Brewarrina Shire Development Control Plan 2012

July 2012

Brewarrina Shire Council

Brewarrina Development Control Plan 2012

Prepared for Brewarrina Shire Council
by

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Chapter 1: Introduction

1.1. Name of Plan

This plan is known as Brewarrina Shire Development Control Plan 2011

1.2. Land to which this plan applies

This plan applies to all land within the Brewarrina Local Government Area

1.3. Date of Commencement

This plan was adopted by Council on 27 July 2012 and became effective from the commencement of Brewarrina Local Environmental Plan 2012.

1.4. Relationship to other plans and policies

This plan repeals all other Development Control Plans applying in the Brewarrina Shire.

1.5. Aims of this Plan

The aims of this plan are as follows:

- Define development standards that deliver the outcomes desired by the community and Council;
- Provide clear and concise development guidelines for various forms of development;
- Encourage innovation in design and development by not over-specifying development controls;
- Provide certainty of development outcomes for developers and the community.

1.6. Definitions

Definitions used in this DCP are derived from and are included in the Environmental Planning and Assessment Act, Brewarrina Shire Local Environmental Plan 2012 and relevant Documents as cited in the plan.

Chapter 2: Information Requirements

2.1. Introduction

This section of the DCP outlines the matters that have to be submitted with the Development Application.

2.2. SEPP Building Sustainability Index 2004

A BASX certificate must be submitted with the application.

2.3. Statement of Environmental Effects

A Statement of Environmental Effects is required to be lodged with all DAs. This is to address all of the relevant issues associated with the application.

2.4. Plans and Reports

2.1.1. Site Plans

A detailed site plan is required with all applications for residential development. In preparing this plan, an analysis of the range of environmental factors that will influence the proposed development is required. These factors may be both internal and external to the site. The level of site analysis varies with the complexity of the project.

For small alterations and additions, a simple plan/diagram outlining key site characteristics, such as:-

- True north;
- Location of trees, boundaries, buildings and streets;
- Location of sewer and water lines and septics;
- Location of any drainage line or natural waterways;
- Location of any easements.

2.1.2. Floor Plans, Elevations & Sections

Detailed floorplans and elevation along with sections of the building are to be supplied as appropriate

2.1.3. Landscape Plans

A landscape plan is to accompany all development applications which involve commercial or industrial buildings

2.5. Potential Site Contamination

A statement must be included providing a history of the site to ascertain if it is potentially contaminated.

2.6. Development Notification

2.6.1. Development that must be notified

Apart from the exceptions listed below, all other development applications that involve alteration to the external configuration of a building, the erection of a new building, or variation to an adopted building line will be notified to adjoining land owners in accordance with this chapter. The kinds of development that will not automatically be notified comprise:

- Single storey dwelling house;
- Single storey additions to a house;
- Minor dwelling additions such as: open car port, pergola, veranda;
- Private swimming pool;
- Detached garage or shed associated with a dwelling;
- Any building on land within RU1 Primary Production, RU3 Forestry zone;
- Subdivision creating less than 5 lots;
- Commercial or industrial development within a business or industrial zone;

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

Written notice to adjoining landowners shall contain the following minimum information:

- Real property description and address of the land;
- Applicant's name;
- Description of the proposal for which consent is sought;
- The period in which submissions must be made;
- A notification plan.

2.6.2. Development that must be Advertised

The following kinds of development will be advertised:

- Demolition of a building identified as a heritage item in Schedule 5 to the Brewarrina Local Environmental Plan 2012;
- Use of a heritage item for a purpose prohibited within the zone, as provided for by clause 5.10(10) of the Brewarrina Local Environmental Plan 2012;
- Major Council projects (not including utility service infrastructure) with a value exceeding $1,000,000, or likely to be of significant community interest;
- Non-residential uses in or adjacent to the R1 General Residential, R5 Large Lot Residential, and RU5 Village Land use Zones;
- Subdivisions creating 20 or more allotments;
- Within the R1 General Residential, R5 Large Lot Residential or, RU5 Village Land use Zones, development applications for the purposes of:
    - ⇨ semi-detached dwellings; dual occupancies; attached dwellings; multi dwelling housing; residential flat buildings; seniors housing; hostels; boarding houses; group homes; tourist and visitor accommodation; boarding houses; caravan parks; exhibition homes; exhibition villages.
- Any development identified by Senior Council staff that should be advertised in the public interest.

These developments will be advertised by:

- Notice of the development in a local Newspaper, containing the same information as is required to be given in the written notice;
- Written notice of the proposal to be given to all adjoining landowners;
- Period of exhibition to comprise a minimum of 14 days from the date notice is published (plus an additional 7 days of exhibition where the period of exhibition coincides with Public School Holidays, or additional day/s for a Public Holiday).

Chapter 3: Natural Hazards

3.1. Introduction

A number of site constraints and hazards can exist when building in the Shire. These hazards can include bushfire, land slip and flooding.
The aim of this section of the DCP is to:-

- To advise the community of the approach that Council will take in considering development applications for residential development proposals within Brewarrina Shire on land the subject of natural hazards;
- To ensure that acceptable standards of safety to life and property are applied when Council considers proposals for development on flood liable and bushfire prone land;
- To ensure that development that is approved in flood liable areas is structurally capable of withstanding the effects of flowing floodwaters including debris and buoyancy forces;
- To ensure that development is not permitted in flood liable and bushfire prone areas where that development would result in unnecessary risk of life to occupants or rescuers or unwarranted public costs;
- To inform the community of Council's requirements in relation to the development and use of flood liable and bushfire prone land;
- To encourage development and construction that is compatible with flood and bushfire hazard control measures.

3.2. Flooding

3.2.1. Flood Affected Land

- A significant amount of land along the Barwon & Darling Rivers and its tributaries is floodprone.
- The Brewarrina Shire LEP states that land at or below the flood planning level the flooding provisions of the LEP apply. Council's adopted 1:100 ARI flood is the level of the 1974 flood.
- As a general rule, flood affected land within the Shire is that land that is grey soil adjacent to the Darling River and its tributaries. Red soil is generally considered not to be floodprone.
- If a development is proposed for land on the grey soil or is, in the opinion of a senior officer of the Council, likely to be flood affected, it is deemed to be flood affected land for the purposes of this DCP.

3.2.2. Access

- Flood free vehicle access is required for all lots created by subdivision.
- For development of existing lots, where flood free vehicle access is not possible, the development must be able to achieve safe wading criteria as specified in Figure L1 of the Floodplain Development Manual.

3.2.3. On-site Sewer Management

Onsite sewer 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). Tank and trench style of systems are not permitted on land affected by the Flood Planning Level.

All sewer fixtures must be located above the 1% Flood.

3.2.4. General Development Requirements

- No building or work (including land filling, fencing, excavation) shall be permitted on flood affected land where in the opinion of Council, such building or work will obstruct the movement of floodwater or cause concentration or diversion of floodwaters.
- DA must demonstrate the building or structure can withstand the force of flowing floodwaters, including debris and buoyancy forces as appropriate.
- A survey plan prepared by a registered surveyor showing existing ground levels, finished ground levels, finished floor levels, flood levels and location of existing/proposed buildings and safe evacuation path on the site relative to AHD. This survey plan is to have regard to the flood planning level of the 1:100 ARI flood.
- All materials used in construction shall be flood compatible.
- Development must be designed in accordance with the Flood Proofing Guidelines (refer Discretionary Development Standards).

3.2.5. Residential Development

- Floor levels of all habitable rooms, or rooms with connection to sewer infrastructure shall not be less than the flood planning level which is 500mm (freeboard) above the level of the highest known flood.
- Upon completion and prior to the occupation (where relevant), a certificate by a registered surveyor showing the finished ground and floor levels conform to approved design levels shall be submitted to Council.
- Additions to existing buildings will be only be permitted, with limitations, as follows:
  - ⇨ where the floor level of the proposed addition is located below the flood standard the maximum increase in floor area is not to exceed 10% of the floor area of the existing dwelling; or
  - ⇨ where the floor level of the proposed addition is located above the flood standards the maximum increase in habitable floor space shall not exceed 100m2.
- Where additions are below the 500mm “freeboard” (the flood planning level) Council must be satisfied that the addition will not increase risk to inhabitant in the event of a flood.
- Rebuilding part of a dwelling may be permitted provided the building maintains the same dimensions which result in the same impact on flood behaviour.

3.2.6. Commercial / Retail / Industrial Development

- Development shall incorporate measures to seal or flood proof buildings, to avoid activities or fittings susceptible to flood damage, or to store the contents of buildings above the flood planning level.

3.2.7. Subdivision

- Residential subdivision will not be permitted where any lot to be created will be fully inundated by flood higher than the flood planning level event and the creation of such lot will create the potential for increased intensity of development on flood liable land.

3.2.8. Landfilling

- Survey plan prepared by a registered surveyor is required, showing the contour levels of natural surface, any existing fill and the designed contour levels for the finished work.
- A report certified by a consulting engineer is required to detail the impact of the proposed fill on adjoining properties and, where levee banks are proposed, and the methods of internal drainage.
- Applications shall be accompanied by a construction management plan to show
  - ⇨ source of fill, including contamination assessment
  - ⇨ an assessment of the impact of haulage vehicles on roads
  - ⇨ precondition report of all haulage routes
  - ⇨ details of method of compaction of fill and associated impacts: control of dust, sedimentation, water quality impacts, noise and vibration
  - ⇨ contingency for containment of fill in the event of a flood during placement

3.2.9. Non-residential rural buildings

- Not permitted in “floodways”.
- Floor areas shall be located above the flood planning level.

