- Where a drainage easement is required - written consent from downstream owners must be provided.
- 3 copies of specifications and structural engineering plans/details where a construction certificate is applied for at the same time as development consent.

Please note that some items on this checklist may change, and as such should be used as a guide. Not all of the above are required for additions to an existing house. Please check with Council to confirm submission requirements.

1.8 Variation of controls in this plan

Council may choose to vary any of the controls included in this plan in the terms set out in this section of the plan.

Any proposed variation to a control in this plan must be supported by a written submission from the applicant:

- identifying the plan's control(s) and specifying the grounds for the variation; and
- demonstrating that compliance with the control(s) is unreasonable or unnecessary in the circumstances of the case.

Council will allow the proposed variation if it is satisfied that:

- the proposed variation to the control(s) is well founded; and
- the development is consistent with the aims of this plan and the objective of the relevant control included in this plan will be achieved.

2. Key considerations for development

2.1 Overview

The subject land is situated adjacent to the historic Millthorpe village.

Planning for the land envisages a 'rural residential' form of development on allotments each with an area in excess of 4,000 square metres.

This style of development envisages dwelling houses with larger building footprints and ancillary buildings/structures set within landscaped lots. Such residential development is a hybrid between farmhouses set in a rural landscape and houses sited on regular village lots with a size of around 1,000 square metres.

Future development of the subject land therefore should respect, but not replicate, the residential building forms found in the adjacent village and in the surrounding rural areas. Future development should also respect the land's indigenous heritage significance.

The key planning objective for the subject land is to create a development that complements the existing village and rural landscape setting without threatening its essential character.

2.2 Land use and development permissibility

All development must meet the requirements of *Blayney Local Environmental Plan 1998*.

The requirements include:

- that development must be consistent with the objectives of Zone No. 1(c) Rural Small Holdings Zone (clause 9);
- that development must not be prohibited in Zone No. 1(c) Rural Small Holdings Zone (clause 9); and
- Council shall only consent to the creation of additional allotments on the subject land down to an area of 4000 m^2, if it is satisfied that:
  - ⇨ each allotment will be used for the purpose of a dwelling;
  - ⇨ each allotment will be connected to reticulated water and reticulated sewer;
  - ⇨ each allotment will have access to electricity and telecommunications services.

Applicants should refer to *Blayney Local Environmental Plan 1998* for all the requirements that apply to future development of the subject land.

2.3 Key planning and development principles

The key planning and development principles for the North Millthorpe area were identified in the *North Millthorpe Rural Residential Area Local Environmental Study*. They include the following:

- A robust subdivision pattern that takes account of the existing ownership pattern and integrates with future development of the adjoining Village zone.

- Retain existing street pattern as far as possible, reinforced by appropriate street tree planting.
- Lots interfacing with rural areas to have greater depth and carefully located building envelopes so that appropriate vegetation buffers can be provided.
- Provide dual agricultural buffer/rehabilitated native vegetation corridor along the northern boundary of the subject land (as shown in Figure 5).
- Provide dual drainage/open space corridor in the south (shown as 'open space' in Figure 1), which also distinguishes the rural living developments from the village houses.
- Provide massed plantings along north eastern and western boundaries to act as visual, agricultural and/or noise buffers (as shown in Figure 5).
- Extend Plane tree avenue along Park Street as far as Richards Lane (as shown in Figure 5).
- Preserve opportunities to retain 'Roslynne' dwelling house and windbreak and other plantings.
- Provide plantings along other interfaces: open space corridor, adjoining rural residential lots on Richards Lane, existing and new streets.
- Building and fence design, materials, etc to be controlled by requirements included in this development control plan and other positive covenants on land titles.
- Allotments less than 2 hectares in size to be connected to town water and sewer.

2.4 Development must consider and respond to heritage significance

2.4.1 Indigenous heritage

Previous environmental assessment of the subject land[2] identified that part of the land contained a potential archaeological deposit.

The location of this area and its buffer zone is shown in Figure 2.

Subdivision of this area shall only occur in consultation with a Council approved archaeology consultant. Such a consultant should have experience in the assessment of indigenous archaeological sites.

Buildings will generally not be permitted in this area. Open space or other purposes that do not impact on the heritage significance of the site will be allowed.

[2] *Indigenous Heritage Assessment: North Millthorpe Local Environmental Study*, by OzArk Environmental & Heritage Management Pty Ltd, April 2005

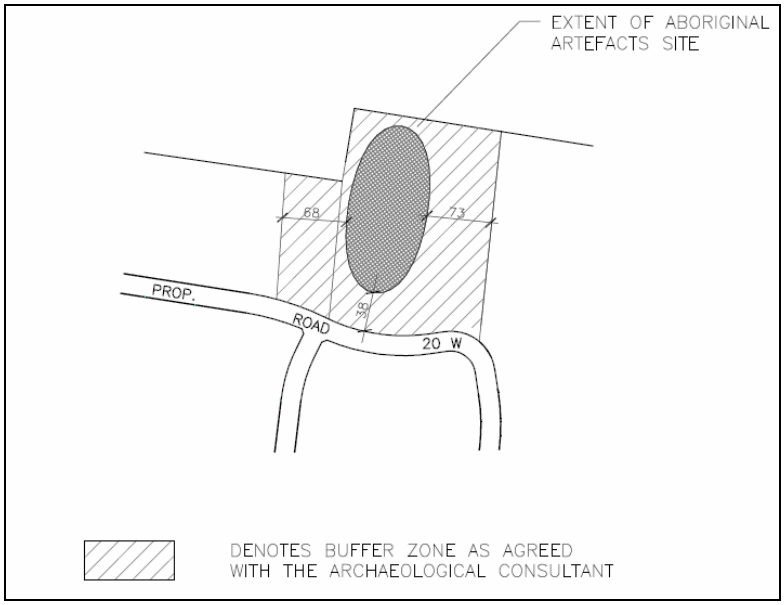

Figure 2 Location of potential archaeological deposit and buffer area

2.4.2 Non indigenous heritage

Heritage significance of Millthorpe village

Millthorpe's key significance is as a settlement that is largely intact, compact and built from an identifiable 'boom' period between 1880 and 1920. Its setting of rolling hills and agriculturally patterned land provides an aesthetic backdrop.

Millthorpe initially attracted settlers and farmers because of its fertile soil and ready supply of water. Gold mining in the district increased its importance as a supplier of fresh produce to the increased population of nearby mining villages and for Sydney.

The 1876 railway service was a catalyst for economic growth as the town became a focus for receiving, processing and transporting farm produce. This stimulated constant growth in the town's housing supply and community facilities.

Each new land release for housing resulted in an observable pattern of distinct styles of housing for street blocks. This incremental growth at the edges resulted in an intact town centre and an unchanged street pattern, including original cross roads. The sudden release of pressures to expand the town, after the intense periods between 1870s and 1920s, have left the fabric of the township as a compact, largely unaltered township of that era. There has been no further pressure to alter the established historic precincts by large-scale renewal.

Individual sites within the town have heritage merit and, combined with the street tree planting programs between the 1920s and 1950s that have created an additional cultural element to the fabric of the town, add to the acknowledged high degree of heritage significance.

Development response

In terms of future development of the subject land, adverse impacts on the heritage significance of Millthorpe are to be minimised by:

- implementing the subdivision, building design and other objectives and controls included in this plan;

- providing landscape buffers and treed avenues to the north of the village that will enhance the village's aesthetic qualities and assist in defining the development as a separate stage in Millthorpe's evolution; and
- leaving the village's boundary and road layout and connections intact.

Previous environmental assessment[3] identified the house "Roslynne" as being of local heritage significance for its association with successive generations of Christopher Smith and his family. The windbreak plantings associated with the house are of local significance as a component of the general agricultural setting. The relics (chimney and possible convict grave site) have at least local significance and require further investigation.

Development in the vicinity of "Roslynne" must be carried out in a manner that does not detract from the heritage significance of the site.

