

# Forbes Shire Council DEVELOPMENT CONTROL PLAN 2013 (V2)



# FORBES SHIRE COUNCIL DEVELOPMENT CONTROL PLAN 2013

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### Change History

Version	Change Details	Council Resolution
V1	Adopted Development Control Plan	21 June 2012 (Minute No: 601/2012)
V2	Amendments to outbuilding requirements	11 December 2014 (Minute No: 1078/2014)



## CHAPTER 1 – ADMINISTRATION

### 1.1 Name of Plan

This plan is cited as Forbes Development Control Plan 2013, as provided under Section 72 of the Environmental Planning and Assessment Act, 1979 (as amended) and Clauses 20 – 24 of the Environmental Planning and Assessment Regulation, 2000.

### Objectives of this Plan

### 1.2 Adoption

This plan was adopted by Council on 21 June 2012 and came into force on 9th August 2013 in accordance with Clauses 20(4) of the Environmental Planning and Assessment Regulation, 2000.

### 1.3 Land to which this Plan Applies

This plan applies to all land within the Forbes Shire Local Government Area.

### 1.4 Relationship with other Plans

This plan supplements Forbes Local Environmental Plan 2013 and provides more detailed provisions to specific developments where appropriate. It supersedes all other existing Development Control Plans, namely Forbes Development Control Plan No's 1 to 11.

### 1.5 How to use this Plan

This plan is a matter to be taken into consideration by applicants when proposing development of the land and by Council in assessing development applications under Section 79C of the Environmental Planning and Assessment Act, 1979 (as amended). In assessing development applications Council shall have regard to the Forbes Local Environmental Plan 2013, this Development Control

Plan and those matters detailed in Section 79C of the Environmental Planning and Assessment Act, 1979 (as amended) and any other relevant legislation that may be applicable.

Council's requirements are identified as "**Objectives**" which have been underpinned with appropriate "**Development Standards**" which seek to guide and control the residential development.

The **Objectives** state what Council is endeavouring to achieve in its control of the development. Each Objective is supported by **Development Standards**, which outline the preferred method of achieving the objective/s.

Council may vary the development standards where it can be demonstrated that the resultant development is consistent with the objective/s of that development standard and is likely to provide a better design and planning solution.

## 1.6 Variation to the Requirements of this Plan

The objectives for specific design elements are supported by minimum numerical standards, which are intended to provide a guide for developers. Each application is assessed on its merits having regard to the specific site and strict compliance with the numerical standards does not guarantee development consent will be granted. Council has adopted a performance based approach to residential development and may vary these standards where the applicant can demonstrate that such variation will meet the underlying objectives and is likely to provide a better planning solution.

Any applicant wishing to vary a standard in this DCP must request the variation in writing, providing a detailed justification for the request and evidence that a better design outcome will result from the variation. Council will not approve any variation unless it is fully satisfied with the argument for non-compliance.

## 1.7 Definitions

The "Dictionary" attached to Forbes Local Environmental Plan 2013 defines the words and expressions used in this Plan.

## 1.8 Structure of DCP

This Development Control Plan comprises the following Chapters:

Chapter 1 – Administration

Chapter 2 – How to Lodge Your Development Application

Chapter 3 – Subdivision

Chapter 4 – Flooding and Flood Affected Land

Chapter 5 – Urban Residential Development

Chapter 6 – Multi-Unit Residential Development

Chapter 7 – Forbes Urban Release Area

Chapter 8 – Administration

Chapter 9 – Rural Development

Chapter 10 – Commercial Development

Chapter 11 – Industrial Development

Chapter 12 – Demolition

Chapter 13 – Heritage

Chapter 14 – Salinity

Chapter 15 – Public Notification and Exhibition

**Appendix 1 – Integrated Development**

**Appendix 2 – Species Listing Recommended For the Forbes Shire**

**Appendix 3 – Salt Tolerant Plant Species Recommended For the Forbes Shire**

Only those Chapters relevant to a particular development need to be taken into consideration in its design and application to the proposed development.





## CHAPTER 2 – GUIDE TO DEVELOPMENT APPLICATIONS

### 2.1 Introduction

This chapter explains how to prepare and lodge a development application. It provides a simple, step-by-step guide to all the things you need to do before submitting a development application to Council for consideration.

You can use this Development Application Guide as a checklist for completing your plans and other supporting documentation. If your application includes all the required details, Forbes Shire Council can deal with it much more effectively and efficiently.

### 2.2 What's a 'DA'?

A Development Application (or DA) is a formal request for permission to carry out a proposed development. The carrying out of development without approval (or development consent) of Council is illegal and carries severe penalties.

Development is legally defined under the Environmental Planning and Assessment Act, 1979 (as amended) as being:

- the erection, including alteration in whole or part, of a building;
- work in, on, over or under land;
- the use of land or of a building;
- the subdivision of land;

### 2.3 Do I need to make a 'DA'?

You need to make a development application if you propose to do any of the following works:

- erect a new building or structure, including outbuildings, swimming pools, retaining walls, etc
- add to, or alter, an existing building
- demolish a building
- change the use of an existing building or premises to another use
- subdivide land
- display or erect an advertising sign
- carry out earthworks, excavation or filling

Minor developments may be identified under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and Forbes Local Environmental Plan 2013 as being development which does not require a Development Application (DA). This may be either as:

- Exempt Development or
- Complying Development.

## Exempt Development:

Development that does not need the development consent of Council where it complies with the established criteria for the type of development proposed.

## Complying Development:

Development for which appropriate "Complying Development Certificates" may be submitted to Council certifying the appropriate works have been undertaken in lieu of the development application process.

**Note:** Sometimes it is not clear whether something requires a Development Application. Please check with Council if you are unsure before proceeding

## 2.3 Pre-Lodgement Meeting

Council offers a pre-lodgement service, whereby you can bring in draft plans and discuss your development proposal in detail with Council's Development and Engineering Staff. While pre-lodgement meetings are not mandatory they have proven to be beneficial in ensuring awareness of State and Local Planning Controls, development application requirements and procedures, timelines and likely controls to be imposed upon the prospective development. Pre-lodgement meetings have proven to provide a better understanding of development application for both the applicant and Council and assist the preparation of all relevant information to greatly reduce the time taken to consider the application.

## 2.4 How to Lodge a Development Application

To make a development application, follow the five steps:

1. Investigate Planning Controls (SEPP's, LEP, DCP) - The rules, which apply.
2. Prepare plans; drawings; specifications and complete your BASIX Certificate (as required).
3. Prepare a Statement of Environmental Effects – The detail required is relative to the complexity of the proposed development.
4. Complete the Development Application Form.
5. Complete Lodgement Checklist and submit your application and pay the fees.

## Step 1 Applicable Development Controls

The first step in preparing a development application is to find out about our policies and the rules, which apply to your development. Before you start designing/preparing your proposal, you need to know about:

- Approval requirements under the Environmental Planning legislation;
- State Environmental Planning Policies
- Forbes Local Environmental Plan 2013
- Forbes Development Control Plan 2013; and
- relevant Council Policies.

Most initial enquiries can be answered over the phone but it is better to call in personally to the Council.

For large or complex proposals it is always advisable to have a pre-lodgement meeting. You are likely to save time and money if you sort out any problems before you submit your application.

## Need approval from other agencies? –Integrated Development – Refer to Appendix 1

Your proposal may require approval from other government agencies. Where possible, we can help you identify relevant agencies. Circumstances requiring Integrated Development Approvals are outlined in Appendix 1. However, it is your responsibility to ascertain which approvals are required. Agencies from which you may need an approval include:

- NSW Office of Water
- Office of Environment and Heritage
- NSW Department of Primary Industries
- NSW Fisheries
- Roads and Maritime Service

We strongly recommend that you consult with the relevant agencies as early as possible.

## Any Questions?

If you need more information or advice, phone us on 68502344 or come in and speak to our Customer Service staff.

## Step 2 Prepare plans and drawings

The following is a general guide to types of plans you will need to prepare.

### A. Site plan

This plan illustrates and analyses existing conditions at the site in relation to surrounding land and buildings. Draw the plan at a standard scale such as 1:100 or 1:200 and include the following details, which are relevant to your proposal:

#### Orientation

- north point
- scale (show ratio and bar scale)

#### Property details

- property boundaries
- easements, rights of way, sewer mains

#### Landform and vegetation

- contours or spot levels

#### Access

- public roads, laneways, pathways
- driveways, parking areas, loading bays

#### Existing development

- show existing buildings on the site proposed buildings (show outline only)
- fences, walls and swimming pools

### B. Scaled Plans and elevations

These drawings will clearly show the proposed building/s and works. Draw plans, elevations and sections at standard scales such as 1:100 or 1:200, and include the following details:

#### Plans

- north point (true north)
- scale (show ratio and bar scale)
- location of proposed new buildings, alterations or works (show setback distances from boundaries and adjoining buildings)
- existing buildings (show outline only)
- room layout, partitioning, location of windows and doors
- room dimensions, areas and proposed uses
- vehicle entrance and exit driveways
- car parking and loading areas (show dimensions)

## C. Subdivision Plan

This plan will clearly show the proposed subdivision layout. Draw the plan to a standard scale such as 1:100 or 1:200, and show the following details:

- north point (true north)
- scale (show ratio and bar scale)
- existing and proposed boundaries
- lot and deposited plan numbers
- relationship to adjoining roads and subdivision boundaries (show width of roads)
- proposed boundary dimensions (metres)
- proposed lot areas (square metres)
- proposed roads, pathways (indicate width)
- proposed easements and rights of way
- proposed public reserves, drainage reserves
- existing and finished levels (contours or spot heights with Australian Height Datum values)
- long sections and cross sections of proposed roads
- any environmental constraints

## D. BASIX Certificate

'BASIX Certificate' The Building Sustainability Index (BASIX) is a web-based planning tool designed to assess the potential performance of residential buildings against a range of sustainability indices, [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au).