Definitions are as per the Floodplain Development Manual (NSW Government)

3.3. Bushfire

The publication *Planning for Bushfire Protection* was developed by the NSW Rural Fire Service in collaboration with the Department of Planning and Infrastructure. This Guideline provides the necessary planning considerations when developing areas for residential use in residential, rural residential, rural and urban areas when development sites are in close proximity to areas likely to be affected by bushfire events. This document is adopted for the purposes of this DCP and is available from the Rural Fire Service website www.rfs.nsw.gov.au.

In accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and “Planning for Bushfire Protection” Council has prepared Interim High Bushfire Risk mapping. Extracts of this mapping are available from Council upon request.

3.3.1. Council requires

- That all residential development located within identified high bushfire risk areas is in accordance with the recommendations of publication “Planning for Bushfire Protection 2006”;

3.3.2. Council recommends

- Prior to the submission of a development application for residential development, contact should be made with Council to ascertain whether or not the proposed development will be located within a high risk bushfire area;
- Where the development is located within a high risk bushfire area, preliminary discussions should be convened with the NSW Rural Fire Service to ascertain the Department’s likely requirements;
- Prior to the submission of a development application for residential development, contact should be made with Council to ascertain whether a threatened species (flora & fauna) assessment is required;

Chapter 4: Development Types

4.1. Introduction

This chapter provides controls for all of the development types that are anticipated within the Shire. These include the following:

- Housing (including dual occupancy and multi-unit development)
- Subdivision
- Industrial
- Commercial
- Intensive livestock
- Intensive plant agriculture

4.2. Objectives

- To ensure that all development is compatible with the surrounding development
- To ensure that development does not impact on the surrounding development by way of overshadowing or privacy
- To ensure that development has adequate access to services and utility infrastructure

4.3. General Housing and Ancillary Structures

4.3.1. Building Setbacks

The building setbacks are related to the zone in the Brewarrina Shire Local Environmental Plan. They are set out in the following table.

Zone	Street Frontage	Side / Rear Boundary	Outbuildings	
			Size	Cumulative Outbuildings
Primary Production (RU1)	20 m	10	Not specified	
Village (RU5)	6 m	BCA Requirements	75 m^2	150 m^2
General Residential (R1)	4.5 m, 5.5 m to garage	BCA Requirements	54 m^2	75 m^2
Large Lot Residential (R5) 2 ha	20 m	10m	150 m^2	200 m^2
Large Lot Residential (R5) 10 ha	20 m	10 m	200 m^2	400 m^2

4.3.2. Design

- No windowless facades at the street frontage(s)

4.3.3. Building Height

Measured from natural ground level to:

- Topmost ceiling: maximum 7.2m
- Top of the ridge: maximum 10m

4.3.4. Utilities

- Buildings and structures are to be located clear of utility infrastructure.
- For sewer mains, structures are to be located a minimum of one metre or the equivalent invert depth, whichever is greater, from the centreline of the main.
- Stormwater runoff must not exceed infrastructure capacity.

4.3.5. Site Coverage

The maximum site coverage for all buildings is set out in the following table.

Zone	Cumulative site Coverage
Primary Production (RU1)	Not Specified
Village (RU5)	40%
General Residential (R1)	60%
Large Lot Residential (R5) 2 ha	25%
Large Lot Residential (R5) 40 ha	25%

4.3.6. Solar Access

- Two storey development >2m from the boundary does not require a shadow diagram or notification.
- Two storey dwellings <2m from the boundary shall ensure habitable rooms of adjoining dwellings and major part of their landscaped open space to retain a minimum of 4hrs sunlight between 9am-3pm on 21st June (winter solstice).

4.3.7. Privacy

- Single storey development meeting setbacks do not require specific privacy controls.
- Development of more than one storey should locate and size windows to habitable rooms to avoid facing onto windows, balconies or courtyards of adjoining dwellings.

4.3.8. Parking

- Provision for parking of two vehicles behind the building line.

4.3.9. Access

- All weather 2WD access is required to the dwelling.

4.3.10. Fencing

- Street fencing shall be open or combination of open panels and masonry columns to a maximum height of 2.4 metres.
- Where a street fence is proposed, the section of side boundary fencing located in front of the building setback shall be open or combination of open panels and masonry columns to match front fence.
- Street fencing details are required with DA for dwelling.
- no barb wire on front or side fence below 2.2m

4.3.11. Outbuildings and Detached Garages

- Not within building setback.
- Not in front of main dwelling if $<4{,}000m^2$ lot.
- If in front of main dwelling, it must be:
  - ⇨ Appear like part of the habitable dwelling.
- Maximum height of 3.2m to eave, 3.6m to peak of roof or match house roof pitch for General Residential (R1), Large Lot Residential (R5) or Village (RU5)
- Not specified for Primary Production zone

4.3.12. Temporary Accommodation during dwelling construction

- Not permitted in General Residential (R1) or Village (RU5) zones. This applies to the Primary Production RU1 Zone.
- Written evidence that finance is available for erection of the proposed permanent dwelling within a period not exceeding 12 months.
- Maximum period of occupation is 12 months.
- Cannot be situated in front of the proposed dwelling.
- Footings of the main dwelling must be constructed and inspected before occupation of the temporary accommodation.
- Occupation of the temporary accommodation by the owner and immediate family only

4.3.13. Relocated Dwellings

- Dwelling not to be moved onto site before development consent 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.
- The DA must include:
  - ⇨ A comprehensive report prepared by an accredited Building Surveyor or Structural Engineer certifying the soundness of the building; and
  - ⇨ Photographic evidence of the dwelling supported by a description of its condition.

4.3.14. Ridgelines

- Development roofline must not project above the ridgeline where visible from any public road or place.

4.3.15. Pools

- Where visible from a public place or road, details of screening are to be supplied.
- Any associated retaining walls or decks are not to exceed 1.0 metres above natural surface level.

- Pool pump enclosure to be placed greater than 15 metres from a habitable room in a dwelling on adjoining property or within a sound-proof enclosure.

4.3.16. Water tanks

- Located behind the street setback of the existing dwelling
- Maximum height of 3.2 metres
- Suitably screened where visible from a public place or street

4.3.17. Car Ports

- Behind the building setback
- If in front of main dwelling, must:
  - ⇨ Appear like part of the habitable dwelling.

4.4. Residential Dual Occupancy

4.4.1. Building Setbacks

The building setbacks are related to the zone in the Brewarrina Shire Local Environmental Plan. They are set out in the following table.

	Single Storey		2 Storeys	
Zone	**Street Frontage**	**Side / Rear Boundary**	**Street Frontage**	**Side / Rear Boundary**
Village (RU5)	6 m	1 m (675mm#)	6m	2 m (1,125mm#)
General Residential (R1)	4.5 m, 5.5 m to garage		4.5 m, 5.5 m to garage	
Large Lot Residential (R5)	20 m	10m	20 m	10m

- No concession to secondary frontage.
- No continuous section of wall built on a side boundary shall exceed 50% of the length of the boundary up to a maximum of 10m.

4.4.2. Density

- Minimum area per dwelling is 300 m^2 in the General Residential (R1) and Village (RU5) Zone

4.4.3. Design

- For corner lots, dwellings shall be designed to present to and have vehicle access from alternate frontages, unless one street is a collector road or greater, where both shall be accessed from the lesser street classification.

4.4.4. Building Height

Measured from natural ground level to:

- Topmost ceiling: maximum 7.2m
- Top of the ridge: maximum 10m

4.4.5. Utilities

- Buildings and structures are to be located clear of utility infrastructure.
- For sewer mains, structures are to be located a minimum of one metre or the equivalent invert depth, whichever is greater, from the centreline of the main.
- Stormwater runoff must not exceed infrastructure capacity.

4.4.6. Site Coverage

- Residential zones: Maximum site coverage of 75% (includes all hardstand areas).

4.4.7. Solar Access

- Two storey development >2m from the boundary does not require a shadow diagram or notification.
- Two storey dwellings <2m from the boundary shall ensure habitable rooms of adjoining dwellings and major part of their landscaped open space to retain a minimum of 4hrs sunlight between 9am-3pm on 21st June (winter solstice).

4.4.8. Privacy

- Development of more than one storey must locate and size windows to habitable rooms to avoid facing onto windows, balconies or courtyards of adjoining dwellings.

4.4.9. Parking

Parking is to meet the minimum requirements set out in the following table:

Number of beds in each dwelling	Parking spaces per dwelling
1	1
2	1
3	2
4 or more	2

- Rooms capable of occupation as a bedroom (eg study) are treated as a bedroom for the purpose of calculating parking requirements.
- 1 visitor space must be provided onsite where on-street parking within the property's street frontage is not available.

4.4.10. Access

- All weather 2WD access is required to the dwelling.
- Dimensions to meet Australian Standard AS2890.1 Parking Facilities.
- All parking and manoeuvring areas to be hardstand (pavers or concrete).
- Onsite turning areas must be provided onsite where fronting a major road.