[3] *North Millthorpe Local Environmental Study Heritage Impact Statement* by Rose Deco Planning & Design Pty Ltd, May 2005

3. Subdivision guidelines

3.1 Allotment size and layout

3.1.1 Objectives

Allotments shall be laid out in a manner that:

- maximises the number of regular shaped lots and efficiently utilises the available land;
- reinforces the rectilinear road layout of the Millthorpe village;
- they can be readily serviced by infrastructure;
- they will support high quality rural residential development;
- permits the siting of dwellings with optimal northern orientation; and
- supports the location of buildings that minimise cut and fill during construction.

3.1.2 Controls

All proposed allotments with an area of less than 2 hectares shall have:

- a minimum flood-free area of 4,000 square metres;[4]
- a minimum front boundary width of 40 metres.

Council may consent to the creation of additional allotments down to an area of 4,000 square metres only if it is satisfied that:

- each allotment will be used for the purpose of a dwelling;
- each allotment will be connected to reticulated water and reticulated sewer; and
- each allotment will have access to electricity and telecommunications services.

Subdivision shall not alter Millthorpe's historic village plan, block and lot boundaries, roads or lanes.

Subdivision shall not result in the creation of 'stacked battleaxes' or adjacent groups of battleaxe driveways, or the building of structures across historic property boundaries.

Proposed allotments shall be of a size and shape that would allow residential and ancillary buildings to comply with the minimum building setback requirements in this plan.

[4] Flood-free is defined as land outside the 100 year ARI flood event. Refer to Figures 6 and 7 for definition of flood affected lands.

3.2 Roads, access and streetscape

3.2.1 Objectives

- Existing roads and access points on the subject land are to be retained and upgraded and complemented by new access roads.
- All roads and associated landscaping should reflect a 'rural lane' character.
- Street tree planting and landscaping is critical to the creation of a high quality presentation of the rural residential development.
- All roads must have a minimum width that is sufficient to accommodate a sealed rural standard road, a safe environment for vehicles accessing lots, and extensive deep rooted tree planting within the road verge.

3.2.2 Controls

Roads

The road layout is to be generally rectilinear.

Roads are to have the appearance of a 'rural lane' comprising a minimum road formation zone flanked by grassed drainage swales and avenue tree planting in the nature strip area.

Existing roads are to be retained and incorporated into the development. They are to be upgraded to meet Council's specifications.

The existing minor streets such as Stabback and Unwin are not to connect with the road layout within the subdivision, however restricted access for pedestrian and cycle paths is encouraged.

The road design and detailing is to adopt materials, finishes and details consistent with best practice environmental design and to have a rural character. Grassed swales are required in conjunction with drainage details incorporating gabion and other natural reinforcement as required

All newly constructed roads providing access to allotments are to be bitumen sealed. Roads are to be constructed to Council's RB1 road standard (see Figure 3).

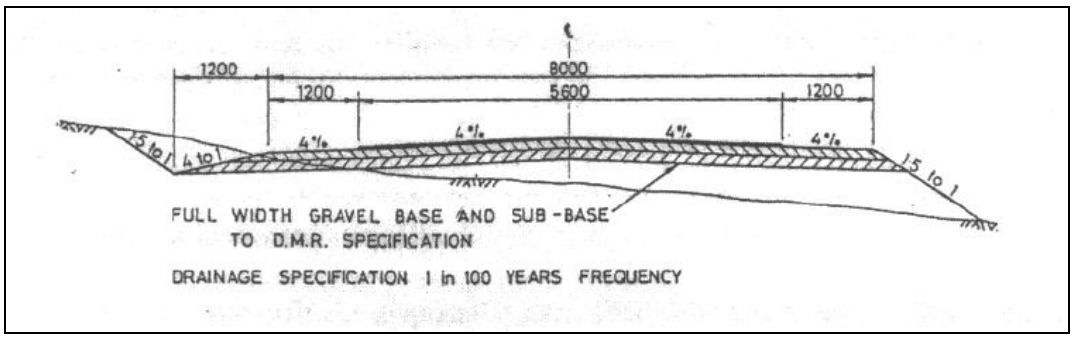

Figure 3 RB1 road standard

New public roads and road reserves are to be fenced to a stock proof standard.

No-though-roads are to incorporate a cul-de-sac turn around bowl with a turning circle of 17 metres minimum diameter.

At new intersections, provision shall be made for shoulder widening on both sides of the through road for a school bus stopping area. At the T intersection of any new roads, provisions shall be made for shoulder widening on both sides of the through road for a school bus stopping area.

While a rural road standard is to be applied, formalised kerb and guttering may be required at key intersections (such as the Richards Lane/Park Street intersection). Where formalised kerb and guttering are required, the finish to the invert is to include stone setts to provide a rural character sympathetic with the existing village details.

Full plans and specifications of proposed roads are to be submitted to Council for approval and issuing of a Construction Certificate prior to the commencement of any site works.

Access to allotments

Access must be available to all lots from a dedicated public road.

Stormwater drainage is to be provided to a standard that allows a safe, all-weather vehicle access to each lot.

Access to lots from the road shoulder to the gate/ramp shall be constructed to bitumen seal standard with adequate drainage structures to be determined with respect to the access location following consultation with Council officers.

Access to lots shall be recessed such that the gate/ramp is situated not less than:

- 15 metres from the edge of the road formation (where the lot has as an area of more than 1 hectare; or
- 10 metres from the edge of the road formation (where the lot has as an area of 1 hectare or less),

to ensure any vehicle entering the property stands clear of traffic using the road. A diagram illustrating these requirements is shown as Figure 4.

The location of access points may be determined at the time of dwelling construction through preparation of a deposit bond, by the subdivision developer, with Council.

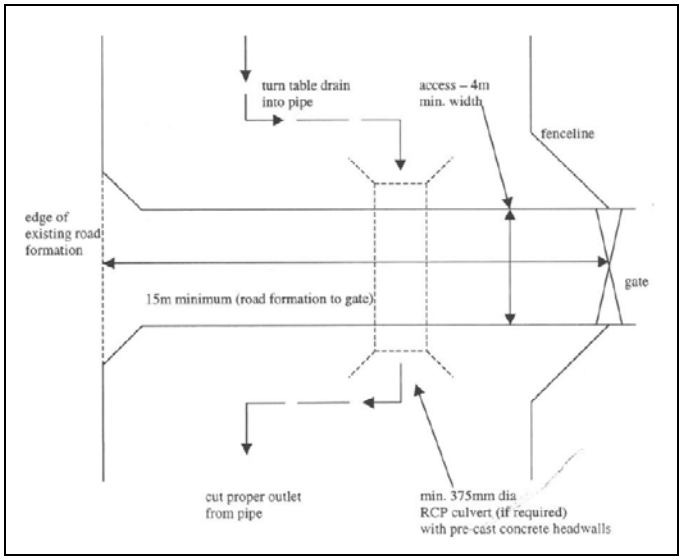

Figure 4 Access to lots

Street trees

The existing avenue planting of Plane trees along Park Street to Richards Lane is to be extended to meet the Village avenue planting, so as to enhance the streetscape and provide visual screening.

Existing tree planting is to be maintained where trees are either remnant endemic species, or comprise part of windbreaks or avenue plantings.

Avenue tree planting is to be provided to all roads in order that there is a minimum of two trees per lot frontage

Species are to be selected to achieve the following:

- The same species is to be used on both sides of each road.
- At least four different street trees are to be selected to provide variety and character with endemic and European trees being acceptable.
- Street trees at intersections are to be different from those selected in the intersecting streets so as to provide variety and character.

Street trees shall only be removed where they pose significant public safety risk. Trees growing towards overhead power lines should be pruned rather than removed. Removed trees should be replaced by a tree of historically appropriate species and habit.

Bicycle paths and footpaths

Bicycle paths and footpaths, if required in open space areas, are to be finished with a cement stabilised decomposed granite material from a local supply. The paths are to be designed to current standards for weatherproofing and edge protection while maintaining a rural appearance.

3.3 Landscape buffers

3.3.1 Objectives

Subdivision should complement the adjoining village through creating a rural setting dominated by landscape elements with secondary residential built forms.