A BASIX Certificate identifies the sustainability features required to be incorporated in the building design. These features may include sustainable design elements such as recycled water, rainwater tanks, AAA-rated showerheads and taps, native landscaping, heat pump or solar water heaters, gas space heaters, roof eaves/awnings and wall ceiling insulation.

The applicant is required to submit the BASIX Certificate with the Development Application or Complying Development Certificate application. The plans and specifications must also identify the BASIX commitments which will be checked by a professional building certifier during construction. Where submitted plans or specifications are inconsistent with the relevant BASIX Certificate, Council should require applicants to submit consistent applications before progressing the assessment process, either by amending plans/specifications or by submitting a new BASIX Certificate with commitments that match the rest of the application.

**Note:** Applicants can generate the BASIX Certificate only on the NSW Department of Planning and Infrastructure's BASIX website: [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au). For more information, phone DoPI's BASIX Help Line on 1300 650 908.

## Step 3 Prepare the Statement of Environmental Effects

### What is a Statement of Environmental Effects (SEE)?

A Statement of Environmental Effects (SEE) is a short report, which explains the likely impacts of the proposal and how you will minimise these impacts. The matters required to be addressed and level of detail will depend upon the nature and scale of the proposed development. Some of the more standard matters covered in a standard SEE include:

- Site suitability
- Present and previous uses
- Compliance with development standards
- DCP and/or other design guidelines
- Operation and Management
- Access and Traffic
- General pedestrian or other accessibility
- Privacy, views and overshadowing



- Air and noise
- Drainage
- Erosion and sediment control
- Heritage
- Waste
- Site Management

All development applications require a Statement of Environmental Effects.

## Step 4 Complete the Application Form

The following questions on the Application Form require particular attention:

### Owner's consent/signature

You must obtain the consent of the landowner. If there is more than one landowner, every owner must sign. If the owner is a company or owners' association (body corporate), the application must be signed by an authorised person under common seal. If the application form is not signed by the landowner/s and by you as the applicant Council cannot determine the application.

### Estimated cost

We will check the estimated cost of work stated in your application by using Cordell's Building Cost Guide. The cost should be an accurate estimate of the actual costs of the development.

### Proposed development

You must describe the proposed development in detail. Tell us exactly what you propose to do. If you can't fully describe your proposal in the space provided on the application form you will need to include a full description in your Statement of Environmental Effects.

### Other agency approvals

Under the planning laws you must indicate on the application form whether you need an approval from another Government agency in addition to development consent. If your proposal does require another approval, we will deal with it as 'integrated development'.

Our application form contains a list of other approvals that may be required which include the following:

### Approval Body: Law Requiring Approval

- |      |   |
|------|---|
| OE&H | s.58 Heritage Act 1977.   |
| RMS  | s.138 Roads Act 1993.   |
| OE&H | Licenses under ss. 17A, 17C and 17D and approvals under s.171 of the Pollution Control Act and licenses under s.44 of the Waste Minimisation Act. |
| OE&H | Part 3A, Rivers and Foreshores Improvement Act 1948 ss. 10, 13A, 18F, 20B, 20CA, 20L, 116 and Part 8, Water Act 1912.                             |
| DPI  | S.90 National Parks and Wildlife Act 1974.  |
| DPI  | S. 144, 201 and 205 of Fisheries Management Act 1994.   |

If you are unsure whether another approval is required, please consult the relevant agency. Similarly, if your proposal involves any of the above matters, we strongly recommend that you consult with the agency concerned before you lodge your application

Applications for 'integrated development' will be referred to the relevant agency to obtain their 'general terms of approval'. These requirements will then be incorporated in the conditions of any development consent issued by Council. Should the relevant approval body not be prepared to issue their general terms, Council cannot approved the application.

Applications for 'integrated development' attract an extra fee and an extra set of plans per approval body. The additional fee is payable to the approval body therefore the fee must be submitted separately by cheque to Council so we can forward it to the Approval Body with your application.

## Local Government Act Approvals

If your proposal also requires a Council approval under the Local Government Act you should include this in your development application. By doing this you will avoid the need to make a separate application later. An additional fee may also apply. Please check with our Environmental Services Division for further information on these approvals.

## Step 5 How to lodge your application

We prefer that you lodge your application personally at our Customer Service Section. This is because we can check to see that you have completed the form and have all the necessary information.

### Please check that your Development Application includes

- Application Form - signed by all landowners and applicant.
- Lodgement checklist.
- Application fees.
- One copy of Statement of Environmental Effects.
- Three copies of plans. They should fold to A4 size sheets.
- Two copies of any relevant specifications.
- BASIX Certificate (where required).

## Fees

Fees are calculated on a scale based on the estimated cost of development (or the number of lots in the case of subdivision)

### Plan first

A separate fee is payable to the State Government under the planfirst initiative, calculated by Council on a scale based on the estimated cost of development (or the number of lots in the case of subdivision)

### Long Service Levy

If your proposal involves building work with a value of \$25,000 or more you need to pay the Building Industry Long Service Levy. You must pay this with your development application. Under the new planning laws, we cannot grant development consent until the levy is paid in full (or the first instalment is paid, in the case of instalment payers)

### Payment options

**Cheque:** Make your cheque payable to 'Forbes Shire Council'

**Cash:** Only for applications lodged at our Customer Service Section. You can pay cash between 8.30am and 4.45pm Monday to Friday

**Cards:** Bankcard, Mastercard, Visa and EFTPOS

**NOTE:** This checklist must be completed by the applicant prior to the lodgement of any Development Application

## LODGEMENT CHECKLIST: ALL DEVELOPMENT APPLICATIONS

DA Number ..... Address: .....

.....

		Applicants use		Office use	
		YES	NO	YES	NO
1.	Has this proposal been the subject of a prelodgement meeting?				
2.	Has the application been prepared in accordance with the DA Guide?				
3.	Does the property have Heritage Significance?				
4.	If yes, has a Heritage Impact Assessment been provided?				
5.	Has consent of all owners been provided (and company seal if applicable)				
6.	Has the application form been completed (eg. Correct description)				
7.	Has one copy of the Statement of Environmental Effects been provided?				
8.	Have 3 sets of plans and 2 copies of specifications been provided (including 3 shaded copies for alterations or additions to existing building.)?				
9.	Are the plans drawn to a scale of 1:50, 1:100 or 1:200? Do the floor plans clearly illustrate:				
	the layout of the proposed development (site plan)?				
	internal walls/partitions and room names or uses?				
	figured dimensions of existing and proposed work?				
	setbacks from boundaries				
10.	Has the applicant included the BASIX CERTIFICATE?				
11.	Have 3 copies of a survey plan been provided showing: (Note: required for new buildings and ground and 1st floor additions to existing buildings)				
	contours/spot levels (drawn to AHD for Foreshore Areas or to a benchmark on the road in all other case) and location of existing buildings and trees				
	position of floor, eaves and ridge height levels for buildings on adjoining sites, and spot levels on adjoining sites adjacent to boundaries?				
12.	Have all elevations and sections been provided showing: (See page 5 of DA Guide for details)				
	ground level				
	finished ground level				
	height of the proposed development from natural ground level?				
	external finishes?				
13.	Have parking and/or garaging details been provided including access and exit points, dimensions and ramp gradients?				
14.	(a) Is the proposal within Flood liable land?				
	(b) If yes, has a flood height survey been provided?				

## CHECKLIST FOR DUAL OCCUPANCY AND TOWN HOUSES MULTI UNIT HOUSING

1.	Does the proposal involve 3 or more storeys and 4 or more dwelling?				
	If yes, see separate checklist below for submission requirements under SEPP 65.				
2.	Are proposed garbage, clothes drying areas and letterboxes shown?				
3.	Have landscaping details been provided, including:				
	location of any trees to be removed?				
	location of planting and turf areas?				
	driveway and path details?				
4.	Have detailed calculations been provided, including				
	calculation of required minimum site area (for town houses and multi-unit housing) and boundary setbacks?				
	number and allocation of parking spaces dimensions, aisle widths and ramp grades required?				
	gross floor area of the building?				

## CHECKLIST FOR BUSINESS AND INDUSTRIAL DEVELOPMENT

1.	Have the hours of operation been stated?				
2.	Have details of any plant or machinery to be installed been provided?				
3.	Have full details of the type, size and quantity of goods to be manufactured, stored or transported been provided?				
4.	Have details of the number of offices/units and floor space been provided?				
5.	Has landscaping information been provided (same requirements as for dual occupancy & townhouses/residential flat building)?				
6.	Have details on disabled access and facilities been provided?				
7.	Have details on waste management (including type and quantity of waste generated and size or location of waste storage areas been provided)?				
8.	Have details on any proposed advertising been provided?				
9.	Have details on waste management (including type and quantity of waste generated and size or location of waste storage areas been provided)?				
10.	Have details on any proposed advertising been provided?				