4.4.11. Landscaping

- Minimum of 125m2 of landscaping for each dwelling

4.4.12. Private Open Space

- Private open space must be provided in accordance with the following table in relation to its position relative to the dwelling for solar access.

Private Open Space Location	Minimum Amount	Minimum Dimension
North	35 m^2	5 m x 5 m
East	50 m^2	6m x 6 m
South	60 m^2	6m x 6 m
West	45 m^2	6m x 6 m

- Must be directly accessible from a living area.
- Area calculation does not contain intrusions such as drying areas, electricity substation, water tanks, hot water systems, retaining walls.

4.4.13. Fencing

- Street fencing shall be open or combination of open panels and masonry columns to a maximum height of 1.8 metres.
- Where a street fence is proposed, the section of side boundary fencing located in front of the building setback shall be open or combination of open panels and masonry columns to match front fence.
- Street fencing details are required with DA for dwelling.

4.4.14. Outbuildings and Detached Garages

- Not within building setback.
- Not in front of main dwelling if <4,000m^2 lot.
- If in front of main dwelling, it must be:
  - ⇨ Same construction,
  - ⇨ Matching roof pitch, and
  - ⇨ Appear like part of the habitable dwelling.
- Maximum height of 3.2m to eave, 3.6m to peak of roof or match house roof pitch for General Residential (R1), Large Lot Residential (R5) or Village (RU5)
- Not specified for Primary Production zone

4.4.15. Ridgelines

- Development roofline must not project above the ridgeline where visible from any public road or place.

4.4.16. Pools

- Where visible from a public place or road, details of screening are to be supplied.
- Any associated retaining walls or decks are not to exceed 1.0 metres above natural surface level.
- Pool pump enclosure to be placed greater than 15 metres from a habitable room in a dwelling on adjoining property or within a sound-proof enclosure.

4.4.17. Water tanks

- Located behind the street setback of the existing dwelling
- Maximum height of 3.2 metres
- Suitably screened where visible from a public place or street

4.4.18. Car Ports

- Behind the building setback

- If in front of main dwelling, must:
  - ⇨ Same construction,
  - ⇨ Matching roof pitch, and
  - ⇨ Appear like part of the habitable dwelling.

4.4.19. Facilities

- Letterboxes to be provided at the front property boundary in accordance with Australia Post requirements. Strata developments require an additional letter box for the Body Corporate.
- Clothes drying facilities are required to be free of access ways. Clothes lines and hoists shall be located at the rear of development and adequately screened from adjoining roads.

4.4.20. Utilities and Services

- Servicing strategy required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale of development.

4.4.21. Future Subdivision

- Dual occupancy development must consider potential future subdivision and locate buildings with adequate access to and clearance from utilities.

4.5. Residential Multi-Dwelling Development

4.5.1. Building Setbacks

The building setbacks are related to the zone in the Brewarrina Local Environmental Plan. They are set out in the following table.

Zone	Single Storey		2 Storeys	
	Street Frontage	Side / Rear Boundary	Street Frontage	Side / Rear Boundary
General Residential (R1)	4.5 m, 5.5 m to garage	1 m (675 mm[#])	4.5 m, 5.5 m to garage	2 m (1,125 mm[#])
Local Centre (B2)	BCA Requirements	BCA Requirements	BCA Requirements	BCA Requirements

[#] roof eaves, sunhoods, gutters, downpipes, chimney flues, light fittings, electricity and gas metres, and aerials.

- No concession to secondary frontage.

4.5.2. Density

- Minimum area per dwelling is 300 m^2 in the General Residential (R1) Zone
- No minimum area for Local Centre (B2) Zone

4.5.3. Design

- For corner lots, dwellings be designed to present to and have vehicle access from alternate frontages, unless one street is a collector road or greater, where access shall be obtained from the lesser street classification.
- No continuous section of wall built on a side boundary shall exceed 50% of the length of the boundary up to a maximum of 10m

4.5.4. Building Height

Measured from natural ground level to:

- Topmost ceiling: maximum 7.2m
- Top of the ridge: maximum 10m

4.5.5. Utilities

- Buildings and structures are to be located clear of utility infrastructure.
- For sewer mains, structures are to be located a minimum of one metre or the equivalent invert depth, whichever is greater, from the centreline of the main.
- Stormwater runoff must not exceed infrastructure capacity.

4.5.6. Site Coverage

- Residential zones: Maximum site coverage of 75% (includes all hardstand areas).

4.5.7. Solar Access

- Shadow diagram are required for developments of ≥ 2 storeys and need to demonstrate habitable rooms of adjoining dwellings and major part of their

landscaped open space to retain a minimum of 4hrs sunlight between 9am-3pm on 21st June (winter solstice).

4.5.8. Privacy

- Multi-storey development must locate and size windows to habitable rooms to avoid facing onto windows, balconies or courtyards of adjoining dwellings.

4.5.9. Parking

Parking is to meet the requirements set out in the following table:

Number of beds in each dwelling	Parking spaces per dwelling	Visitor Spaces
1	1 (enclosed)	1 per 5 dwellings *
2	1 (enclosed)	
3	2 (both enclosed)	1 per 3 dwellings*
4 or more	2 (both enclosed)	1 per 2 dwellings*

* This is the minimum requirement

- Rooms capable of occupation as a bedroom (eg study) are treated as a bedroom for the purpose of calculating parking requirements.

4.5.10. Access

- All weather 2WD access is required to the dwelling.
- Dimensions to meet Australian Standard AS2890.1 Parking Facilities.
- Stack parking is not deemed to satisfy parking requirements
- • All parking and manoeuvring areas to be hardstand (pavers or concrete).
- Developments requiring 4 or more car spaces are to provide adequate turning dimensions to allow all vehicles to enter and leave the site in a forward direction.

4.5.11. Landscaping

- Landscaping shall be provided on the basis of 100m^2 per dwelling for the development site.
- Location and grouping of plant types shall be multi-functional providing privacy, security, shading and recreation functions.
- Landscaping shall comprise only native, drought and frost tolerant species.
- Landscaping shall allow solar access to windows, solar collectors, living areas and drying areas in winter and shade to buildings and outdoor spaces in summer.
- Minimum width of 2m required for all landscaped areas

4.5.12. Private Open Space

- Private open space must be provided in accordance with the following table in relation to its position relative to the dwelling for solar access.

Private Open Space Location	Minimum Amount	Minimum Dimension
North	35 m^2	4 m x 4 m
East	50 m^2	4 m x 4 m
South	60 m^2	4 m x 4 m
West	45 m^2	4 m x 4 m

- Must be directly accessible from a living area.
- Area calculation does not contain intrusions such as drying areas, electricity substation, water tanks, hot water systems, retaining walls.

4.5.13. Outdoor Lighting

- Must provide certification of compliance with AS4282 Control of Obtrusive Effects of Outdoor Lighting if >10 dwellings proposed.

4.5.14. Adaptability

Development of 5 or more units must provide 1 in 5 units capable of conversion to adaptable housing in accordance with AS4299, Class C level.

4.5.15. Facilities

- Screened garbage storage required inside front property boundary, at the rear of each unit or within garages. Storage locations to be included in landscape plan.
- Letterboxes provided at the front property boundary in accordance with Australia Post requirements. Strata developments require an additional letter box for the Body Corporate.
- Clothes drying facilities required free of access ways. Clothes lines and hoists shall be located at the rear of development and adequately screened from adjoining roads.

4.5.16. Utilities and Services

- Multi- dwellings not permitted on unsewered land.
- Servicing strategy is required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale of development.

4.5.17. Storage

- Must provide a minimum of $5m^3$ of dedicated storage area per dwelling in addition to the standard internal storage provision (e.g. wardrobes, kitchen cupboards, pantry, linen press).

4.5.18. Fencing

- Street fencing shall be open or combination of open panels and masonry columns to a maximum height of 1.8 metres.
- Where a street fence is proposed, the section of side boundary fencing located in front of the building setback shall be open or combination of open panels and masonry columns to match front fence.
- Street fencing details are required with DA for dwelling.

4.5.19. Outbuildings and Detached Garages

- Not within building setback.
- Not in front of main dwelling if <4,000m^2 lot.
- If in front of main dwelling, it must be:
  - ⇨ Same construction,
  - ⇨ Matching roof pitch, and
  - ⇨ Appear like part of the habitable dwelling.
- Maximum height of 3.2m to eave, 3.6m to peak of roof or match house roof pitch for General Residential (R1), Large Lot Residential (R5) or Village (RU5)

4.5.20. Ridgelines

- Development roofline must not project above the ridgeline where visible from any public road or place.

4.5.21. Pools

- Where visible from a public place or road, details of screening are to be supplied.
- Any associated retaining walls or decks are not to exceed 1.0 metres above natural surface level.
- Pool pump enclosure to be placed greater than 15 metres from a habitable room in a dwelling on adjoining property or within a sound-proof enclosure.

4.5.22. Water tanks

- Located behind the street setback of the existing dwelling
- Maximum height of 3.2 metres
- Suitably screened where visible from a public place or street

4.6. Subdivision

4.6.1. Lot size

- “Lot size map” and Clause 4.1 of Brewarrina Shire LEP 2012 prescribe the minimum lot sizes for all new allotments.
- Minimum lot sizes do not apply to Strata and Community Title Subdivisions.
- Residential lots must be able to accommodate a rectangle suitable for building purposes measuring 10m x 15m behind the street setback (note there is no concession to a second street frontage for setbacks).
- Easements are not to encumber more than 10% of the total area of the lot.