3.3.2 Controls

Landscaped open spaces are to be accessible and usable and to have visual surveillance. Subdivision roads should be configured in a manner that allows allotments to address, rather than back onto these spaces.

Landscape buffers are to be provided on the land to which this plan applies (as shown in Figure 1) in accordance with the landscape strategies shown in Figure 5.

The following landscape buffers should be provided as part of the subdivision of the land to which this plan applies:

- Within the southern drainage areas adjacent to land zoned Village. This buffer is required to distinguish the North Millthorpe rural residential subdivision from the Millthorpe village. Planting is to include trees capable of reaching a mature height of 5-10 metres and clumped shrub planting. The mature character is to be similar to grazing land allowing indirect views through the understorey area.
- Along the western or railway boundary. Planting is to include trees capable of reaching a mature height of 10-12 metres and a mature character similar to existing windbreaks in the vicinity.
- Along the north eastern boundary that interfaces with rural land situated within the City of Orange LGA. Planting is to include trees capable of reaching a mature height of 10-12 metres and a mature character similar to existing windbreaks in the vicinity.
- Along the northern boundary associated with the existing watercourse and that interfaces with the City of Orange LGA. This area is to be rehabilitated through removal of weeds and its existing vegetation and supplemented with endemic species suitable for their function and local to the region.

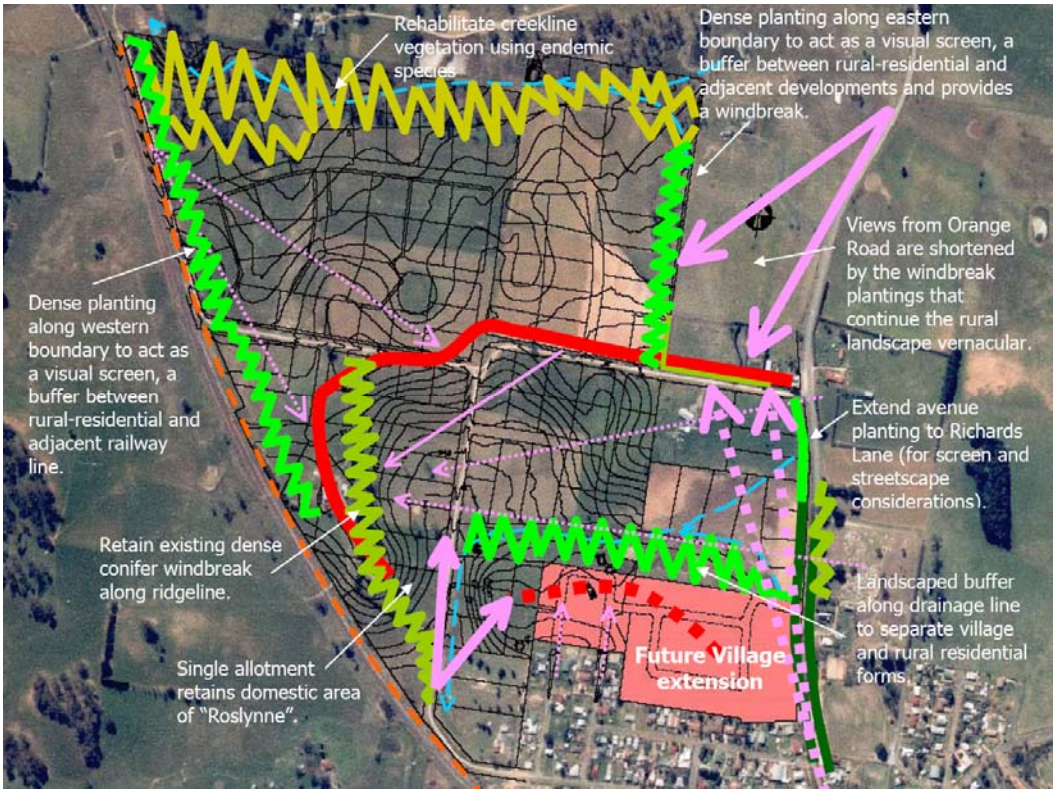

Figure 5 Landscape strategies

3.4 Waste water

3.4.1 Objectives

Ensure that satisfactory arrangements are made for the provision of waste water and effluent disposal systems in connection with the development of the subject land.

3.4.2 Controls

All allotments with an area of less than 2 hectares will be required to be connected to the Millthorpe village sewer system.

Allotments with an area of 2 hectares or more may also be required to the sewer system if, due to the site's environmental conditions, on site effluent disposal cannot be sustained.

Complementary on-site waste water and grey water re-use systems designed to provide irrigation for gardens are encouraged, subject to a development application being submitted to and approved by Council.

Requirements for allotments that are not to be connected to reticulated sewer

Any lot that is not to be connected to the Millthorpe village sewage system shall have an on-site waste water system designed at the time of subdivision. Approval for the system must be obtained from Council prior to the installation of the system. Only systems that comply with the NSW Department of Health guidelines shall be accepted.

The following shall be required to be provided to Council:

- Submission of an application form to install the system with the appropriate fees;
- Site plan, to a scale of 1:100 or 1:200, showing the location of:
  - ⇨ the sewage management facility proposed to be installed or constructed on the premises; and
  - ⇨ any related effluent application areas; and
  - ⇨ any building or facilities existing on, and any environmentally sensitive areas, of any land located within 100 metres of the sewage management facility or effluent application areas.
- Full specifications of the sewage management facility proposed to be installed or constructed on the premises concerned.
- A geotechnical report prepared by a suitably qualified person. The site assessment must be completed in accordance with the *Environment and Health Protection Guidelines: Onsite Sewage Management for Single Households*.
- Details of the number of persons residing, or probable numbers of persons to reside, on premises, and such other factors as are relevant to the capacity of the proposed sewage management facility.
- Details of:
  - ⇨ the operation and maintenance requirements for the proposed sewage management facility;
  - ⇨ the proposed operation, maintenance, servicing arrangements intended to meet those requirements, and
  - ⇨ that action to be taken in the event of a breakdown in, or other interference with, its operation.

More details are available in a pamphlet titled *The easy septic guide*. A copy is available from Council.

3.5 Stormwater drainage

3.5.1 Objectives

Ensure that future development is erected on land that is not affected by the 1 in 100 year ARI event.

Ensure that land in flood corridors is appropriately landscaped and embellished and, where adjacent to the Millthorpe village, provided as a usable open space area.

3.5.2 Controls

A stormwater management plan is to be submitted with any development applications for subdivision works on the subject land. The stormwater management plan is to provide for the creation of wetlands which will mitigate any potential stormwater problems caused through the increase in development.

Flood affected lands are shown in Figures 6 and 7. Subdivision of land must show all developable lots as capable of accommodating dwellings and ancillary structures outside of flood affected lands.

Flood affected land shown in Figure 6 and situated north of the Millthorpe village is to form part of an integrated drainage, open space and landscape buffer facility.

This land is to be planted and embellished to Council's satisfaction and dedicated free of cost to Council.

Lands shown in Figures 6 and 7 are to be landscaped in accordance with the controls contained in section 3.4.2 of this plan.