## CHECKLIST FOR SUBDIVISIONS

1.	See Special Conditions in Council's Subdivision Development Guide				
	Phone: (02) 6850 2300 Fax: (02) 6850 2399  Postal Address: PO Box 333 FORBES NSW 2871  E: <a href="mailto:forbes@forbes.nsw.gov.au">forbes@forbes.nsw.gov.au</a>  Hours: 8:30 am to 5:00 pm Monday to Friday				



## CHAPTER 3 –SUBDIVISION

### 3.1 Preamble

This Chapter of the Forbes DCP is prepared for the guidance of subdividers. It supplements the requirements of the Local Government Act, the Environmental Planning and Assessment Act and associated Regulations and the Forbes Local Environmental Plan 2013. Generally the minimum allotment sizes are stipulated by the Forbes Local Environmental Plan 2013 according to the prevailing zoning of the land and can be found on the “Lot Size Map”. This chapter contains further details to be considered for development involving subdivision of the land.

### 3.2 Land to which this Plan Applies

This plan applies to all proposed subdivisions of the land including urban and rural subdivisions of all forms including subdivision under the Strata Titles Act and Community Land Development Act.

### 3.3 Objectives

The Objectives of this Development Control Plan are to:

- (a) Ensure a high quality of subdivision and delineation of allotment boundaries throughout the Forbes Shire;
- (b) (Encourage site responsive development which reflects the opportunities and constraints of individual sites and preserves or enhances its special qualities.
- (c) Ensure development is consistent and compatible with the established streetscape and character and enhances the amenity of residential areas; and
- (d) Assist developers and applicants in the preparation and submission of applications in order to expedite the assessment process.

### 3.4 Submission

- (a) All plans are to be drawn to scale;
- (b) Subdivision plans shall be prepared by a registered surveyor to ensure the accuracy of existing and proposed allotment boundaries;
- (c) All plans shall contain a proper description of the land by Lot and Deposited Plan;
- (d) Any easement, right-of-way or restriction shall be created pursuant to Section 88B of the Conveyancing Act, 1919.



## 3.5 Consideration of Physical Constraints

Prior to the preparation of a proposed plan of subdivision it will be necessary to identify the physical constraints to the site/land which are likely to have an influence upon perspective allotment boundaries. This consideration should be in the form of a Site Analysis Plan which includes identification of the following elements:

- Orientation - North
- Existing structures/improvements on the land
- Improvements upon immediately adjoining land
- Slope
- Natural & existing drainage
- Existing hazards such as bushfire or flooding
- Any easements encumbrances
- Existing/proposed accesses
- Existing/Proposed Service arrangements

## 3.6 Size of Allotments

### 3.6.1 Residential

- (a) Residential lot size is to be not less than 550 m<sup>2</sup>. As far as possible new lots should have at least a frontage of 16.8 m and a depth of 30 m. Irregular lots such as truncated or wedge shaped lots at the end of cul-de-sacs must have a mean width of at least 15 m and a width of 14 m at a distance of 6 m from the street alignment. Exceptional circumstances will be dealt with on their merits.
- (b) Corner lots are to be provided with 4 m cut off for splay purposes. When the corner angle is less than a right angle a deeper cut off may be required by the Council.
- (c) Council does not consider the creation of battle-axe allotments from undeveloped land as an acceptable form of subdivision. A battle-axe subdivision will only be considered in isolation and will be determined on its merits having regard for the size, shape, location and amenity of the surrounding area. A battle-axe allotment shall have an access way of not less than 6 m in width and shall have a minimum area exclusive of the access way of 650 m<sup>2</sup>.

### 3.6.2 Large Lot Residential

- (a) Large Lot Residential blocks are basically used for residential purposes and not created to sustain a rural income.
- (b) Minimum allotment sizes are typically characteristic of service availability and/or flood risk as follows:
- (c) Allotments serviced by reticulated sewage – minimum 4,000m<sup>2</sup>
- (d) Allotments requiring on site effluent disposal –minimum 2ha (20,000m<sup>2</sup>)
- (e) Allotments requiring on site effluent disposal (where it can be demonstrated by a suitably qualified practitioner that onsite effluent disposal can be undertaken without environmental impact – minimum 1ha (10,000m<sup>2</sup>)
- (f) Allotment subject to low hazard flood risk 2ha (20,000m<sup>2</sup>)
- (g) Allotments subject to high hazard flood risk 10ha (100,000m<sup>2</sup>)
- (h) Large Lot Residential and Small Rural Holdings allotments while they may have cut off corners and some irregular shaped boundaries must have a reasonable overall shape with a maximum ratio of depth to width of 4:1. The creation of battle-axe blocks is not an acceptable form of subdivision.

### 3.6.3 Primary Production

- (a) The minimum lot size for rural land is as set out in the Forbes Local Environmental Plan 2013 being 200 hectares for land within the RU1 – Primary Production Zone.
- (b) Allotments proposed for irrigated agriculture may be reduced in accordance with the requirements of FLEP2013 as follows:

- Irrigation from River Water Source – 40ha
- Irrigation from Jemalong/Wydles Plain Scheme – 100ha
- Irrigated from ground water source – 40ha

Note: The following requirements must be met for subdivision for irrigated agriculture:

- Evidence of the installation of necessary irrigation infrastructure;
- Evidence of necessary water licenses; and
- Assessment of Sustainability of proposed enterprise.

### 3.6.4 Primary Production - Small Lots

- (a) Primary Production - Small Lots are allotments where the agricultural use of the land is dominant and residential occupation is secondary.
- (b) The minimum allotment size for primary production small lots is 10ha (100,000m<sup>2</sup>)
- (c) Irregular shaped boundaries must have a reasonable overall shape with a maximum ratio of depth to width of 4:1. The creation of battle-axe blocks is not an acceptable form of subdivision.

### 3.6.5 Commercial

In established and proposed shopping areas, the minimum frontage of any shop is to be 6m, unless such shop forms part of a block of shops built on land, under the one title and this land has a minimum frontage of 6m. Where the proposal is in an established shopping area, the existing setback should be maintained.

### 3.6.6 Industrial

Where land for industrial or similar uses is proposed, the size and dimensions of lots abutting or across streets from residential lots should be appropriate and available for development that provides an effective high amenity transition.

### 3.6.7 Strata & Community Title Subdivision

The minimum allotment size for a strata or community title allotment within a subdivision shall be 250m<sup>2</sup>.

The minimum allotment upon which a strata or community titled subdivision shall be 740m<sup>2</sup>.

## 3.7 Roads

The road network within the Forbes Shire is comprised of six (6) distinct classes of roads as follows (from lowest to highest)

## 3.8 Provision of Utility Services within the Subdivision

### (a) R1 - Residential

The following facilities/services shall be provided at no cost to the Forbes Shire Council:-

- Sealed Road
- Kerb & Gutter
- Footpath
- Electricity
- Telephones
- Water & Sewerage
- Gas
- Street Lights
- New Street Identification Signs

## (b) R5 - Large Lot Residential

The following services shall be provided at no cost to the Forbes Shire Council:-

- Sealed Road
- Electricity
- Telephone
- Water
- Street Lights
- New Street Identification Signs

Traffic Volume (AADT)	Servicing No. of Lots	Hierarchy	Road Reserve Widths (min)	Vehicle Pavement Width (m)	Footpath Width (m)	Design Speed (Km/hr)
0-80	0-8	Minor Cul-de-sac	17	8.0	4.5	40
80-300	8-30	Cul-de-sac	18	9.0	4.5	60
300-800	30-80	Local Road	18	9.0	4.5	60
800-1500	80-150	Minor collector	20	11.0	4.5	60
1500-5000	>150	Major Collector	22	13.0	4.5	70
5000+	>5,000	Distributor	22	13.0	4.5	70

New development shall be consistent with the prevailing road hierarchy constructed to the appropriate standard as detailed above.

## (c) RU4 – Primary Production – Small Lots

The following services shall be provided at no cost to the Forbes Shire Council:-

- Sealed Road Access
- Electricity
- Telephone
- Water
- New Street Identification Signs

## (d) RU1 – Primary Production

In a rural subdivision each new block must be supplied with utility services at no cost to Council, and to a similar degree to those already connected to the area being subdivided.

Council will not approve the plan of subdivision until utility services have been provided or until arrangements satisfactory to Council have been made for the supply of such services.

## (e) Community and Strata Title Land

Services located on land that forms part of a strata or community title subdivision shall be the responsibility of the strata or community body. Council will not be responsible for the maintenance or repair of any water or sewerage lines located within land that forms part of community or strata title development.

The provision of documentary evidence that, arrangements are satisfactory for the provision of all essential services to fully serve the sub-division have been made, must be received before the sub-division will be approved.

Preliminary advice from relevant service Authorities shall be provided with the subdivision application indicating that the proposed allotments can be adequately serviced.

## 3.9 Storm Water Drainage

### A. Surface Drainage

Subdividers are required to show the means by which both natural and increased run-off shall be disposed of and the location of any necessary easements.

### B. Internal Stormwater Drainage

This work shall be paid for by the subdivider as part of the road works and drainage requirements. Where several adjacent subdividers wish to proceed at the same time and use the same system of internal pipelines arrangements should be made to share the cost on an area drained basis.

### C. External Stormwater Drainage

External Storm water drainage facilities must be adequate before Council will approve the subdivision.