4.6.2. Servicing Strategy

- All development applications shall provide a servicing strategy (water, sewer, stormwater, telecommunications and electricity) to demonstrate that it is feasible for the subdivision to be serviced in accordance with the requirements of Council’s Engineering Guidelines for Subdivision and Developments.
- The strategy shall include evidence that the developer has consulted with Council’s Manager of Water and Wastewater in relation to the availability and capacity of the existing water and sewer networks consistent with the likely future use of the land.
- For new estates this shall include nomination of a maximum number of equivalent tenements that will be serviced by the infrastructure.

4.6.3. Sewer

- The servicing strategy shall identify the method of providing sewer to the proposed lots in accordance with the Council's Engineering Guidelines for Subdivision and Development.
- Residential lots are to be serviced by gravity sewer. Detail of any lot filling required to achieve minimum grade shall be provided.
- The area within proposed lots shall be capable of being serviced by gravity sewer (unless located within an estate where an alternate sewer system is established).
- Reticulated sewer is required where the Lot Size Map specifies a minimum lot size of up to and including 4000m^2
- On-site sewer management facilities will be required when developing lots where the Lot Size Map specifies a minimum area of 1 hectare or greater.

Water

- The Servicing Strategy shall identify the method of providing water to the proposed lots in accordance with the Council's Engineering Guidelines for Subdivision and Development.
- Reticulated water is to be supplied to subdivisions of land in the General Residential R1 Zone.
- On-site water storage requirements will be applied when future development occurs on lots where the Lot Size Map specifies a minimum area of 20 hectares or greater.

4.6.4. Stormwater Drainage

- The servicing strategy shall include consideration of flows up to the 1:100 ARI flood event or existing natural flow, existing developed flow and post developed flow.
- Minor flows are to be piped to a 1:5 ARI flood event.
- Location of major flows are to be defined to a designated overland flow path up to a 1:100 ARI flood event and are to be dedicated as a drainage reserve.
- Measures to control stormwater flow and water quality are required.
- Where drainage is required to the rear of the lot, inter-allotment drainage shall be located in easements in favour of the upstream properties benefitted by the easement.
- 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.

4.6.5. Telecommunications

- Telecommunications are to be provided underground.

4.6.6. Electricity

- The subdivision is to be serviced by underground electricity of land in the General Residential R1 Zone.
- For subdivision of land in the Primary Production Zone electricity supply is required and may be overhead.

4.6.7. Battle-axe shaped lots

- Minimum area for battle-axe shaped lot is 800m2 excluding the access handle.

- Access handles shall be of a minimum width of 4.5 metres, of which 3 metres is to be constructed and sealed with asphaltic concrete or interlocking pavers at the time of subdivision.
- The topography of the site may require installation of kerbing to manage overland stormwater.
- Battle-axe lots must also share a common boundary with a public reserve of at least 15 metres in length.
- Only 1 Torrens title lot is to use battle-axe handle access.

4.6.8. Industrial lots

- Industrial lots shall have a minimum street frontage and square width of 24m and an area of 1,000m2.
- Industrial subdivision cannot be serviced by cul-de-sac road formation.

4.6.9. Road Network Design

- The road hierarchy shall be defined.
- Roads to be all weather sealed 6m wide pavement with table drains and entry culvert
- Residential subdivision must incorporate appropriate facilities and opportunities for pedestrian and bicycle movement.
- The alignment, width and design standard for all roads shall be in accordance with the expected traffic volume, type of traffic and desired speed in accordance with the Council's Engineering Guidelines for Subdivision and Development.
- Kerb and gutter is required for subdivision where the Lot Size Map specifies a minimum lot size of up to and including 2 ha.
- The road pavement requirement will be determined based on vehicle movements (both current and future) and with consideration to the existing development and character of the locality. Generally, sealed pavement will be required where the Lot Size Map specifies a minimum lot size of up to and including 10 hectares.
- A road within a residential subdivision servicing 15 lots or more must include a constructed pedestrian footpath.
- Subdivision layouts shall make provision for road connection to adjoining undeveloped land.
- Subdivision design shall ensure that individual allotments are within 400 metres walking distance of a collector road.
- Roads to be designed having regard to topographic contours to minimise cut and fill.

4.6.10. Culs-de-sac

- Radius of a cul-de-sac bowl in a residential subdivision shall not be less than 12.5 metres.
- The design must accommodate stormwater drainage overland flow paths.
- Alternate cul-de-sac configuration is not permitted, such as "hammer-head" or "Y" shapes.

4.6.11. Landscaping

- Subdivision involving new road construction shall include street tree planting of suitable species.

- Landscape plans shall be provided for all dual use drainage reserves to enhance recreational opportunities and visual amenity without compromising drainage function.

4.6.12. Site Access

- Public road access is required to all lots.
- Commercial or industrial subdivision shall include provision of a kerb layback which is -
  - ⇨ located at either end of the property frontage;
  - ⇨ not closer than 6m to an intersecting road or break in a traffic island; and
  - ⇨ located so that sight distance is adequate.
  - ⇨ No direct access to arterial or sub-arterial roads shall be permitted where alternatives are available.

4.6.13. Lot Orientation

- Where residential subdivision involves a road running north-south, allotments are to be designed to provide solar access for future development.
- Orientation shall minimise potential overshadowing impacts of existing and future buildings.

4.6.14. Open Space

- Open space provision within residential subdivision will be determined compliance with the provisions of the Site Specific Design Criteria.
- Where required, subdivision design must provide open space achieving the following criteria:
  - ⇨ Minimum area of 0.5ha;
  - ⇨ Buffered from main roads and identified hazards for improved safety;
  - ⇨ Safely accessible by pedestrian and cycleway links;
  - ⇨ Connectivity maximised between open space;
  - ⇨ Walkable access to highest number of the population;
  - ⇨ High passive surveillance opportunities;
  - ⇨ Minimum slope; and
  - ⇨ Provide complimentary uses of open space (drainage, conservation, cycleways etc.) that ensures ongoing usability.

4.6.15. Vegetation

- The design shall accommodate the retention of any significant trees and vegetation.

4.6.16. Garbage collection

- Road design must accommodate the legal movement of garbage collection vehicles.
- Allotments are to allow for placement of garbage receptacles for collection within the alignment of that lot.
- Temporary turning facilities shall be provided to facilitate garbage collection services.

4.6.17. 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.

4.6.18. Contamination

All subdivision development applications are to include consideration of potential land contamination

4.6.19. Road Widths

Road widths are determined based on the road category, in accordance with the table below.

Road Category	Indicative Traffic Volume (vehicles per day)	Road Width (metres)				
		Road Reserve	Traffic Lane	Parking Lane	Median	Verge (footway)
1. Arterial	> 10,000	34	4 x 3.5	2 x 3.0	1 x 5.0	2 x 4.5
2. Sub-Arterial (divided)	6,000 - 10,000	32	4 x 3.5	2 x 3.0	1 x 5.0	2 x 3.5
3. Distributor	4,000 - 6,000	20	2 x 3.5	2 x 3.0	Nil	2 x 3.5
4. Collector	2,000 - 4,000	20	2 x 3.5	2 x 3.0	Nil	2 x 3.5
5.1 Local Serving > 15 lots	500 - 2,000	18	2 x 3.5	2 x 3.0	Nil	2 x 3.5
5.2 Culs-de-sac and short loops	150 - 500	15	2 x 4.0	Nil	Nil	2 x 3.5
5.3 Minor culs-de-sac	0 - 150	13	1 x 6.0	Nil	Nil	2 x 3.5
5.4 Local Access street (laneway)	0 - 50	13	1 x 6.0	2.5 (parking bays)	Nil	2 x 3.5
6. Industrial	NA	25	2 x 3.5	2 x 5.5	Nil	2 x 3.5

4.7. Industrial Development

4.7.1. Building Setbacks

- Street setback must be a minimum of 5m.
- No concession for secondary frontage.
- Street setback must be landscaped.
- Side and rear setbacks to meet BCA requirements.

4.7.2. Design

- Building elevations to the street frontage or where visible from a public road, reserve, railway or adjoining residential area are to incorporate variations in façade treatments, roof lines and building materials.
- Low scale building elements such as display areas, offices, staff amenities are to be located at the front of premises and constructed in brick or finished concrete.
- Roofing materials should be non-reflective where roof pitch is greater than 17 degrees or not visible from a public road.

4.7.3. Utilities and Services

- Servicing strategy is required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale and nature of development.
- Applications must demonstrate adequate provision for storage and handling of solid wastes.
- Trade Waste Application and facilities are required where liquid wastes (excluding domestic waste from a hand wash basin, shower, bath or toilet) are to be discharged to Council's sewerage system.
- Onsite stormwater capture and reuse shall be provided for maintenance of landscaping. Storage tanks shall be appropriately located and screened.
- Buildings and structures are to be located clear of utility infrastructure.
- For sewer mains, structures are to be located a minimum of one metre or the equivalent invert depth, whichever is greater, from the centreline of the main.

4.7.4. Landscaping

- Landscaping is required:
  - ⇨ in the front 5m of street setback;
  - ⇨ side and rear setbacks where visible from public place or adjoining residential area; and
  - ⇨ areas adjacent to building entrances and customer access points.
- Landscaping or shade structures shall be provided in outdoor car parking areas where >10 spaces are required, to provide shading and soften the visual impact of large hard surfaces.
- Landscaping shall comprise only low maintenance, drought and frost tolerant species.