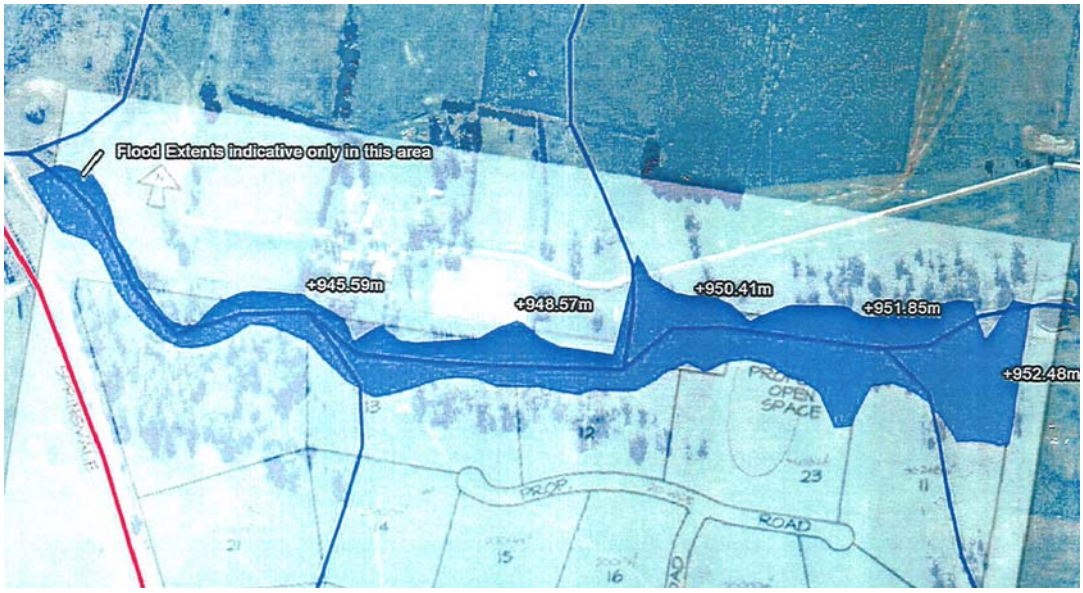

Figure 6 Flood affected lands, northern watercourse

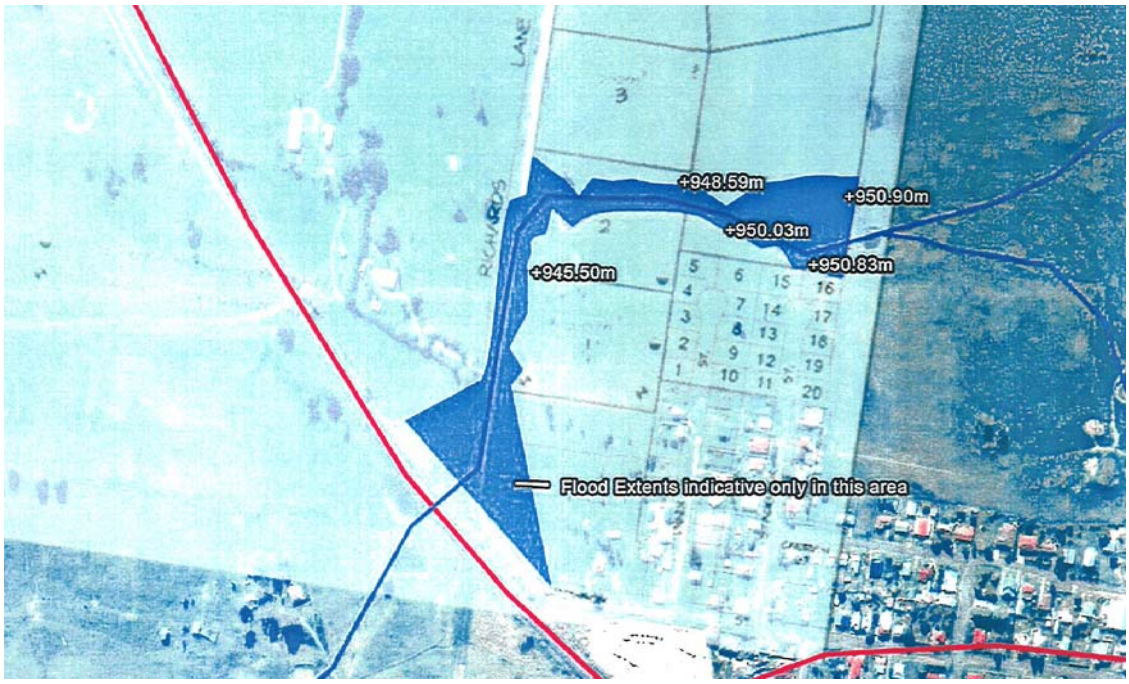

Figure 7 Flood affected lands, southern watercourse

3.6 Other services

3.6.1 Objectives

All lots created on the subject land shall be connected to a range of urban infrastructure networks.

Services and utilities buildings and structures shall be designed and erected in a manner that has minimal impact on the visual quality of the area.

3.6.2 Controls

Each lot created by a subdivision must be able to be serviced by electricity, telecommunications and reticulated water.

The applicant will include evidence of consultations with the relevant utility demonstrating that each lot can be appropriately serviced.

Council will require, as a condition of consent, written documentation from the relevant utility provider that appropriate arrangements have been made.

The appearance of overhead services detracts from the village's historic and aesthetic character. Broadband and coaxial cabling has a significant adverse impact due to the diameter of bundled cables, and the low height at which they are slung, particularly across roads. To reduce adverse visual impacts:

- Existing cables should generally be laid underground if and when opportunities arise;
- new and replacement electricity, coaxial, telecom and other cables laid across road reservations are to be laid underground; and
- cables to individual properties are to be laid underground.

To reduce adverse visual impact, above ground utility installations and cabinets:

- are to be kept to a minimum in size and number;
- wherever possible, are to be located on existing poles; and
- if provided at ground level, are to be suitably screened with vegetation.

3.7 Development contributions

3.7.1 Objectives

Where development creates additional demand on public amenities and services, the developer will be required to make satisfactory arrangements that address that demand.

3.7.2 Controls

Council may require as a condition of development consent the payment of monetary contributions and/or the dedication of land. Such a condition would only be imposed where there is increased demand for public amenities and public services as a consequence of carrying out the development.

The public facilities and services provided by Council that may attract a contribution include access roads, water, sewer, waste, community facilities and open space.

Details of the amounts levied can be obtained from Council's contributions plans and developer servicing plans.

Council may enter into a voluntary planning agreement with a developer under section 93F of the Act as an alternative to, or in addition to, imposing contributions conditions on a development consent.

4. Building design guidelines

4.1 Siting, orientation and setbacks

4.1.1 Objectives

- All buildings shall be sited in locations free of flood hazard.
- Buildings and structures should be sited to provide substantial landscape open space between the road and the building. This will ensure that the qualities of the streetscape and rural character are maintained.
- Buildings are to be site and designed in a way that provides an attractive and comfortable living environment for its residents without adversely impacting on the amenity of neighbours.
- Development must provide for the retention of appropriate curtilages and visual setting around the “Roslynne” heritage site and sites of archaeological and aboriginal significance.
- Development should not obscure existing views to or from heritage buildings and archaeological and aboriginal sites nor inhibit their appreciation.

4.1.2 Controls

In addition to all of the other siting requirements of this plan, all buildings shall be situated on land that is not affected by the 1 in 100 year ARI flood event. Flood affected lands are shown in Figures 6 and 7.

The principal building (or the dwelling) should be oriented in a way that maximises energy efficiency (refer Figure 8).

The minimum setback for the principal building to the front boundary on a site shall be between 20 and 25 metres. The front alignment of the dwelling shall be positioned generally parallel to the road.

The principal building shall be setback at least 8 metres from the side boundaries.

Ancillary buildings, including garages, carports and sheds are to be located behind the front building alignment.

Ancillary buildings and structures shall be setback at least 5 metres from side and rear boundaries, except where the building has a building footprint of 50 square metres or more in which case the minimum setback shall be at least 8 metres.

All setbacks are to allow for suitable mature deep rooted tree planting with sufficient clearance to minimize impacts upon structures

Swimming pools are to be within the rear of the lot behind the residence and setback a minimum of 8 metres from side and rear boundaries.

All buildings should be sited in a manner that minimises the amount of cut and fill used in construction.