### 3.10 Trees

Existing trees both street trees and within the site are to be preserved as far as practicable. Trees proposed to be removed are to be identified and submitted for Council's consideration.

Where a prevailing street tree pattern (in terms of species and location) exist the theme shall be maintained within all new development.

### 3.11 Land for Public Recreation

In the case of subdivision of land for new urban residential development, Council will require the subdivider to provide land to cater for the public recreation needs of future residents or alternatively, to make an equivalent financial contribution for the provision of such services elsewhere. This contribution will be levied in accordance with the Forbes Contribution Plan.



## CHAPTER 4 – FLOODING AND FLOOD AFFECTED LAND

### 4.1 Introduction

In 1984, the State Government introduced the current flood prone land policy applicable to New South Wales. The first Floodplain Development Manual (FDM) was published in 1986, providing guidelines for the implementation of the government's flood prone land policy and the merit approach which underpins its application.

Revised guidelines were released in 2005 and are now embodied in the Floodplain Management Manual (FMM). The FMM continues to support the NSW Government's Flood Prone Land Policy. The primary objective of the policy is:

"to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible."

To achieve this objective the FMM acknowledges a broad risk management hierarchy of:

- avoidance of flood risk;
- minimisation of flood risk using appropriate planning controls; and
- structural flood risk mitigation works.

Flood risk mitigation works are the least preferred option, being costly and most likely to adversely affect the natural environment. Avoidance and minimisation of flood risk are the options most likely to be acceptable and are primarily reliant on land use planning and development control for implementation.

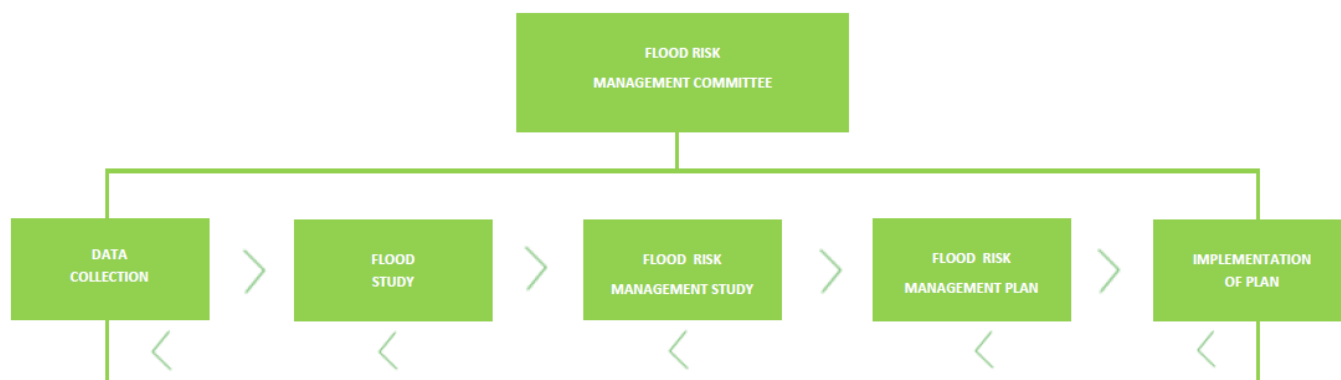
Local Government is the primary authority responsible for both flood risk management and land use planning in New South Wales. The State Government's flood policy provides for a flexible merits-based approach to be followed by local government when dealing with planning, development and building matters on flood prone land, in order to facilitate development wherever practicable. For Council to fully carry out its responsibilities for management of flood prone land, it is necessary to prepare a local "Floodplain Risk Management Plan" (FRMP), overseen by a local Floodplain Management Committee.

The FMM requires that Councils prepare Floodplain Risk Management Studies (FRMS) as a prelude to the formulation of a FRMP which, among other things, would control development and other activity within the floodplain. The process for preparing a FRMS and FRMP is depicted by Figure 1.

This Plan is consistent with the State Government's "Flood Prone Land Policy" and the FMM. This Plan is an application of the



State Policy which reflects local circumstances, as identified for some floodplains, through the preparation of FRMS's and FRMP's. For those floodplains for which a FRMP



## 4.2 Land to which this Plan Applies

The Plan applies to whole of the Local Government area, as depicted upon the DCP Map.

There are a number of floodplains within the LGA, and this DCP will provide general provisions relating to all the floodplains and specific provisions relating to individual floodplains.

## 4.3 How Does the Plan Relate to Other Legislation and Regulations?

This Plan should be read in conjunction with the relevant provisions of the NSW Government Flood Prone Land Policy and Floodplain Management Manual (FMM 2001), the Environmental Planning and Assessment Act, 1979, and Regulations thereto, applicable

Environmental Planning Instruments (particularly Forbes Local Environmental Plan 2013) and other relevant Development Control Plans and policies adopted by Council.

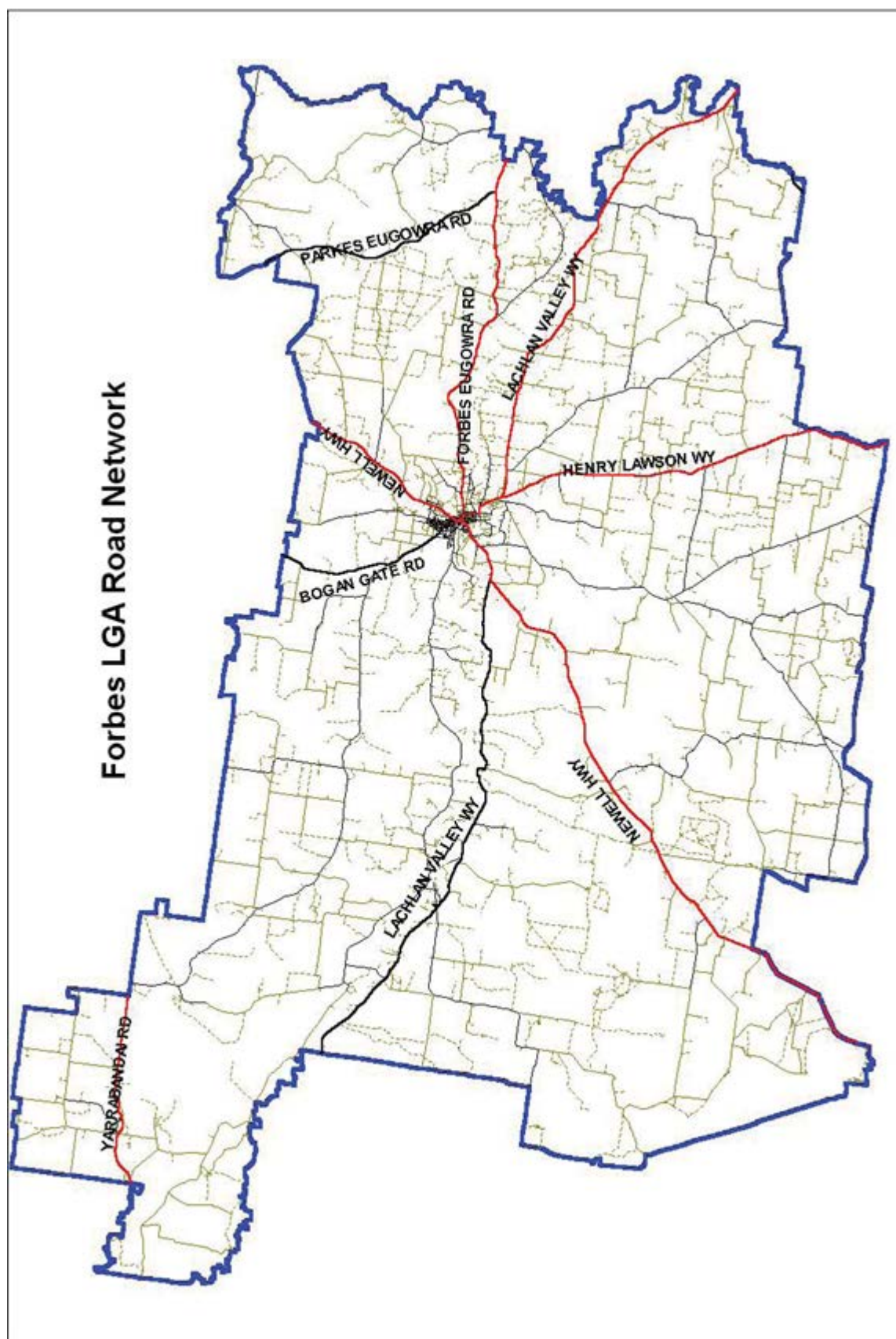
## 4.4 What are the Aims and Objectives of the Plan?

### This Plan aims to:-

- To minimise the potential impact of development and other activity upon the aesthetic, recreational and ecological value of the waterway corridors.
- Increase public awareness of the hazard and extent of land affected by all potential floods, including floods greater than the Adopted Flood and to ensure essential services and land uses are planned in recognition of all potential floods.
- Inform the community of Council's policy for the use and development of flood prone land.
- Reduce the risk to human life and damage to property caused by flooding through controlling development on land affected by potential floods.
- Provide detailed controls for the assessment of applications lodged in accordance with the Environmental Planning and Assessment Act 1979 on land affected by potential floods.
- Provide different guidelines, for the use and development of land subject to all potential floods in the floodplain, which reflect the probability of the flood occurring and the potential hazard within different areas.
- Apply a "merits-based approach" to all development decisions which takes account of social, economic and ecological as well as flooding considerations.
- To control development and other activity within each of the individual floodplains within the LGA having regard to the characteristics and level of information available for each of the floodplains, in particular the availability of FRMS's and FRMP's prepared in accordance with the FMM and its predecessor, the FDM.
- Deal equitably and consistently with applications for development on land affected by potential floods, in accordance with the principles contained in the FMM, issued by the NSW Government.