4.7.5. Fencing

- Open work or storage areas visible from a public place or street must be fenced by masonry materials or pre-coloured metal cladding of minimum 2m height. Fencing to be located behind the building setback.
- Security fencing must be also located behind the building setback area except when of a decorative nature to be integrated in the landscaped area.

4.7.6. Traffic and Access

- The Traffic Assessment is required to demonstrate the adequacy of:
  - ⇨ road network,
  - ⇨ site access,
  - ⇨ loading/unloading facilities, and
  - ⇨ safe on-site manoeuvring for largest design vehicle
  - ⇨ wearing surfaces for access driveways, parking areas, loading/unloading facilities and associated vehicle manoeuvring areas relative to the design vehicle.
- Unsealed vehicle movement areas are not acceptable due to environmental management impacts.
- All vehicles must be able to enter and exit the site in forward direction.
- Site access not permitted:
  - ⇨ Close to traffic signals, intersection or roundabouts with inadequate sight distances;
  - ⇨ Opposite other large developments without a median island;
  - ⇨ Where there is heavy and constant pedestrian movement on the footpath;
  - ⇨ Where right turning traffic entering the site may obstruct through traffic.
- Separate signposted entrance and exit driveways are required for developments requiring more than 50 parking spaces or where development generates a high turnover of traffic.
- The number of access points from a site to any one street frontage is limited to 1 ingress and 1 egress.
- Driveways must be provided in accordance with Australian Standard AS2890.1 Parking Facilities.

4.7.7. Parking

The parking requirements are set out in the following table.

Land Use	Parking Requirement
Industrial retail	1 space per 45m^2 GFA
Industrial	1 space per 75m^2 GFA or 1 space per 2 employees. Whichever is Greater
Transport / Truck Depot	space for each vehicle present at peak time onsite and driver parking
Vehicle Body Repair Workshop or Repair Station	1 per 40m^2 GFA or 3 spaces per workshop bay. Whichever is Greater
Warehouses	1 space per 300m^2 GFA or 1 space per employee. Whichever is Greater
Other	Based on predicted

peak vehicle use

- A Portion of customer parking to be provided convenient to the public entrance.

4.7.8. Loading / unloading Facilities

- Adequate space and facilities are required to be provided wholly within the site.
- Loading and delivery bays must be designed to allow vehicles to enter and exit the site in a forward direction.
- Loading bay(s) must be sited to avoid use for other purposes such as customer parking or materials storage and be linemarked and signposted.

4.7.9. Outdoor Signage

- Single occupant industrial site:
  - ⇨ one free standing advertisement within the 5m landscaped setback; and
  - ⇨ one advertisement integrated within the facade of the building, but no higher than the building roof line.
- Multiple unit industrial site:
  - ⇨ one index board near site entrance or within the 5m landscaped setback; and
  - ⇨ one advertisement integrated within the facade of each unit, but no higher than the building roof line.
- Signage must comply with SEPP 64 – Advertising and Signage Schedule 1 Assessment Criteria.

4.7.10. Outdoor lighting

- Must comply with Australian Standard AS4282 Control of Obtrusive Effects of Outdoor Lighting.

4.7.11. Noise

- Windows, doors and other wall openings shall be arranged to minimise noise impacts on residences where proposed within 400m of a residential zone.
- External plant (generators, air conditioning plant etc.) shall be enclosed to minimise noise nuisance where adjoining residential area.

4.8. Commercial & Retail Development

4.8.1. Building Setbacks

- No minimum setbacks are specified.
- Side and rear setbacks must meet BCA requirements.

4.8.2. Height

No height restrictions.

4.8.3. Outdoor Lighting

- Demonstrate compliance with AS/NZS 11583.1 Pedestrian Area (Category P) Lighting and AS4282 Control of Obtrusive Effects of Outdoor Lighting.

4.8.4. Outdoor Signage

- A single business premises is permitted to have:
  - ⇨ one under awning sign,
  - ⇨ one top hamper sign, and

- ⇨ one fascia sign,
- ⇨ that do not project above or beyond that to which it is attached.

One of which may be illuminated, but not flashing, moving or floodlit.

- Design and location of signage must be shown on plans with DA.
- Where there is potential for light spill from signage to adjoining properties, all illuminated signage shall be fitted with a timer switch to dim or turn off the light by 11pm each night.
- Signage must comply with SEPP 64 – Advertising and Signage Schedule 1 Assessment Criteria.

4.8.5. Design

- Building facades shall be articulated by use of colour, arrangement of elements or by varying materials.
- Large expansive blank walls not permitted unless abutting a building on an adjoining allotment.
- Plans must show the location of all external infrastructure (including air conditioning units, plant rooms, ducting) and demonstrate how it will be screened from view from a public place or road.
- Development on corner sites shall incorporate splays, curves, building entries and other architectural elements to reinforce the corner as land mark feature of the street.

4.8.6. Post supported verandahs and balconies

- Set back a minimum of 600 mm from the back of the kerb.
- Must complement the style, materials and character of the building being altered.
- Public liability insurance to Council requirements, and a Council license is required for verandah or balcony awning over the public footpath.
- Not to interfere with operation of or access to utility infrastructure.

4.8.7. Utilities and Services

- Servicing strategy required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale and nature of development. Evidence of consultation with the Council is to be provided.
- Applications must demonstrate adequate provision for storage and handling of solid wastes.
- Trade Waste Application and facilities are required where liquid wastes (excluding domestic waste from a hand wash basin, shower, bath or toilet) are to be discharged to Council's sewerage system.
- Buildings and structures are to be located clear of utility infrastructure.
- For sewer mains, structures are to be located a minimum of one metre or the equivalent invert depth, whichever is greater, from the centreline of the main. See Council Policy "Excavating/Filling or Building Adjacent to or Over Existing Sewer Mains" for further detail.

4.8.8. Traffic and Access

- All vehicles must be able to enter and exit the site in a forward direction.
- Design must demonstrate no conflict between pedestrian, customer vehicles and delivery vehicles.

- Wearing surfaces for access driveways, parking areas, loading/unloading facilities and associated vehicle manoeuvring areas relative to the design vehicle.
- Unsealed vehicle movement areas are not acceptable due to environmental management impacts.
- Loading bay(s) must be sited to avoid use for other purposes such as customer parking or materials storage and be linemarked and signposted.
- Site access not permitted:
  - ⇨ Close to traffic signals, intersection or roundabouts with inadequate sight distances;
  - ⇨ Opposite other large developments without a median island;
  - ⇨ Where there is heavy and constant pedestrian movement on the footpath;
  - ⇨ Where right turning traffic entering the site may obstruct through traffic.
- Separate, signposted entrance and exit driveways are required for developments requiring more than 50 parking spaces or where development generates a high turnover of traffic.
- The number of access points from a site to any one street frontage is limited to 1 ingress and 1 egress.
- Driveways must be provided in accordance with AS 2890.1 Parking Facilities

4.8.9. Parking

Land Use	Parking Requirements
Bulky Goods	1 space per 45 m^2 GFA
Business	1 space per 25 m^2 GFA
Brothels	1 space per staff working at any one time plus 1 space per room where sexual services are provided
Child Care Centre	1 space per every 5 children (based on maximum allowed)
Drive-in takeaway food shop	1 space per 8.5 m^2 GFA plus 1 space per 3 seats
Health Consulting Rooms	3 spaces per practitioner plus 1 space per employee
Hotel	1 space per hotel unit plus 1 space per 3.5 m^2 licensed public floor area
Major Retail Premises	Refer to RTA Guidelines
Medical Centres	1 space per 25 m^2 GFA or 3 spaces per practitioner plus 1 space per employee whichever is greater
Motel	1 space per accommodation unit plus 1 space per 2 employees
Restricted Premises	1 space per 23 m^2 GFA (leasable)
Retail Premises shops < 1,000 m GFA	1 space per 25 m^2 GFA
Retail Premises shops > 1,000 m GFA	2 space per 16 m^2 GFA
Retail Premises video	3 space per 16 m^2 GFA

NB. Other land use requirements are provided in Parking Schedule of the Discretionary Development Standards

4.8.10. Brothels and Restricted Premises

- Must be located at least 150m from any of the following:
  - ⇨ Existing dwelling;
  - ⇨ Residential zone;
  - ⇨ Place of worship;
  - ⇨ Any place designated for and utilised by children (e.g. child care centre, community facility, educational establishment, entertainment facility, recreation area/facility);
  - ⇨ Any other sex services premises.

4.8.11. Landscaping

- Landscaping or shade structures shall be provided in outdoor car parking areas where >10 spaces are required, to provide shading and soften the visual impact of large hard surfaces.
- Edging to be provided to retain mulch and protect the landscaping from damage from vehicles.
- Landscaping shall comprise only low maintenance, drought and frost tolerant species.

4.9. Heritage

4.9.1. Heritage Items

There are a number of buildings and sites within the Shire which have heritage significance. They are listed in the heritage schedule of the Brewarrina Shire LEP.