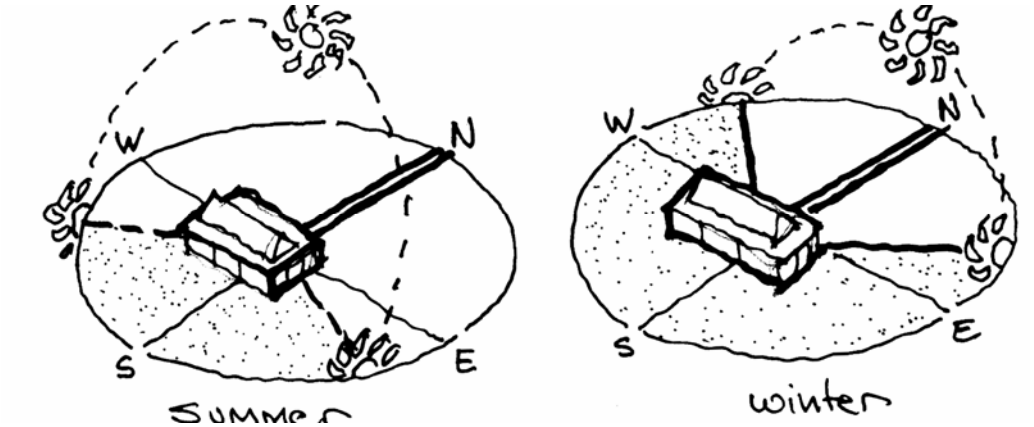

Figure 8 Orientation for energy efficiency

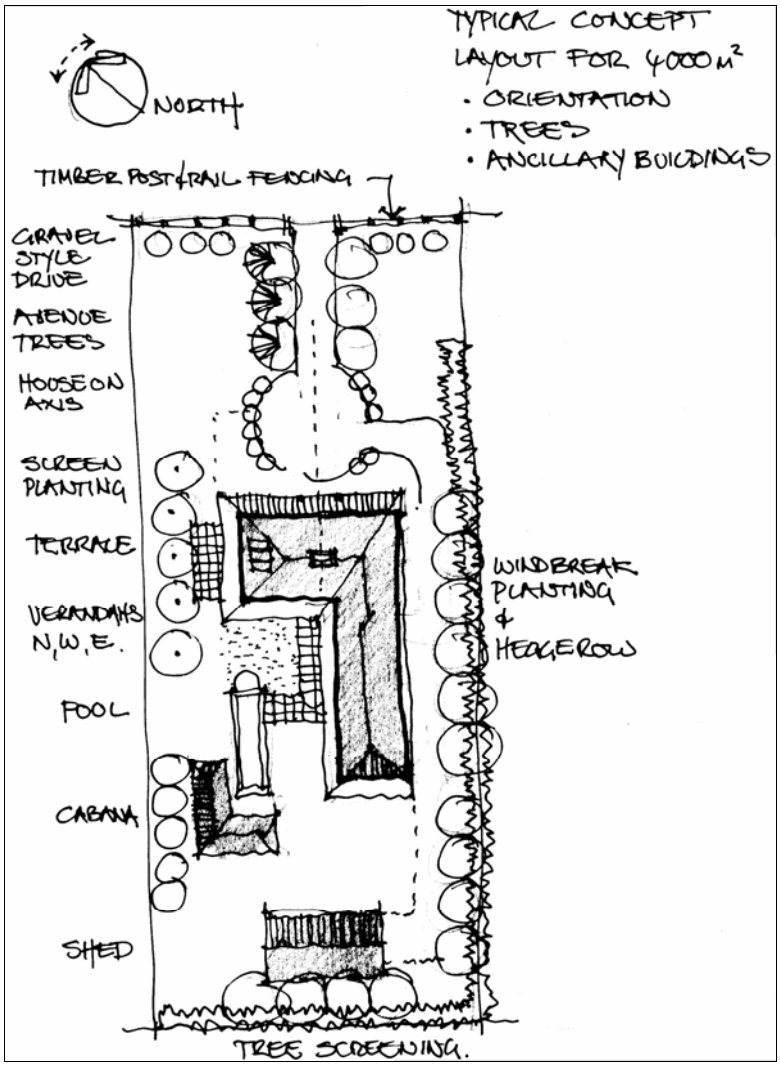

Figure 9 Example layout for a 4,000m² allotment

4.2 Dwelling houses

Houses are the principle buildings on each site and are the key determinant of the character of the subdivision and in aggregate, create a secondary focus for rural living adjoining the village.

4.2.1 Objectives

- The character and style of the new houses is to be sympathetic with the traditional character of the village while remaining distinguished by their contemporary period of construction and their rural setting as opposed to the village setting.
- The design of each house should be carefully considered so as to be seen to respond to the historic context, to the local materials and finishes and to the passive environmental requirements. Replicas and imitations of traditional buildings and their details are to be avoided.
- House designs should reflect the contemporary period of their construction while utilising traditional concepts of proportion, scale and form.

4.2.2 Controls

Buildings are to:

- respect the character and curtilage of adjacent buildings;
- be sympathetic to the rural character of the surrounding area;
- not dominate the streetscape or be overly prominent within the broader landscape;
- have rectilinear plans with steps in alignment to reduce the visual bulk;
- have broad hipped or gable roofs to suit climatic requirements;
- have verandas or awnings to at least the front elevation; and
- use materials which are consistent with the regional rural character.

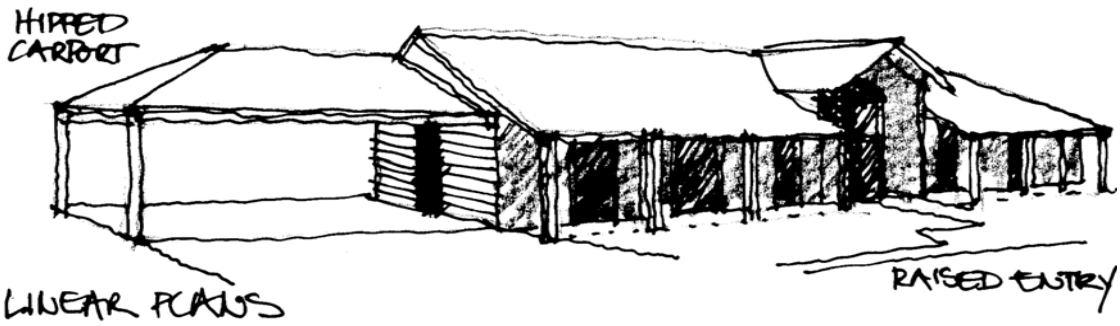

Figure 10 Building form example: linear plans

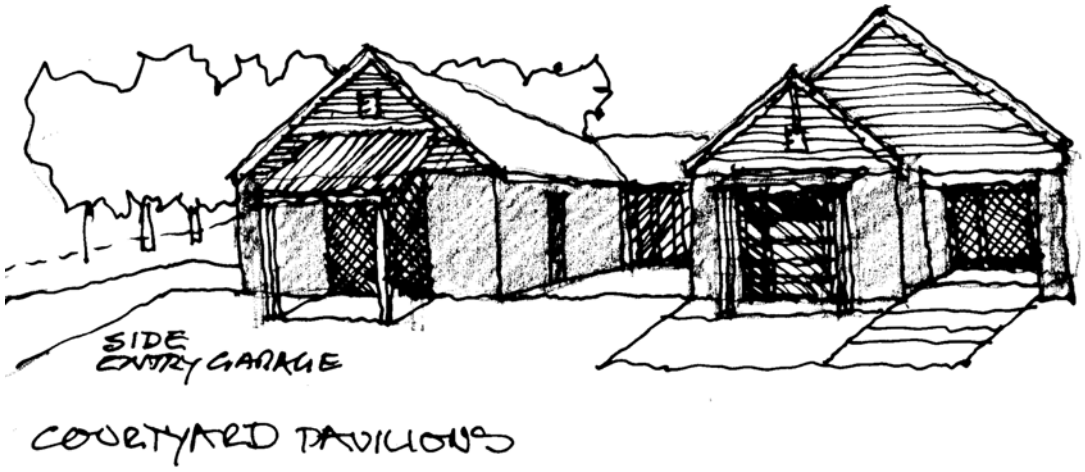

Figure 11 Building form example: courtyard pavillions

Buildings should not be more than 2 storeys in height. Where the building is higher than single storey, attic accommodation within the roof form is encouraged.

The first floor area should not exceed 30% of the ground floor area, except where incorporated into the roof form as attic space in which case the first floor area is not to exceed 60% of the ground floor area.