### MAP NO. 1

### Forbes Shire LGA Boundaries



## 4.5 GLOSSARY

For the purpose of this Plan, the following definitions have been adopted:

**Adopted Flood** is the 1952 flood (the largest recorded flood) in Forbes under current land use and topography conditions.

**Adopted Flood Level** is the flood level for the 1952 flood in Forbes under current land use and topography conditions.

**Australian Height Datum (AHD)** is a common national plain of level corresponding approximately to mean sea level.

**Average Recurrence Interval (ARI)** means the long-term average number of years between the occurrence of a flood as big as, or larger than, the selected event. For example, floods with a discharge as great as, or greater than, the 20 year ARI flood event will occur on average once every 20 years. ARI is another way of expressing the likelihood of occurrence of a flood event.

**Design floor level or ground level** means the level specified in this Plan which applies to the relevant land use type within the relevant Flood Risk Precinct.

**Ecologically sustainable development (ESD)** is using, conserving and enhancing natural resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be maintained or increased. A more detailed definition is included in the Local Government Act 1993.

**Effective warning time** is the time available after receiving advice of an impending flood and before the floodwaters prevent appropriate flood response actions being undertaken. The effective warning time is typically used to move farm equipment, move stock, raise furniture, evacuate people and transport their possessions.

**Extreme flood** means an estimate of a flood much larger than the largest flood on record but less than the PMF, which is the largest flood likely to ever occur.

**Flood** is a relatively high stream flow which overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and/or local overland flooding associated with major drainage as defined by the FMM before entering a watercourse.

**Flood awareness** is an appreciation of the likely effects of flooding and a knowledge of the relevant flood warning and evacuation procedures.

**Flood compatible building components** means a combination of measures incorporated in the design and/ or construction and alteration of individual buildings or structures subject to flooding, and the use of flood compatible materials for the reduction or elimination of flood damage.

**Flood compatible materials** include those materials used in building which are resistant to damage when inundated.

A list of flood compatible materials is attached in Schedule 1.

**Flood evacuation strategy** means the proposed strategy for the evacuation of areas within effective warning time during periods of flood as specified within the Forbes State Emergency Service Operational Plan, the relevant FRMP, by advice received from the State Emergency Services (SES) or as determined in the assessment of individual proposals.

**Flood prone land** (being synonymous with flood liable and floodplain) is the area of land which is subject to inundation by floods up to and including an extreme flood such as a probable maximum flood (PMF).

**Floodplain Management Manual (FMM)** refers to the document dated April 2005, published by the New South Wales Government and entitled "Floodplain Management Manual: the management of flood liable land".

**Floodplain Risk Management Plan (FRMP)** means a plan prepared for one or more floodplains in accordance with the requirements of the FMM or its predecessor.

**Floodplain Risk Management Study (FRMS)** means a study prepared for one or more floodplains in accordance with the requirements of the FMM or its predecessor.

**Freeboard** is a factor of safety expressed as the height above the flood used to determine the design floor level or ground level. Freeboard provides a factor of safety to compensate for uncertainties in the estimation of flood levels across the floodplain, such as wave action, localised hydraulic behaviour and impacts that are specific event related, such as levee and embankment settlement, and other effects such as "greenhouse" and climate change.

**Habitable floor area** means in a residential situation: a living or working area, such as a lounge room, dining room, rumpus room, kitchen, bedroom, workroom or home office.

- in an industrial or commercial situation: an area used for offices or to store valuable possessions susceptible to flood damage in the event of a flood.
- Hazard is a source of potential harm or a situation with a potential to cause loss. In relation to this manual, the hazard is

flooding which has the potential to cause damage to the community.

**Local overland flooding** means inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.

**Merit approach** is an approach, the principles of which are embodied in the FMM which weighs social, economic, ecological and cultural impacts of land use options for different flood prone areas together with flood damage, hazard and behaviour implications, and environmental protection and well-being of the State's rivers and floodplains.

**Outbuilding** means a building which is ancillary to a principal residential building and includes sheds, garages, car ports and similar buildings.

**Probable maximum flood (PMF)** is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation.

**Probable maximum precipitation (PMP)** is the greatest depth of precipitation for a given duration meteorologically possible over a given size storm area at a particular location at a particular time of the year, with no allowance made for long-term climatic trends (World Meteorological Organisation, 1986). It is the primary input to the estimation of the probable maximum flood.

**Probability** is a statistical measure of the expected chance of flooding (see ARI).

Reliable access during a flood means the ability for people to safely evacuate an area subject to imminent flooding within effective warning time and without a need to travel through areas where water depths increase.

**Risk** means the chance of something happening that will have an impact. It is measured in terms of consequences and probability (likelihood). In the context of this plan, it is the likelihood of consequences arising from the interaction of floods, communities and the environment.

**Site Emergency Response Flood Plan** is a management plan prepared in consultation with the State Emergency Services (SES) and approved by Council which demonstrates the means to minimise the likelihood of flood damage, including demonstrated ability to move goods above flood level within the likely available flood warning time and a requirement for flood drills for larger commercial/industrial premises. This could be in the form of an individual Flood Plan.

**Survey plan** is a plan prepared by a registered surveyor which shows the information required for the assessment of an application in accordance with the provisions of this Policy.

## 4.6 What are the Criteria for Determining Applications?

The criteria for determining applications for proposals potentially affected by flooding are structured in recognition that different controls are applicable to different land uses and levels of potential flood inundation and hazard.

The procedure to determine what controls apply to proposed development involves:

- firstly, identifying the land use category of the development (Schedule 2);
- secondly, determine which floodplain and what part of the floodplain the land is located within (Clause 2.3); and
- then apply the controls outlined at Clause 2.4.

Clause 2.5 provides specific requirements for fencing in the floodplain, while Clause 2.6 identifies special considerations which will apply only to some development in specific circumstances.

Clauses 2.4 and 2.5 which provide controls for development and fencing in

- **the floodplain** contain objectives, performance criteria and prescriptive controls, with the following purpose:
- **The objectives** represent the outcomes that the Council wishes to achieve from each control.
- **The performance** criteria represent a means of assessing whether the desired outcomes will be achieved.

The prescriptive controls are preferred ways of achieving the outcome. While adherence to the prescriptive controls may be important, it is paramount that the objectives and the performance criteria are clearly satisfied.

Where a proposal does not comply with this DCP, Council may:

- (a) Consider alternative methods for the development provided that the objectives of the DCP are met. It is the responsibility of the developer to satisfy Council that the objectives have been met; or



- (b) Modify the proposal through the application of conditions so that it is consistent with the provisions of this DCP; or
- (c) Defer determination of the application and consult with the applicant to achieve consistency with the requirements of this DCP; or
- (d) Refer the application to an approved Floodplain Management Consultant for a report. Note: The applicant will be required to meet any expenses incurred; or
- (e) Refuse the application.

## 4.7 Land Use Categories

Nine major land use categories have been adopted. The specific uses, as defined by the applicable Environmental Planning Instruments, which may be included in each category, are listed in **Schedule 2**.

## 4.8 Flood Risk Precincts

Each of the floodplains within the local government area can be divided into different precincts based on different levels of potential flood hazard. The relevant Flood Risk Precincts (FRP's) for each of the floodplains are outlined below.

### **Forbes Township Floodplain (refer to Map 2)**

#### **High Hazard Floodway**

Those areas where a significant volume of water flows during floods are often aligned with obvious natural channels. They are areas that, even if only partially blocked, would cause a significant increase in flood levels and/or a significant redistribution of flood flow. The depth and velocity of floodwaters would pose possible danger to personal safety.

#### **High Hazard Flood Storage**

Those parts of the floodplain that are impacted during the passage of a flood. If the capacity of a flood storage area is substantially reduced flood levels, nearby would rise, peak discharge downstream may increase or flood flows could be significantly redistributed. The depth and velocity of floodwaters would pose possible danger to personal safety.

#### **Low Hazard Flood Storage**

Those parts of the floodplain that are impacted during the passage of a flood. If the capacity of a flood storage area is substantially reduced, flood levels nearby would rise, peak discharge downstream may increase or flood flows could be significantly redistributed. If necessary, trucks could evacuate these areas and able-bodied adults would have little difficulty wading to safety.

#### **High Hazard Flood Fringe**

The flood fringe is the remaining area of the Adopted Flood floodplain, after floodway and flood storage areas have been defined. Development in this area should not have a significant effect on the pattern of flood flows and/ or flow levels. The depth and velocity of floodwater would pose possible danger to personal safety, making this a high hazard area.

#### **Low Hazard Flood Fringe**

The flood fringe is the remaining area of the floodplain up to the Adopted Flood Level, after floodway and flood storage areas have been defined. Development in this area should not have a significant effect on the pattern of flood flows and/or flow levels. If necessary, trucks could evacuate these areas and able-bodied adults would have little difficulty wading to safety, making this a low hazard area.