The following objectives are in the Brewarrina Shire LEP and are repeated here to provide context to the issue:

(a) to conserve the environmental heritage of Brewarrina Shire, and
(b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views,
(c) to conserve archaeological sites,
(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

When carrying out development on the same lot as a heritage item or on lots in the vicinity, it is necessary to carry out an assessment of the impact of the development on the heritage item.

4.9.2. Subdivision

- Subdivision proposals must be consistent with the prevailing subdivision pattern.
- Subdivision of a property containing a heritage item must:
  - ⇨ o Maintain existing building curtilege;
  - ⇨ o Provide for outbuildings and garaging; and
  - ⇨ o Ensure significant landscape features and vegetation are retained.

4.9.3. Alterations and/or additions to existing heritage items

- Destruction of important elements such as chimneys, windows and gables will not be permitted.
- Original details such as panelling, ceilings, skirtings, architraves or remaining door and window furniture, must be retained.
- Fire safety upgrading of buildings must be undertaken in accordance with the NSW Heritage Office manual titled “Heritage on Fire”.
- In relation to siting of alterations and additions, the following criteria apply –
    - ⇨ Basement additions are not permitted at the front elevation
- Extensions or alterations to heritage items should not project beyond the front building line.
- Side additions should not compromise the ability for driveway access to the rear of the block
- Front and side setbacks should be typical of the spacing between buildings located in the vicinity of the new development.
- Extensions or additions to a building on a heritage listed site must only occur at the rear of the existing building or where not visible from the street.
- In relation to roofing -
    - ⇨ Original roof material must be matched in material and colour.
    - ⇨ Skillion roofs of additions must be pitched rather than flat and should be of a depth which is secondary to that of the main building.
    - ⇨ Roof pitch of additions must match existing.
    - ⇨ Roofing must maintain the scale and massing of the existing roof form.
    - ⇨ All roof openings must be located on the rear pitch of the roof and not be visible from the street.
- In relation to size and scale -
    - ⇨ Building bulk and large expanses of solid masonry should be avoided through the use of recesses, bays, vertical elements and/or the use of additional surface treatments/materials.
- In relation to materials and colours -
    - ⇨ Extensions or alterations must retain existing materials and finishes and use compatible materials for new work.
- New face brickwork should match the existing brick in colour and texture, and type of jointing and mortar colour.
    - ⇨ Unpainted facebrick or stone must remain unpainted and unrendered.
- Original timber windows must be retained, repaired or reconstructed in existing buildings. New doors and windows must be of materials consistent with the existing building.
- Colour schemes must match the period of the building.
- Mock historical details must not be applied

4.9.4. Change of Use of a Heritage Item

- Adaptive reuse of a building must:
    - ⇨ Retain all significant fabric of the heritage listed building.
    - ⇨ Retain the general appearance of the building so that its original role can be readily interpreted

4.9.5. Fencing of Heritage Items

- Original fences must be retained and maintained unless they are beyond repair.
- Fences must be of a scale comparable with the street and the building.

- Front fences must be of materials characteristic to the surrounding area, particular to the street and suitable to the era of the house. Examples include timber picket, low masonry, palisade and hedges.
- Plain or colour treated metal fences are not permitted on any street frontage or side boundary in front of the street setback or heritage item.

4.9.6. New Development

- Design shall give consideration to the following -
  - ⇨ New development must have a hipped or gabled roof without unnecessary secondary projections.
  - ⇨ New development must use materials which are consistent with the overall character of the streetscape, as defined by reference to the original older buildings in the immediate locality.
  - ⇨ Openings in visible frontages must retain a similar ratio of solid to void as to that established by the original older buildings.
  - ⇨ If a large area of glass is required, vertical mullions must be used to suggest vertical orientation. A large window could also be set out from the wall to form a simple square bay window making it a contributory design element rather than a void.
- The quality and quantity of existing street front garden landscaping must be maintained.
- Siting of new development shall give consideration to the following -
  - ⇨ New development must be aligned to the predominant building line and must provide for the retention of curtilages around heritage buildings.
  - ⇨ Where there is no identifiable setback pattern, new buildings should be setback at the same distance from the street as the adjoining properties.
  - ⇨ New development must be sited behind the building line of any adjoining heritage item.
  - ⇨ Development patterns such as subdivision layout, setbacks and spaces between buildings should be maintained.
  - ⇨ Size and scale of new development must be consistent with surrounding buildings in terms of the average predominant height, size and proportions.
- Selection of materials should include consideration of the following -
  - ⇨ Bricks of mixed colours (mottled) and textured ‘sandstock’ bricks are not permitted.
- Building bulk and large expanses of solid masonry must be avoided through the use of recesses, bays, vertical elements and/or the use of additional surface treatments/materials.
- Corrugated galvanized iron (or zincalume finish) is a most appropriate roofing material for new buildings in historic areas.

4.9.7. New Ancillary Structures

- Any ancillary structures (e.g. carport, garage, shed) must:
  - ⇨ not be located between the main dwelling front building line and the street frontage;
  - ⇨ be no greater than one storey with an attic;
  - ⇨ must be constructed of materials complementary to the main dwelling;
  - ⇨ be located between the rear of the dwelling and the rear boundary.
- Garages must:
  - ⇨ have simple rectangular plans;
  - ⇨ have doors restricted to single car width;

- ⇨ have a roof form which is gabled or hipped with roof pitch equal or less than that of the main dwelling;
- ⇨ be detached from the existing house;
- ⇨ be set to the rear of the dwelling;
- ⇨ constructed of materials of simple character i.e. weatherboards, vertical shiplap boards and corrugated metal roof sheeting;

- Carports must:
  - ⇨ be of timber frame construction. Standard steel frame carports and garages are not appropriate;
  - ⇨ have a roof pitch slightly lower than that of the main building – generally 25 – 30o;
  - ⇨ be detached from the existing house;
  - ⇨ be set to the rear of the dwelling.

4.10. Animal Boarding or Training Establishment

4.10.1. Building Setbacks

- All following proposed new structures or expansion of existing structures for the purpose of dog kennels, are required to comply with the minimum separation distances outlined below:

Element	Distance
Front building setback	65 m
Side or rear building setback	25 m
All residential zones	300 m
Any dwelling on a neighbouring property	200 m

4.10.2. Noise

- Must comply with the Industrial Noise Policy of the Environment Protection Authority and any relevant policy.
- Sound-proofed holding sheds for all distressed animals must be provided.

4.10.3. Waste and Water Management

- Must demonstrate that waste can be managed without detriment to the environment.
- Stormwater must be disposed off in a manner that does not interfere with adjoining land uses.
- Stormwater and wastewater generated from the cleaning of structures and yard areas will require treatment to remove pathogens prior to being reused on-site for irrigation purposes.
- Applications are to demonstrate that an adequate water supply (reticulated water, rainwater tanks and surface waters) is available to support the proposed development.
- Applications must not solely rely on reticulated water supply to service the needs of the development and must demonstrate an integrated approach to water management using alternate water sources in conjunction with reticulated water.
- Stormwater drains are to be wide, gently sloping open drains that are well vegetated to minimise erosion potential and facilitate filtering of solid particles contained in the runoff.

- In addition to the controls above, the following apply to animal boarding and training establishments for the purpose of dog kennels:
  - ⇨ The flooring of kennels must be constructed from concrete to facilitate ease in cleaning and must be a minimum of 75mm thick.
  - ⇨ Concrete flooring must have a graded fall to the front opening and must be serviced by a catchment drain that is integrated into the on-site wastewater management system prior to any reuse on-site.
  - ⇨ Yard areas must be designed to allow cleansing and removal of refuse and must be fully turfed or concreted. Brick, asphalt or earth yard areas are not permitted.

4.10.4. Transport and Access

- Internal access roads must be of all weather design constructed and have turning areas adequate for large articulated vehicles where required.
- The location of roads, parking and turning areas must recognise potentially sensitive areas such as neighbouring houses.
- The timing and manner of transport activities associated with the development including the frequency, times, routes and number of animal deliveries and pick-ups, feed deliveries and clean-outs must take into consideration the impact on adjoining neighbours.
- Car parking and manoeuvring areas for vehicles must be constructed in accordance with Council's Design Specifications.

4.10.5. Landscaping

- Where native vegetation is limited in its capacity to provide visual screening then the following vegetation design controls apply:
  - ⇨ Site boundaries – vegetative screen. Rows of vegetation to be established and maintained
  - ⇨ Site boundaries – vegetative windbreak (where provided). 3 rows of vegetation to be established and maintained
  - ⇨ Around Site Structures Grassed areas are to be kept maintained
  - ⇨ Open Stormwater Drains Grassed areas are to be kept maintained
- All plantings are to be in groups, consist of advanced stock and are to be a minimum of 12m from buildings to allow adequate air movements. In bushfire prone areas, fire retardant species must be utilised and separation from buildings must be consistent with the requirements of Planning for Bushfire Protection.
- The mature height of tall species should be sufficient to intercept a direct line of sight from a neighbouring dwelling or roadway (measured 2m above the natural ground level).
- Landscaping must not impede on any required area for on-site effluent disposal.

4.11. Land Forming Development

4.11.1. Definition

Land forming development means works associated with agriculture that involve the process of adjusting or altering the natural formation or surface of land, and includes the construction of levees, drains, channels and dams.