A portion of the first floor form may be expressed on one elevation as a two storey element;

Relocated houses, may be used where consistent with these guidelines. Dwellings defined as moveable dwellings under the *Local Government Act 1993* are not permitted on the subject land.

Replicas and imitations of traditional buildings and their details are not supported as they would detract from the appearance and integrity of existing and genuine historic buildings within the Millthorpe village. While the intent of a new building aiming to be sympathetic is important, it should not trivialise the very things which are of value in the place. For visitors to a place it should always be clear which elements are original and distinguishing the old from the new is fundamental to retaining the integrity of the place and buildings.

4.3 Ancillary structures

Ancillary structures are those buildings that are not the principal building and which tend not to be used extensively. They include carports, garages, studios, conservatories, tennis pavilions, tennis courts, swimming pools, workshops and gazebos.

4.3.1 Objectives

Ancillary or incidental structures:

- are to be subsidiary in bulk, height, scale and footprint to the principal building on the land;
- must not dominate the front garden or streetscape;
- must maintain the majority of views of the principal building on the land and its neighbours;

- should maintain and reinforce the landscape quality of the site and adjoining property; and
- should use colours and materials that complement the existing house, though not necessarily replicate it.

4.3.2 Controls

Any ancillary structure:

- should not be located between the principal building and the street frontage;
- should be no greater than one storey with an attic;
- should be constructed in a style and character sympathetic with the principal building on the land;
- should preferably be located at the rear between the principal building and the rear boundary; and
- should use materials, forms and designs that complement the design of the principal building while respecting their different functions. Steel buildings should utilize traditional grey colours reflecting the material so as not to increase the apparent bulk of the house.

Garages and carports

Separate garages and carports:

- are to be located behind the primary building line;
- may be linked with covered verandas integrated with the design;
- have simple rectilinear plans, and be of a complimentary design to the main house;
- have a roof form that is gabled or hipped, with roof pitch equal to or less than the house roof; and
- must be setback at least 1 metre from the main building line.

Figure 12 shows examples of garage and carport siting on an allotment.

All garage openings should not face the street elevation. Integrated garages with access doors in the street elevation will not be permitted.

An exception to this requirement may be allowed on sloping sites. On these sites attached garages are ideally located in the basement, and may in that case have the entry to the front.

Standard steel-framed carports and garages may be used where they can be integrated with the design and meet the controls in this plan.

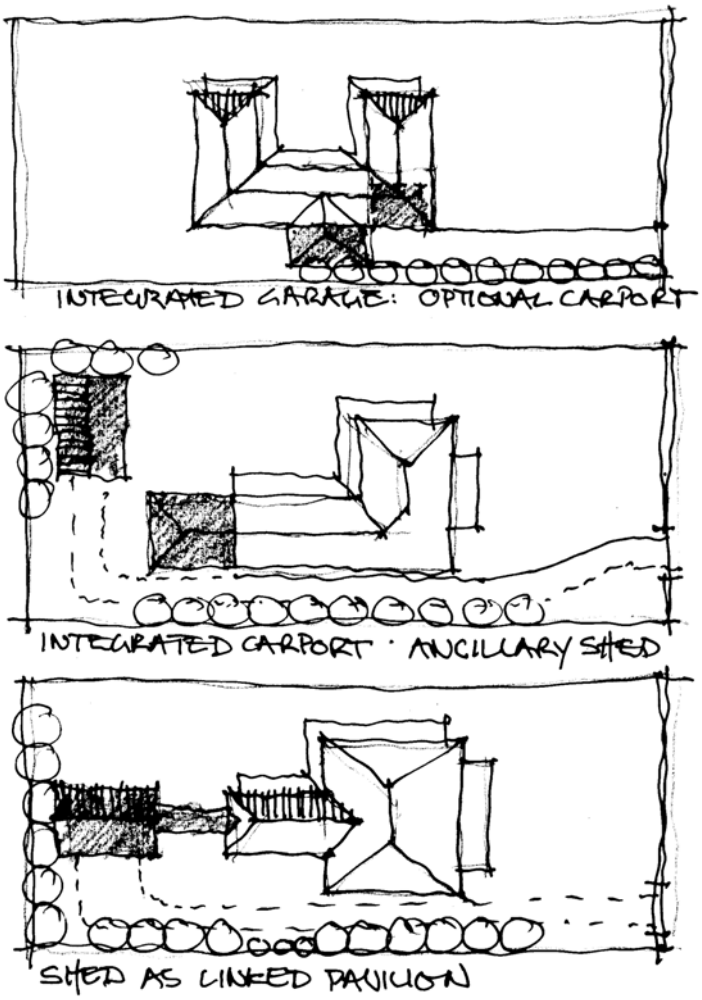

Figure 12 Garage, carport and planting options

4.4 Roofs

4.4.1 Objectives

- The roof form of a building will be the most prominent "public" feature, especially within the broader rural setting. All roof forms used in buildings are to reflect typical roof forms found within historic rural settings.

4.4.2 Controls

Roofs are a dominant element in proportion with the other elements that make up the building, such as the base and walls. Forms and materials that are used are to reflect the style and character of typical roofs found in historic rural settings.

Typical roof forms within historic rural settings are:

- hipped roofs for residential buildings, the older ones being higher pitched than the more recent hipped or gabled roofs;
- gabled roofs for ancillary buildings like garages and sheds;
- veranda roofs that are a direct extension of the main roof though at a lower pitch;
- simplicity of overall form, usually having a consistent main ridge line and with few secondary projections; and
- forms with chimneys and fireplaces to living and kitchen areas.

The roof form for the principal building should:

- be hipped between 25 and 35 degrees, with minimal use of projecting gables to the street.
- include a veranda roof (preferably as an extension of the main roof), either at the same or a lower pitch.

Roofs must be in proportion and scale with the rest of the principal building and not overwhelm its architectural integrity. Roofs must not dominate the elements that make up the principal building. They should have a simple overall form, with a consistent main ridge line and with few secondary projections.

Roof extensions and alterations should complement the massing, form and materials of the roof form of the existing building.

Traditional roofing materials of the area must be used, such as corrugated galvanised custom orb steel roofing, Colourbond steel roofing, Eternit and slate. Concrete and clay roofing tiles may be appropriate in selected dark colours. Reflective colours and materials (such as zincalume) are not appropriate or acceptable.

Skylights, solar water heaters, ventilators, heat exchangers, satellite dishes and antennae should not be located on the street elevation of a building.

Dormer windows should be contained within the existing roof plane, below the ridge line and, generally, be of an appropriate subsidiary design and proportion.

Flat and skillion roofs at the rear of dwellings are acceptable, provided that the floor area they cover a minor proportion of the floor area of the dwelling (refer Figure 13).

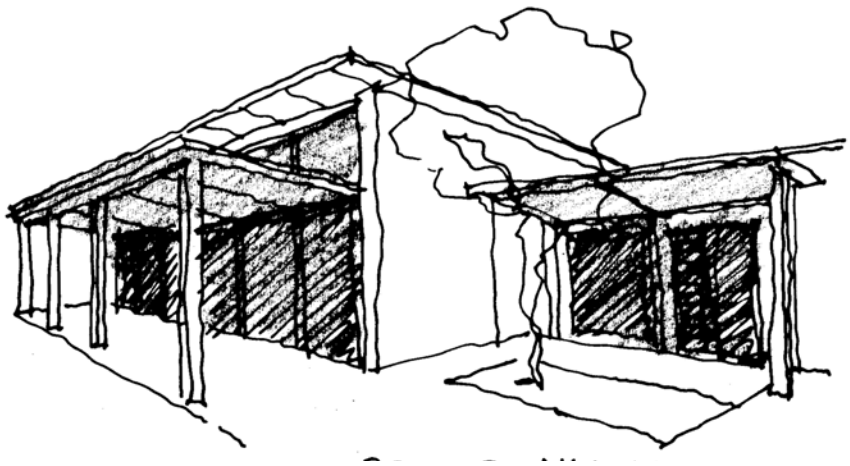

Figure 13 Skillion roofs

4.5 Verandas

Verandas are a typical feature of traditional Australian architecture and are important for their aesthetics, for control of sunlight, for weather protection and for providing outdoor living space.