#### **Residual Outer Floodplain Areas**

All other land within the floodplain (ie. within the extreme flood extent) but not identified as within any other hazard category where risk of damages are low for most land uses.

### **Other Floodplains in the LGA (refer to Map 3)**

A single flood prone area map, Map 3, called the Rural Flood Precinct has been developed for all flood prone land outside of the Forbes Township Floodplain.

All land designated as flood prone land in Map 3 shall have a provisional category of High Hazard Flood Fringe unless the owner can satisfy Council that another level of flood risk is appropriate.

The prescriptive controls on development will be in accordance with Schedule 4 following determination of the appropriate risk category to be applied. However, due to the large areas covered in the zone there will be instances where variations to



the prescriptive controls may be warranted.

## · **Rural Flood Precinct**

The Rural Flood Precinct is the remaining area of the Adopted Flood floodplain, and located outside of the Forbes Town floodplain.

Development in this area should not have a significant effect on the pattern of flood flows and/or flow levels. The depth and velocity of floodwater would pose possible danger to personal safety, making this a high hazard area.

Not all flood prone land may be mapped, particularly in regard to the rural areas and local overland flooding. Where Council suspects that flooding may occur on access routes or land affected by proposed development, the applicant may be requested to provide further information from a suitably qualified engineer. This further information should include a determination of whether the land is flood prone and what flood risk precincts category apply. Additional information regarding the nature of the flood hazard may also be required as specified at clause 3.0 of this plan. Upon determination of whether any flood risk precincts apply to the land, the controls embodied within the following clauses of this plan should be applied.

## 4.9 Which Controls Apply to Proposed Developments?

The development controls apply to all land within a Flood Risk Precinct described above. The type and stringency of controls have been graded relative to the severity and frequency of potential floods, having regard to categories determined by the relevant Floodplain Risk Management Study and Plan or, if no such study or plan, council's interim considerations. The categories applicable to each floodplain are depicted on the planning matrices contained in the following schedules:

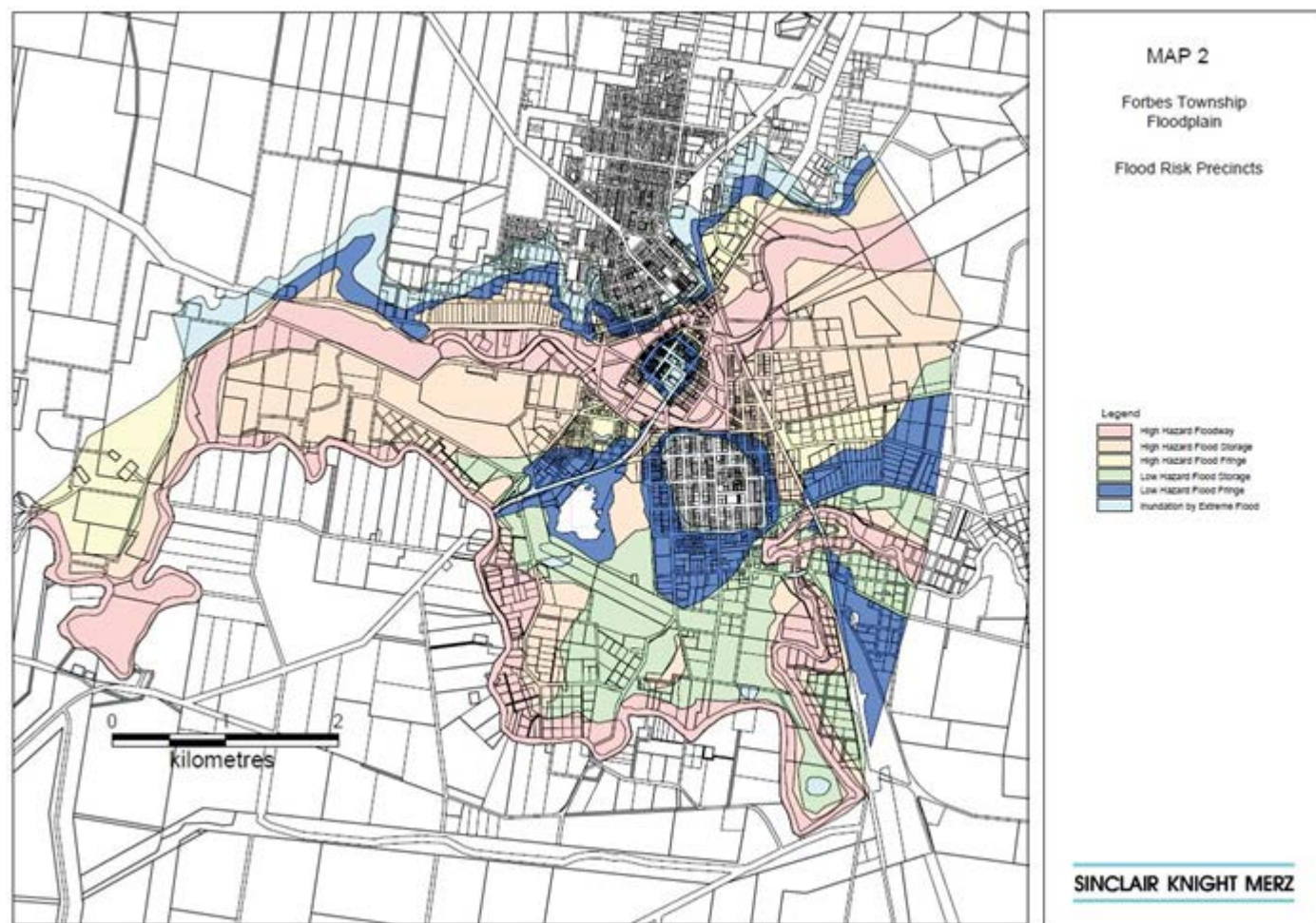
- **Schedule 3** –Forbes Township Floodplain (Area within Map 2)
- **Schedule 4** – All other floodplains (Area within Map 3)

### Objectives

- (a) To ensure the proponents of development and the community in general are fully aware of the potential flood hazard and consequent risk associated with the use and development of land within the floodplain.
- (b) To require developments of high sensitivity to flood risk (eg. critical public utilities) be sited and designed such that they are subject to no or minimal risk from flooding.
- (c) Allow development with a lower sensitivity to the flood hazard to be located within the floodplain, subject to appropriate design and siting controls, provided that the potential consequences that could still arise from flooding remain acceptable having regard to the State Government's Flood Policy and the likely expectations of the community.
- (d) To prevent any intensification of the use of floodways, and wherever appropriate and possible, allow for their conversion to natural waterway corridors.
- (e) To ensure that design and siting controls required to address the flood hazard do not result in unreasonable impacts upon the amenity or ecology of an area.

### Performance Criteria

- (a) The proposed development should not result in any increased risk to human life.
- (b) The additional economic and social costs which may arise from damage to property from flooding should not be greater than that which can reasonably be managed by the property owner, property occupants and general community.



- (c) The proposal should only be permitted where effective warning time and reliable access is available for the evacuation of an area potentially affected by floods. Evacuation should be consistent with any relevant flood evacuation strategy where in existence.
- (d) Development should not detrimentally increase the potential flood affectation on other development or properties.
- (e) Development should not result in significant impacts upon the amenity of an area by way of unacceptable overshadowing of adjoining properties, privacy impacts (eg. by unsympathetic house-raising) or by being incompatible with the streetscape or character of the locality.
- (f) Proposed development must be consistent with ESD principles.

## Prescriptive Controls

Schedules 3 to 4 outline the controls relevant to each of the floodplains to which this Plan applies.