4.11.2. Consideration of Development

When considering an application for land forming development, it shall take into consideration the following matters:

- The effect of the development of the potential for wind erosion;
- The effect of the development on the landscape and scenic quality of the land;
- Whether any trees or other vegetation on the land should be preserved;
- The topography of the site and adjoining land, in particular, the level of the land to be developed in relation to the surrounding land;
- The flood liability of the land;
- The likely effect of flooding on adjoining or other land in the locality as a result of the development of the land;
- The risk of soil erosion and other land degradation;
- The loss of important vegetation systems and natural wildlife habitats;
- An estimation of natural peak discharge from the holding for a one in twenty, one in fifty and one in one hundred year rainfall pattern (based on Rational Method as set out in "Australian Rainfall and Run-off") or on such other method as the Council may agree to;
- An estimation of peak discharge from the holding for a one in twenty, one in fifty and one in one hundred year rainfall pattern after the completion of the development; and
- A whole farm plan indicating the proposed overall irrigation layout pattern including provisions for supply, drainage and on farm storage.

4.11.3. Design of Land forming

- The land forming design must be able to:
  - ⇨ Maximise the distance of storm water travel to the discharge point of the holding;
  - ⇨ Maximise time concentration by slowing the rate of stormwater run-off;
  - ⇨ Minimise the volume of overland flow per unit area; and
  - ⇨ Provide buffers such as retention basins and vegetation plots to increase the time of concentration.

4.11.4. Plans

The following details are to be included on land forming development plans:

- *Site Plans* are recommended to be a scale to fit on an A3 or A1 sheet and should show existing and proposed lot boundaries, extent of works, features, vegetation, drainage lines, contours, existing buildings, flood prone land, existing and proposed roads, land capability, areas of special significance and any hazard land.
- *Survey Plans* are recommended to be a suitable scale to fit on an A1 or A3 sheet. These plans should indicate detailed locations of all lots and the balance of title, dimensions and areas lots.
- *Detail Plans* are required to show the following:
  - ⇨ Existing vegetation and trees on the land;
  - ⇨ Existing levels and topographical details of the land including contour lines drawn at suitable intervals;
  - ⇨ The natural pattern of rainfall run-off;
  - ⇨ Divert stormwater away from or around critical features such as steep slopes or unstable soil;
  - ⇨ Provide for zero net increase in peak discharge from the holding and direct such discharge to the natural discharge point; and

- ⇨ Preserve natural drainage lines through the property or make provision for adequate alternative drainage lines.

4.11.5. Levels

- All plans should indicate falls for surface run-off. This may be done using ratios of percentage slope, ie 1 in 80 or 3%.
- Levels should also be indicated as spot levels or contour lines.
- Where changes of level are being incorporated into the design, both new and existing levels should be shown.

4.12. Intensive Livestock Agriculture

4.12.1. Siting and Setbacks

- Development for the purposes of intensive livestock agriculture, are required to comply with the minimum buffers distances outlined below

	Intensive livestock agriculture (except poultry farms)	Poultry farms
Front building setback	175 m	50 m
Side or rear building setback	150 m	50 m
Dwelling on same property	100 m	50 m
Any dwelling on a neighbouring property	150 m	150 m
All residential zones	500 m	500m

- Development must be in accordance with the “Blue Book” Code of Practice for Animal Care produced by the Department of Primary Industries.
- Sites with a slope greater than 5% must not be used for intensive livestock agriculture.
- Sites that have residual chemicals in the soil such as organochlorides and arsenic must not be used for intensive livestock agriculture.
- Development must be located having regard to the topography and microclimate of the area to ensure concentration of odours cannot occur.

4.12.2. Noise, odour and dust

- Where possible, buildings and facilities are to be located out of the line of sight of adjoining neighbours.
- Locate all stationary noise generating machinery within sheds and where practical away from property boundaries.
- Ensure that feed grain is stored in a dry storage area to prevent fermentation.
- Prevent entry of drainage/seepage water into site sheds and storage facilities through the construction of earth contour banks and drainage.
- Feeding troughs and self-feeders must be designed to minimise any spillage that could potentially contribute to odour emissions.
- Appropriately silenced forklifts should be utilised to reduce night noise generation.

- Noise levels generated must not exceed the requirements of the NSW Industrial Noise Policy (NSW EPA, 2000).
- Industry Best Practice Management measures developed to eliminate or reduce odour are to be employed.
- Where practical, major truck deliveries and produce transport should be scheduled for
- reasonable hours of the day.
- In addition to the above, the following controls apply to poultry sheds:
  - ⇨ All poultry sheds are to be appropriately cleaned out after every batch.
  - ⇨ Sheds or structures must be adequately ventilated.
  - ⇨ Shed curtains or shutters must be utilised during shed clean outs (to minimise the impact of dust on adjoining land users). As far as practicable, dust generated must stay within property boundaries.
  - ⇨ The type of litter material chose for shed floors must have regard to its propensity to produce dust.

4.12.3. Soil and Water Management

- Local drainage patterns are to be maintained and stormwater flows effectively managed.
- Development must incorporate the construction of stormwater diversion banks, sedimentation ponds and the installation of a wastewater treatment system to divert and treat wastewater and run-off.
- Suitable impermeable sedimentation pond structures must be constructed that will not contaminate surface and ground waters.
- Development must provide appropriate methods for the adequate management and handling of litter, manure, composting and removal of dead animals.
- Runoff from feeding pens and site buildings (sealed or compacted) is to be collected in sedimentation ponds prior to any irrigation on-site. Contaminated waters must be suitably treated before reuse on the farm.
- All sedimentation ponds are to be de-sludged to remove build-up of solid effluent when their storage capacity is reduced by more than 25%.
- Loads of litter, manure and fed being transported to the property are to be adequately covered.
- Prompt and safe disposal of feed by-products is to be arranged where recycling is not
- possible to avoid the harbouring of pests and vermin.
- Diversion banks may need to be constructed to intercept and divert runoff away from manure stockpile and carcass disposal area.
- Runoff from shed roofs, access tracks and hard stands (sealed or compacted) is to be collected and stored on site.

4.12.4. Transport and Access

- Internal access roads must be of all weather design constructed and have turning areas adequate for large articulated vehicles where required.
- The location of roads, parking and turning areas must recognise potentially sensitive areas such as neighbouring houses.
- The timing and manner of transport activities associated with the development including the frequency, times, routes and number of animal deliveries and pick-ups, feed deliveries and clean-outs must take into consideration the impact on adjoining neighbours.
- Car parking and manoeuvring areas for vehicles must be constructed in accordance with Council's Design Specifications.

4.12.5. Landscaping

- Where native vegetation is limited in its capacity to provide visual screening then the following vegetation design controls apply:
  - ⇨ Site boundaries – vegetative screen. Rows of vegetation to be established and maintained
  - ⇨ Site boundaries – vegetative windbreak (where provided). 3 rows of vegetation to be established and maintained
  - ⇨ Around Site Structures - Grassed areas are to be kept maintained
  - ⇨ Earth dam banks - Grassed areas are to be kept maintained
  - ⇨ Open Stormwater Drains - Grassed areas are to be kept maintained
- Landscaping must incorporate a mixture of trees, shrubs and groundcovers, and where practicable utilise species that are endemic to the Brewarrina Shire.
- All plantings are to be in groups, consist of advanced stock and are to be a minimum of 12m from sheds to allow adequate air movements. In bushfire prone areas, fire retardant species must be utilised and separation from buildings must be consistent with the requirements of Planning for Bushfire Protection.
- The mature height of tall species should be sufficient to intercept a direct line of sight from a neighbouring dwelling or roadway (measured 2m above the natural ground level).
- Tree planting must not impede on the available area for on-site effluent disposal.

4.13. Intensive Plant Agriculture

4.13.1. Siting and Setbacks

- Development for the purposes of intensive plant agriculture, are required to comply with the minimum buffers distances outlined below

`	Horticulture (field based)	Controlled environment structures (igloos)	Viticulture
Front building setback	Nil	20 m	40 m
Side or rear building setback	Nil	20 m	40 m
All residential zones	200 m	200 m	200 m
Dwelling on same property	20 m	20 m	20 m
Any other dwelling	50 m	50 m	50 m

- Development for the purposes of intensive plant agriculture must accommodate future expansion of the farm while maintaining recommended buffer distances.
- Must not be located on visually prominent locations such as ridgelines and highly exposed areas.
- Must, where possible, be sited in locations that maximise opportunities for cooperative packing and labour pooling.
- Must, where practical, be sited in locations that minimise impact to the amenity of surrounding land uses.
- Sites with a slope greater than 5% must not be used for intensive plant agriculture, other than for the purposes of viticulture, which may be located on slopes up to 20%.

- Sites that have residual chemicals in the soil such as organochlorides and arsenic must not be used for intensive plant agriculture.

4.13.2. Controlled Environment Structures

- All controlled environment structures, including covering materials, are to be kept well maintained and in good condition.
- The orientation of controlled environment structures must be determined in accordance with the direction of prevailing winds to take advantage of cooling summer breezes.
- Where possible, controlled environment structures are to be a minimum of 4 metres in height to encourage adequate ventilation, provide optimal growing environment and increase the overall efficiency.
- Development must include the planting and maintenance of vegetative screens and windbreaks.
- Controlled environment horticulture structures are to be raised to facilitate the drainage of stormwater away from structures.