4.5.1 Objectives

- There is a pattern in rural houses in the region that incorporates verandas. New dwellings should include a veranda to create an appropriate street frontage and to enhance the amenity of the residence.
- Verandas should use appropriate details, materials and proportions.

4.5.2 Controls

All new houses should have a veranda to the street frontage and over the front door. The veranda should stretch across the full width or at least 66% of the street frontage.

Framing for verandas should include posts and beams that are in timber or steel sections without ornamentation.

Verandas should have timber or steel sections with each type and material expressed without replication of traditional ornamental details. Ornamentation should be limited to elements which are structurally required. Traditional details such as friezes, corner brackets, concave, bull nose and convex veranda should be limited to restoration of an existing building.

Steel framing may be utilised provided that it is expressed as a steel material.

Where required, balustrades should comprise simple timber, glass or steel details.

Veranda roofs:

- should preferably be a direct extension of the main roof, either at the same or a slightly lower pitch;
- may include or be a separate skillion roof located below the main eaves where appropriate to the design and only where the eaves are high enough to accommodate it (about 3 metres internal ceiling height); and
- that are flat may be acceptable where integrated into a design concept.

4.6 Doors and windows

4.6.1 Objectives

- The arrangement of door and window openings should provide an acceptable presentation to the street.
- Doors and windows should be arranged on a regular spacing and with a consistent head and sill height across the facade.
- Doors and windows should be vertically proportioned and based on the traditional structural design of "holes within walls" rather than as large voids or extended horizontal openings.

4.6.2 Controls

All window and door openings:

- must be of simple design and timber or aluminium framed consistent on all elevations. Multi-paned sashes, false glazing bars or false arched heads are not acceptable;
- should be vertically proportioned;
- should be read as “holes within walls” and so occupy a small percentage of the wall area; and
- should have generally consistent head and sill heights across elevations

Dormers

Dormers or dormer windows are minor features of roofs and provide light and ventilation within the roof space as well as visual relief to the roofscape. Dormer type windows are only permitted if in style, character, proportion and scale with the roof form and style of the building.

Dormer windows:

- must be in style and character with the principal building;
- must be in proportion and scale to the roof form;
- must be a contemporary interpretation and not a replica; and
- should represent a minor intrusion or appendage of the roofscape.

4.7 Materials and details

Materials include finishes, and are representative of materials found on the principal building on the land. This generally contributes enormously to the visual richness and diversity of an area. A restricted palette of materials is evident within Millthorpe and the region.

Details of a building or structure are those individual elements that help to characterise style and reference is made to veranda posts and other details, barge boards, chimneys and brickwork. Rural areas are characterised by buildings of distinctive materials and detailing.

4.7.1 Objectives

- Building materials and details should not detract from the heritage significance of the area.
- Building materials and details should be sympathetic to those used on rural buildings in the region and, in the case of additions and alterations, should match those of the existing building.
- Buildings should be designed with consistent details so as to maintain the integrity, style and character of the architecture of the building.
- The use of replica details, materials and styles is to be avoided.

4.7.2 Controls

Materials

Materials should be similar or sympathetic to those used on rural buildings in the region.

Individual materials should not dominate but be a part of the whole fabric of the building.

A mix of finishes and materials is acceptable if that suits the style of the building.

For contemporary houses in rural settings, combinations of materials may be useful for expressing elements of a larger building while reducing the visual bulk. This reflects traditional buildings where additions were constructed in weatherboard with corrugated iron roofs.

Additions should be designed and detailed in materials which compliment the character of the existing. Additions should have a minimal impact on the architectural features which contribute to the aesthetic value of the building.

While additions visible from the street should be constructed in materials and details that match those of the existing building, these should not be "aged" to an antique appearance, as these additions will themselves acquire an aged character.

Materials should generally be from the following:

- Walls - stone, face or rendered brick (earth tone colours).
- Roofs – non reflective corrugated steel roofing, Eternit shingles, slate, clay and concrete selected tiles.

Contemporary materials which replicate original materials such as veneer claddings and veneer weatherboards are not acceptable.

Details

Details must reinforce the primary design concept for the allotment.

Replica details, materials and styles are not appropriate. Reinterpretation of traditional rural details using contemporary materials is encouraged;

Service elements such as solar panels, tanks, aerials and flues are to be as unobtrusive as possible.

The design concept or theme is to be consistently carried through to include fencing, gates, landscape details and ancillary structures.

4.8 Colours

4.8.1 Objectives

Colour schemes used in development should:

- be in keeping with the colours of structures in the surrounding rural areas and village; and
- enhance the appearance of the streetscape.

4.8.2 Controls

Colour schemes:

- should respect and enhance the individual architectural design concept and details of the building;
- are to utilise a palette of colours - not one colour for the whole facade. Shades or half tints of a key colour provide a useful guide for rural settings;
- must not include particularly vibrant highlights or a single overall strong colour; and
- should generally consist of walls painted with a matt finish, while joinery like windows, doors and veranda posts should be painted with a gloss finish.

Face brickwork, stone, tiles or shingles should not be painted or rendered as this will compromise the character of the building.

Traditional valuable unpainted materials and surfaces, especially those which were never intended to be painted, such as face brickwork and stonework, should not be painted.

Generally, only two or three different colours were used in traditional colour schemes and, usually, there was a contrast of light and dark colours placed adjacent to one another.

Contemporary interpretations of traditional rural colour schemes are encouraged. These should be sympathetic with the colours of the Millthorpe village. A general principle with contemporary interpretation is to allow the material to direct the colour range choice. Steel materials are naturally grey tones and not green, red or blue. Stone is generally sand or dark grey while brick in the region is generally dark red/brown.

Modern high-build, replica finishes or textured coatings are inappropriate.

5. Other guidelines

5.1 Erosion and sediment control

5.1.1 Objectives

- Development construction is to be carried out in a way that does not lead to the erosion of soils or the transport of sediment from the site.

5.1.2 Controls

Sediment control shall be undertaken on every construction site in accordance with Council's Erosion and Sediment Control Policy. Council will require a sediment control plan for all development, including subdivision, except for minor works.

Sediment controls shall be installed before the site is disturbed. Particular attention should be given to:

- slopes greater than 10 percent. Runoff from slopes should be intercepted and diverted around all land likely to be disturbed;
- areas of concentrated water flows; and
- driveways, footpaths, gutters and nature strips.

The amount of topsoil to be removed should be limited to the construction site only. Once topsoil is removed it should be stockpiled for reuse in landscaping. Stockpiles of topsoil, sand, aggregate or other material must be stored clear of any drainage line, natural watercourse, or road surface. Sediment fences need to be placed around the stockpile(s). Piles of soil shall be covered.

Certain developments will require approval from the NSW Department of Water and Energy and/or NSW Environment Protection Authority. These organisations may place specific erosion and sediment control conditions on the development.

Vehicular access needs to be controlled to prevent the movement of sediment.

Landscaping should be considered at the planning stage and if possible commenced prior to construction.

5.2 Utilities and service structures

5.2.1 Objectives

Utility and service structures (external telecommunications, gas, television, air-conditioning, wind and solar power installations and the like):

- should be anticipated during the design stage and accommodated in areas of the building which are not visually prominent; and

- should not be attached to the visually prominent elevations including the front and forward side areas of the building.

5.2.2 Controls

Solar collectors and panels, solar hot water tanks should be installed on a rear roof area assuming an appropriate orientation can be achieved or on an ancillary shed or garage.

External hot water services should not be visible from the forward elevations and they should be screened from public view with planting.

TV aerials and satellite dishes should not be visible from the forward elevations and/or on ancillary buildings.

Rain water tanks should preferably utilise steel tanks in a suitable dark colour and screen with planting. Poly and concrete tanks may be acceptable but only if they are screened from public view.

5.3 Fences and gates

Fences are the street frontage of a site, particularly on large lots and/or with dense garden plantings, and are important to the character of the garden and the context of any buildings.