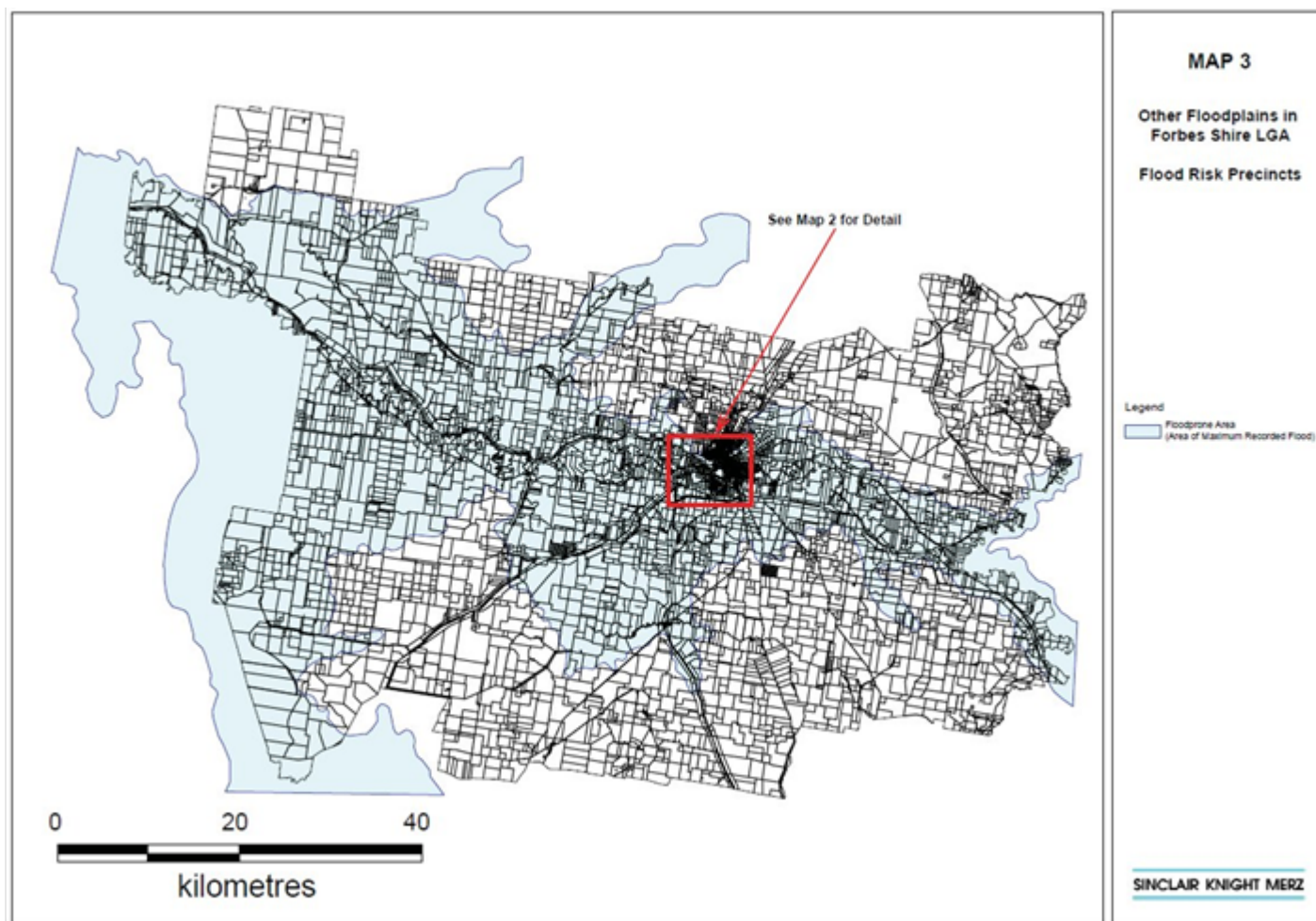
## 4.10 Are There Special Requirements for Fencing?

### Objectives

- (a) To ensure that fencing does not result in the undesirable obstruction of the free flow of floodwaters.
- (b) To ensure that fencing does not become unsafe during floods and potentially become moving debris which threatens the integrity of structures or the safety of people.

## Performance Criteria

- (a) Fencing is to be constructed in a manner which does not affect the flow of floods so as to detrimentally increase flood affection on surrounding land.
- (b) Ability to be certified by a suitably qualified engineer, that the proposed fencing is adequately constructed so as to withstand the forces of floodwaters, or collapse or open in a controlled manner to prevent the undesirable impediment of flood waters.



## Prescriptive Controls

1. Fencing within a floodway or high hazard FRP must be designed so as any panels are easily removed prior to a flood event. Solid type fencing will not generally be permitted in a floodway
2. Council will require a Development Application for all fences located, in the High Hazard Floodway, High Hazard Storage and High Hazard Flood Fringe FRP's unless otherwise stated by exempt and complying development provisions which may be incorporated into Council's Environmental Planning Instruments and other DCPs from time to time.
3. An applicant will need to demonstrate that the fence would create no impediment to the flow of floodwaters. Appropriate fences must satisfy the following:-
  - (a) An open collapsible hinged fence structure or pool type fence; and
  - (b) Fencing panels may be attached by galvanised or other screws, bolts, tech screws, etc, or be attached to a swivel system capable of being opened up during times of flooding;
  - (c) Not less than 90% in floodways and 50% in other areas, of all fence panels shall be permanently open or capable of being removed right angles to the flow of flood waters;
  - (d) Any other fence type and design and siting criteria as prescribed by Council.
5. Other forms of fencing will be considered by Council on merit.

## 4.11 Special Considerations

When assessing proposals for development or other activity within the area to which this Plan applies, Council will take into consideration the following specific matters.

- (a) The proposal does not have a significant detrimental impact on:
  - i) water quality;
  - ii) native bushland vegetation;
  - iii) riparian vegetation;
  - iv) wetlands, lakes or other water bodies;
  - v) aquatic and terrestrial ecosystems;
  - vi) indigenous flora and fauna; or
  - vii) Fluvial geomorphology.
- (b) Development pursued to mitigate the potential impact of flooding (eg. housing raising) must be undertaken in a manner which minimises the impact upon the amenity and character of the locality.
- (c) If Council deems it necessary, they may require details of a reliable access route in times of flood.
- (d) The proposal must not constrain the orderly and efficient utilisation of the waterways for multiple purposes.
- (e) The proposal must not adversely impact upon the recreational, ecological, aesthetic or utilitarian use of the waterway corridors, and where possible, should provide for their enhancement, in accordance with ESD principles.
- (f) Proposals for house raising must provide appropriate documentation including a report from a suitably qualified engineer to demonstrate the raised structure will not be at risk of failure from the forces of floodwaters and the provision of details such as landscaping and architectural enhancements which ensure that the resultant structure will not result in significant adverse impacts upon the amenity and character of an area.

## 4.12 What Information is required with an Application to Address this Plan

1. Applications must include information which addresses all relevant controls listed above, and the following matters as applicable.
2. Development applications affected by this plan shall be accompanied by a survey plan showing the existing and proposed floor levels to Australian height datum.
3. Where Council considers it necessary Council may require:
  - (a) The position of the existing building/s or proposed building/s;
  - (b) The existing ground levels to Australian height datum around the perimeter of the building and contours of the site; and
4. Applications for earthworks and, filling of land shall be accompanied by a survey plan (with a contour interval of 0.1m) showing relative levels to Australian height datum. Where considered necessary Council may require applications for subdivision to include a survey plan (with Contour intervals of 0.1m) showing relative levels to Australian height datum.
5. For large scale developments, or developments in critical situations, particularly where an existing catchment based flood study is not available, a flood study using a fully dynamic one or two dimensional computer model may be required. For smaller developments the existing flood study may be used if available and suitable (eg it contains sufficient local detail), or otherwise some other appropriate methodology will be required. From this study the following information shall be submitted in tabular and plan form:
  - i) water surface contours and tables of flood levels;
  - ii) velocity vectors;
  - iii) velocity and depth; product contours; and
  - iv) delineation of flood risk precincts/ hazard categories relevant to individual floodplains.

This information is required for the pre-developed and post-developed scenarios.

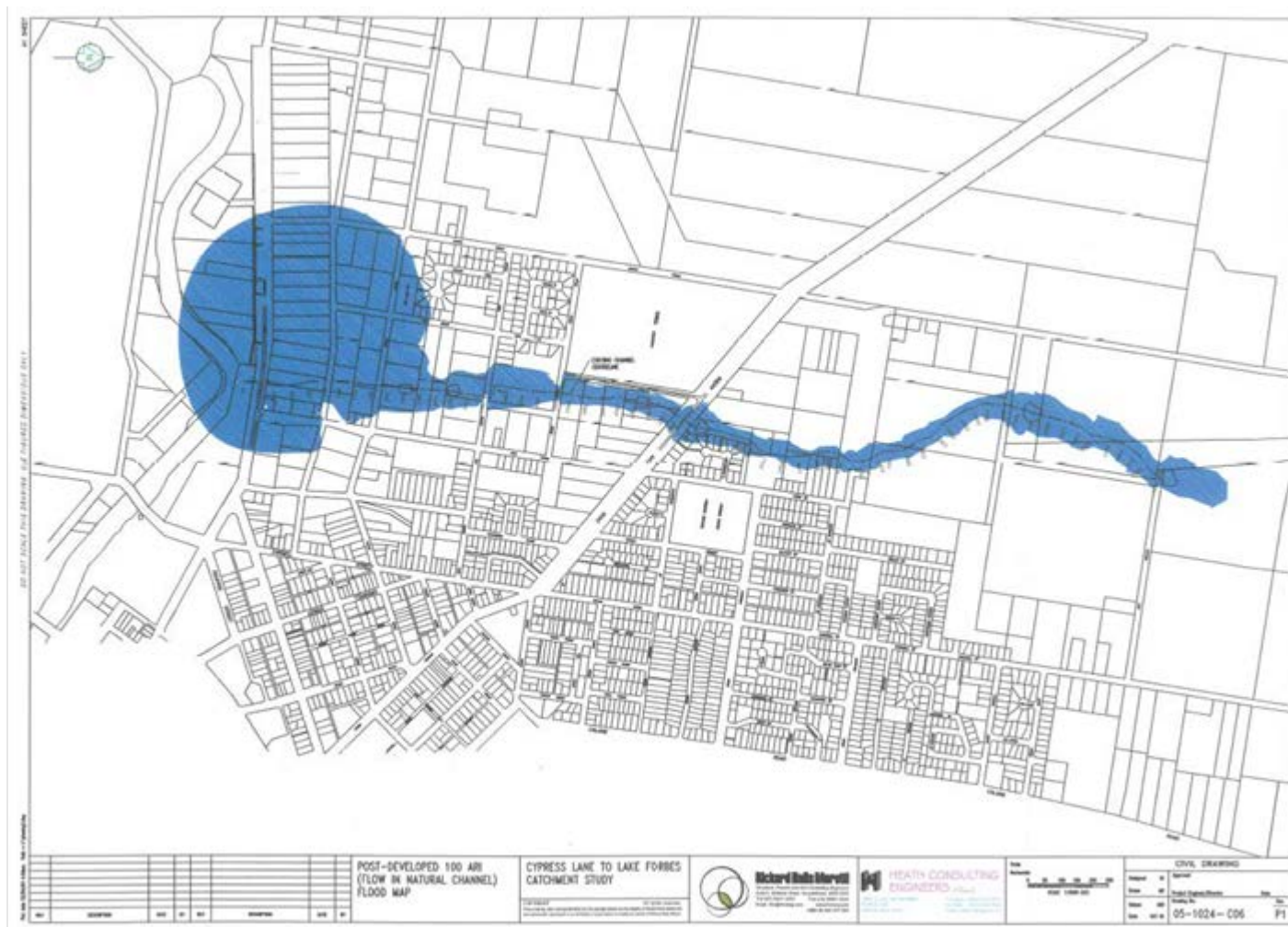


6. Where the controls for a particular development proposal require an assessment of structural soundness during potential floods, the following impacts must be addressed:
  - i) hydrostatic pressure;
  - ii) hydrodynamic pressure; iii) impact of debris; and
  - iv) buoyancy forces.