4.13.3. Noise and Odour

- Where possible, site building and facilities are to be located out of the line of visual impact of neighbouring dwellings.
- Ensure that feed grain is stored in a dry storage area to prevent fermentation.
- Prevent entry of drainage/seepage water into site sheds and storage facilities through the construction of earth contour banks and drainage.
- Appropriately silenced forklifts should be utilised to reduce night noise generation.
- Noise levels generated must not exceed the requirements of the NSW Industrial Noise Policy (NSW EPA, 2000).
- Where practical, major truck deliveries and produce transport should be scheduled for reasonable hours of the day. Council acknowledges that farmers need to access markets early in the morning therefore requiring night time vehicle movements.
- Locate all stationary noise generating machinery within sheds and where practical away from property boundaries.

4.13.4. Soil, Waste and Water Management

- Intensive plant or horticultural operations are to incorporate grassed inter-row areas or cover crops between production areas crop rows in order to:
  - ⇨ reduce erosion potential,
  - ⇨ improve soil organic matter,
  - ⇨ provide trafficable areas in wet weather,
  - ⇨ act as biological filters for water run-off, and
  - ⇨ reduce pest and disease levels.
- The existing soil moisture content must be assessed prior to undertaking any cultivation practices to avoid damage to the soil structure from cultivating when too dry or moist.
- Cultivation between crop rows must be minimised and only undertaken for moisture retention and ground preparation.
- Viticulture farms are to incorporate cover crops in their overall farm management practices to reduce erosion potential, improve soil organic matter and reduce pest and disease levels.
- Any cultivation of the site must follow the natural contour lines to increase soil water retention and to minimise erosion potential.

- Applications are to demonstrate that an adequate water supply is available to support the proposed development.
- Water quality tests must be performed to demonstrate that levels of salts, minerals, and pH are suited for horticultural use.
- Stormwater drains are to be wide, gently sloping open drains that are well vegetated to minimise erosion potential and facilitate filtering of solid particles contained in the runoff.
- Local drainage patterns are to be maintained and stormwater flows effectively managed.
- Development must incorporate the construction of stormwater diversion banks, sedimentation ponds and the installation of a wastewater treatment system to divert and treat wastewater and run-off.
- Runoff from site buildings (sealed or compacted) is to be collected in sedimentation ponds prior to any irrigation on-site. Contaminated waters must be suitably treated before reuse on the farm.
- Diversion banks may need to be constructed to intercept and divert runoff away from any composting areas.
- Viticulture farms must consider soil types and their suitability for the production of grapes over the proposed development site.

4.13.5. Pest Management

- Pesticide use must meet the requirements of any relevant pesticide legislation (currently being the *NSW Pesticides Act 1999* and associated regulations such as the *Pesticides Regulation 2009, Pesticides Amendment (Records) Regulation 2001* and the *Pesticides Amendment (User Training) Regulation*, administered through the NSW Department of Environment, Climate change and Water).
- The storage, transport, and keeping of records for all pesticides used in intensive plant agriculture farms are to be in accordance with any relevant legislation (currently being the *NSW Pesticides Regulation 1995*).

4.13.6. Transport and Access

- Internal access roads must be of all weather design constructed and have turning areas adequate for large articulated vehicles where required.
- The location of roads, parking and turning areas must recognise potentially sensitive areas such as neighbouring houses.
- The timing and manner of transport activities associated with the development including the frequency, times, routes and number of deliveries and pick-ups must take into consideration the impact on adjoining neighbours.

4.13.7. Landscaping

- Where native vegetation is limited in its capacity to provide visual screening then the following vegetation design controls apply:
  - ⇨ Site boundaries – vegetative screen. Rows of vegetation to be established and maintained
  - ⇨ Site boundaries – vegetative windbreak (where provided). 3 rows of vegetation to be established and maintained
  - ⇨ Around Site Structures - Grassed areas are to be kept maintained
  - ⇨ Earth dam banks - Grassed areas are to be kept maintained
  - ⇨ Open Stormwater Drains - Grassed areas are to be kept maintained
- All plantings are to be in groups, consist of advanced stock and are to be a minimum of 12m from structures to allow adequate air movements. In bushfire prone areas, fire retardant species must be utilised and separation from

buildings must be consistent with the requirements of Planning for Bushfire Protection.

- The mature height of tall species should be sufficient to intercept a direct line of sight from a neighbouring dwelling or roadway (measured 2m above the natural ground level).
- Landscaping must not impede on the available area for on-site effluent disposal.
- The mature height of tall species must not impede or shade the available growing area for horticultural crops.
- Landscaping must incorporate a mixture of shrubs and groundcovers, and where practical utilise species that are endemic to the Brewarrina Shire.

Chapter 6: General Development Specifications

6.1. Introduction

This chapter covers the development specifications for a number of development associated types like parking, landscaping, outdoor lighting and advertising and signage that has not been discussed in they previous chapter.

6.2. Other Development Types

6.2.1. Parking

- Parking must be provided as per the Schedule in Appendix 1.
- Where calculation of parking spaces required results in a fraction of a space, the total required number of spaces will be the next highest whole number.
- Parking and traffic requirements will be based on consideration of:
  - ⇨ likely peak usage times;
  - ⇨ the availability of public transport;
  - ⇨ likely demand for off street parking generated by the development;
  - ⇨ existing traffic volumes on the surrounding street network; and
  - ⇨ efficiency of existing parking provision in the location.
- Comply with Australian Standard AS2890.1 Parking Facilities.
- Where existing premises are being redeveloped or their use changed, the following method of calculation shall apply:-
  (a) Determine the parking requirements of the previous or existing premises in accordance with Appendix A;
  (b) Determine the parking requirement of the proposed development in accordance with Appendix I to these Guidelines;
  (c) Subtract the number of spaces determined in (a) above from the number of spaces calculated in (b) above;
  (d) The difference calculated in (c) above represents the total number of parking spaces to be provided either in addition to the existing on-site car parking or as a cash-in-lieu contribution to Council where applicable.

6.2.2. Landscaping

- Location and grouping of plant types shall be multi-functional providing privacy, security, shading and recreation functions.
- Landscaping or shade structures shall be provided in outdoor car parking areas where >10 spaces are required, to provide shading and soften the visual impact of large hard surfaces.
- Landscaping shall comprise low maintenance, drought and frost tolerant species.

6.2.3. Outdoor Lighting

- All developments shall demonstrate compliance with Australian Standard AS4282 Control of Obtrusive Effects of Outdoor Lighting.
- Sweeping lasers or searchlights or similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.

6.2.4. Outdoor Advertising / Signage

- Where there is potential for light spill to adjoining properties, all illuminated signage shall be fitted with a timer switch to dim or turn off by 11pm each night.
- Signage must comply with SEPP 64 – Advertising and Signage Schedule 1 Assessment Criteria.
- Advertising in Primary Production zones may only:
  - ⇨ advertise a facility, activity or service located on the land; or
  - ⇨ direct travelling public to a tourist facility or building or place of scientific, historical or scenic interest within the area. Cannot include names of proprietary products or services or sponsoring businesses. Each sign must be sited a minimum distance of 1km from each other.
- External illumination to signs must be top mounted and directed downwards.
- The following types of signs are not acceptable:
  - ⇨ Portable signs on public footways and road reserves including A Frame and Sandwich Boards;
  - ⇨ Electronic trailer mounted road signs used for promotional or advertising purposes;
  - ⇨ Outdoor furniture (including chairs, bollards and umbrellas) advertising products such as coffee, alcohol or soft drink;
  - ⇨ A roof sign or wall sign projecting above the roof or wall to which it is affixed;
  - ⇨ Flashing or intermittently illuminated signs;
  - ⇨ Advertisements on parked motor vehicles or trailers (whether or not registered) for which the principal purpose is for advertising;
  - ⇨ Signs fixed to trees, lights, telephone or power poles;
  - ⇨ Signs which could reduce road safety by adversely interfering with the operation of traffic lights or authorized road signs;
  - ⇨ Any sign which would in the opinion of Council, be unsightly, objectionable or injurious to the amenity of the locality, any natural landscape, public reserve or public place;
  - ⇨ Numerous small signs and advertisements carrying duplicate information; and
  - ⇨ Overhead banners and bunting, except in the form of temporary advertisement.

6.3. Environmental Controls

6.3.1. Environmental Effects

- The application documentation shall identify any potential environmental impacts of the development and demonstrate how they will be mitigated. These impacts may relate to:
  - ⇨ Traffic
  - ⇨ Flood liability
  - ⇨ Slope
  - ⇨ Construction impacts
  - ⇨ Solid and Liquid Waste
  - ⇨ Air quality (odour and pollution)
  - ⇨ Noise emissions
  - ⇨ Water quality
  - ⇨ Sustainability

6.3.2. Soil and Erosion Control

- Runoff shall be managed to prevent any land degradation including offsite sedimentation.
- Cut and fill will be minimised and the site stabilised during and after construction.
- Arrangements in place to prompt revegetation of earthworks to minimise erosion.

6.3.3. Vegetation

Development design shall accommodate the retention of any significant trees and vegetation.

6.3.4. Waste Management

General waste storage and collection arrangements shall be specified.

6.3.5. Noise

- Where relevant, applications are to contain information about likely noise generation and the method of mitigation.

6.3.6. Geology

- The design process must give consideration to the potential impact of erosive soils, saline soils, soils of low wet strength, highly reactive soils and steep slopes and document how these constraints are addressed.