Fences in the area were characteristically of timber, cast iron posts, stranded wire and sandstone and stylistically related to the residence. The low height and transparency of fences allow the form and pattern of the houses, together with garden plantings, to contribute to the streetscape and overall character.

5.3.1 Objectives

- All fences and gates, particularly to the principal street front, should maintain and reinforce the rural landscape quality of the streetscape.
- Fences should reflect traditional and rural styles and materials.
- Perimeter fencing should be characterised by a set of solid elements marking the site entrance with lightweight elements providing the boundary.
- Site entrances should not be overwrought or out of keeping with the scale and style of the landscaping, driveway and house.

5.3.2 Controls

Fences

Fences should not detract from the view of the principal building on the land. All front fencing must be simple in design and be related to the style of the building.

All fences should be constructed in materials that are in keeping with the materials of the principal building. Typical acceptable fences include timber posts, wire or netting, timber droppers or steel star pickets, or post and rail.

Side and rear fencing must be to a rural standard. The side fence may stop level with the front of the house allowing the more traditional front fence to return down the side. All side fences should be low, less than 1200mm in height and constructed of lightweight, see-through materials (e.g. wire mesh).

Hedging is dominant in the area and is encouraged. Hedges may be used for fencing and existing hedges should be retained. Appropriate hedging plants include photinia, murraya, green cypress pines, or westringia.

All side and rear fencing, except rural style fencing which is exempt development, is to be illustrated on plans and to be accompanied by landscape planting proposals.

Solid masonry fences, replica paling and picket fences and repetitive masonry piers are inappropriate and not encouraged. It is preferable to use a mix of materials and for a greater proportion to be transparent.

Concrete, Colourbond sheeting and cyclone post and wire fencing are not acceptable fencing materials.

Entrances and gates

Front entrances should be an integrated design and include a discrete sign and letter box where required.

Front entrances and gates should be erected to a height which maintains and reinforces the landscape quality of the streetscape. That is, a height between 400mm and 1.5 metres.

5.4 Landscaping and gardens

Gardens are a part of the streetscape and it is therefore important that they are appropriately landscaped. A characteristic of rural residential development is the existence of a garden space between the building and the verge or road reserve. Their size and the elements therein are generally small scale.

Traditionally, houses contained a formal garden at the front of the properly, including flower beds, grass, trees and a pathway leading to the entrance of the house. The rear of the property was used for growing vegetables, clothes drying, a garage or stables and possibly a shed. This pattern is still common today. However, there are increasing pressures for low maintenance and low water use gardens which often result in the replacement of soft landscaping with concrete and paving. This generally detracts from the visual qualities and setting of the property and the streetscape.

Within the rural Millthorpe area there is extensive use of trees and hedgerows as boundary windbreaks and avenue tree planting to driveways. This is both historic in rural areas and a sound response to the local climate.

5.4.1 Objectives

- Existing worthwhile trees and landscaping should be retained and incorporated into the development of the land. Noxious weeds shall not be used.
- Suitable endemic trees, shrubs and hedgerows should be used to define boundaries, to screen buildings for privacy, to provide windbreaks and to identify driveways.

- Gardens and other soft landscaping should be maximised and impervious surfaces kept to a minimum.
- Contemporary interpretation of traditional garden designs without replicating is encouraged.
- Trees and shrubs should be planted within the property boundaries and not on the front verge (street landscaping is to be undertaken as part of the subdivision).

5.4.2 Controls

Planting and maintenance

Surviving original trees on the land should be retained wherever practicable. Significant trees should not be removed unless they are diseased or dangerous.

Reinstatement of regionally appropriate garden plantings of characteristic style is encouraged. Plantings may select from both European and endemic species according to an integrated design concept. The use of low water local native grasses in place of lawn is encouraged.

Selection and positioning of plants should be carried out in a manner that responds to the site's microclimate (refer to Figure 14).

Trees should not be planted where they will interfere with the structure of a building or obscure important views to heritage places.

Where additional screening for front gardens is sought, the use of hedging behind or as part of a visually permeable low front fence is encouraged as this reflects the local Millthorpe rural character.

On site water collection, drip irrigation and measured water management is required.

Paving and other structures

New paving and other hard surfacing should be kept to a minimum and soft landscaping introduced where possible.

Hard surfaces in front of the building line should be restricted to no more than 20% of the total front setback area.

The use of local decomposed granite chippings for paved, weathered outdoor areas, paths and driveways is encouraged.

Outbuildings and garden structures should be located to retain an adequate curtilage around the principal building and should be of a respectful scale and appearance. Outbuildings should not be located in the front setback area.

Where the property size allows for the introduction of a tennis court or swimming pool, they must be located behind the building line (preferably at the rear of the dwelling) and be accompanied by suitable planting that will screen the structures from external views.

Noxious weeds

Land owners and occupiers have moral and legal responsibilities to prevent the establishment of noxious weeds and to prevent the spread of weeds from their land to adjoining lands.

Noxious weed control is governed by the *Noxious Weeds Act 1993* and enforced by the Upper Macquarie County Council.

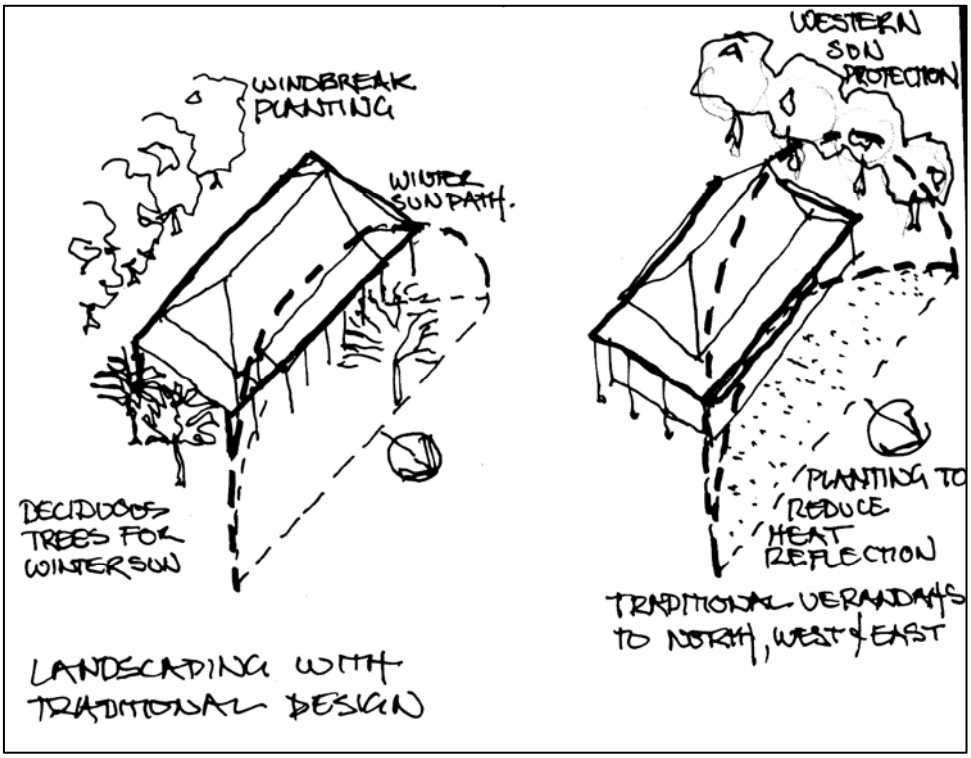

Figure 14 Planting that responds to microclimate

5.5 Bushfire hazard

5.5.1 Objectives

- Development and subdivision design must take into account any bushfire hazard on the subject land.

5.5.2 Controls

All landowners and occupiers must ensure that vacant land and residential properties are well maintained to restrict the build-up of combustible vegetation so as to minimise the threat and spread of bushfire.

The Shire of Blayney bush fire prone land map identifies land in the extreme north western corner of the subject land as being bush fire prone land. Landowners should be aware of their obligations and special requirements for development applications in these areas. These requirements are contained *Planning for Bushfire Protection 2006*, produced by the NSW Rural Fire Service.