**Note:** Foundations need to be included in the structural analysis

## 5.0 Site Specific Flood Management

In order to address localised flooding impacts a Catchment Investigation of the Cypress Lane to Lachlan River Flood Study was commissioned in 2001. This investigation identified perspective flood affected land which Council has identified for future acquisition purposes in the Forbes Local Environmental Plan 2012. This plan also identifies potential flood affectation of immediately surrounding lands which are the subject of prescriptive development controls prescribed in Schedule 3.





## SCHEDULE 1 FLOOD COMPATIBLE MATERIALS

BUILDING COMPONENT	FLOOD COMPATIBLE MATERIAL
Flooring and Sub-floor Structure	<ul style="list-style-type: none"> <li>concrete slab-on-ground monolith construction</li> <li>suspension reinforced concrete slab.</li> <li>T&amp;G flooring and timber joists (for minor extensions)</li> </ul>
Floor Covering	<ul style="list-style-type: none"> <li>clay tiles</li> <li>concrete, precast or in situ</li> <li>concrete tiles</li> <li>epoxy, formed-in-place</li> <li>mastic flooring, formed-in-place</li> <li>rubber sheets or tiles with chemical-set adhesives</li> <li>silicon floors formed-in-place</li> <li>vinyl sheets or tiles with chemical-set adhesive</li> <li>ceramic tiles, fixed with mortar or chemical-set adhesive</li> <li>asphalt tiles, fixed with water resistant adhesive</li> </ul>
Wall Structure	<ul style="list-style-type: none"> <li>solid brickwork, blockwork, reinforced, concrete or mass concretes</li> <li>Gal metal and timber frame (for minor extensions)</li> </ul>
Roofing Structure (for situations where the relevant flood level is above the ceiling)	<ul style="list-style-type: none"> <li>reinforced concrete construction</li> <li>galvanised metal construction</li> </ul>
Doors	<ul style="list-style-type: none"> <li>solid panel with water proof adhesives</li> <li>flush door with marine ply filled with closed cell foam</li> <li>painted metal construction</li> <li>aluminium or galvanised steel frame</li> </ul>
Wall And Ceiling Linings	<ul style="list-style-type: none"> <li>fibro-cement board</li> <li>brick, face or glazed</li> <li>clay tile glazed in waterproof mortar</li> <li>concrete</li> <li>concrete block</li> <li>steel with waterproof applications</li> <li>stone, natural solid or veneer, waterproof grout</li> <li>glass blocks</li> <li>glass</li> <li>plastic sheeting or wall with waterproof adhesive</li> </ul>
Insulation Windows	<ul style="list-style-type: none"> <li>foam (closed cell types)</li> <li>aluminium frame with stainless steel rollers or similar corrosion and water resistant material</li> <li>Gal metal and timber windows (for minor extensions)</li> </ul>
Nails, Bolts, Hinges and Fittings	<ul style="list-style-type: none"> <li>Brass, nylon or stainless steel</li> <li>Removable pin hinges</li> <li>Hot dipped galvanised steel wire nails or similar</li> </ul>

## Electrical and Mechanical Equipment

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

### Main power supply

Subject to the approval of the relevant authority the incoming main commercial power service equipment, including all metering equipment, shall be located above the relevant flood level. Means shall be available to easily disconnect the dwelling from the main power supply.

### Wiring

All wiring, power outlets, switches, etc., should, to the maximum extent possible, be located above the relevant flood level. All electrical wiring installed below the relevant flood level should be suitable for continuous submergence in water and should contain no fibrous components. Earth core linkage systems (or safety switches) are to be installed. Only submersible-type splices should be used below the relevant flood level. All conduits located below the relevant designated flood level should be so installed that they will be self-draining if subjected to flooding.

### Equipment

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

### Reconnection

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

## Heating and Air Conditioning Systems

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

### Fuel

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

### Installation

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

### Ducting

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

## SCHEDULE 2 LAND USE CATEGORIES

Essential Community Facilities	Community centre or public building which may provide an important contribution to the notification and evacuation of the community during flood events;
Critical Utilities	Telecommunication facilities; Public utility undertaking (including generating works) which may cause pollution of waterways during flooding, are essential to evacuation during periods of flood or if affected during flood events would unreasonably affect the ability of the community to return to normal activities after flood events.
Subdivision	Subdivision of land which involves the creation of new allotments.
Rural Residential	All forms of dwellings located on rural or non-urban zoned land, including rural workers dwellings.
Residential	Boarding houses; Camp or caravan park site – long-term sites only (1); Child care centre; Cluster development; Community centre (other than essential community facilities); Dwelling; Dwelling house; Educational establishments; General store; Home industry; Home occupation; Housing for older persons or persons with a disability; Group homes; Recreation establishment; Residential flat building; Special home activity; and Utility installations (other than critical utilities)
Commercial or Industrial	Airline terminal; Builders yard; bulk stores; bus depots; Bus station; Car repair station; Church; Club; Commercial premises; Hazardous industry; Heliports; Hotel; Industry; Junkyard; Light industry; Liquid fuel depot; Motel; Motor showroom; Offensive or hazardous industry or storage establishment; Place of worship; Place of assembly; Professional and commercial chambers; Public building (other than an essential community facility); Recreation facility; Refreshment room; Rural industry; Sawmill; Service station; Shop; Transport terminal; and Warehouse
Tourist Related Development	Camp or caravan site – short term sites (1) only; and Tourist facilities.
Open Space or Non-urban Uses	Agriculture; Animal boarding establishment; Extractive industry; Forestry; Grain transport depot; Helipad; Mine; Mineral sand mine; Recreation areas and minor ancillary structures (eg. toilet blocks or kiosks); Retail plant nursery; Roadside stall; and Stock and sale yard.
Minor Development	<p>(a) In the case of residential development:</p> <p>(i) An addition or alteration to an existing dwelling of not more than 15% or 50m<sup>2</sup> (whichever is the lesser) of the habitable floor area which existed prior to 1 January 1997 as indicated on Councils records;</p> <p>(ii) The construction of an outbuilding with a maximum floor area of 20m<sup>2</sup>; which is not located in a high hazard floodway precinct</p> <p>(iii) Redevelopment for the purposes of substantially reducing the extent of flood affectation to the existing building</p> <p>(iv) carports, awnings or similar structures that does not contain walls located within a floodway area</p>

## SCHEDULE 3 Forbes Township Floodplain

Planning & Development Controls

### FLOOD RISK PRECINCTS

Not Relevant
  Unsuitable Land Use

Planning Consideration	OUTER RESIDUAL FLOODPLAIN									Planning Consideration	LOW HAZARD FLOOD FRINGE								
	Essential Community Facilities	Critical Utilities	Subdivision	Rural Residential (Note 2)	Residential (Note 2)	Commercial & Industrial	Tourist Related Development	Open Space & Agriculture	Minor Development		Essential Community Facilities	Critical Utilities	Subdivision	Rural Residential	Residential	Commercial & Industrial	Tourist Related Development	Open Space & Agriculture	Minor Development
Floor Level		2		2	2	5				Floor Level		2		2	2	5	5		4
Building Components		2			1	1				Building Components		2		1	1	1	1	1	1
Structural Soundness		3, 4								Structural Soundness		3, 4		2	2	2	2	2	2
Evacuation		2	4	4	4	4	4	4	4	Evacuation		2	4	4	4	4	4	4	4
Flood Affection										Flood Affection		2	1, 2, 4	3, 4	2	2	2	2	2
Management & Design		3	3, 4	3	3	2, 3	3	3	3	Management & Design		3	3, 4	3	3	2, 3	3	3	3

Planning Consideration	HIGH HAZARD FLOOD FRINGE									Planning Consideration	LOW HAZARD FLOOD STORAGE									
	Essential Community Facilities	Critical Utilities	Subdivision	Rural Residential (Note 2)	Residential (Note 2)	Commercial & Industrial	Tourist Related Development	Open Space & Agriculture	Minor Development		Essential Community Facilities	Critical Utilities	Subdivision	Rural Residential	Residential	Commercial & Industrial	Tourist Related Development	Open Space & Agriculture	Minor Development	
Floor Level				2	2	5	5		4		Floor Level				2	2	5	5		4
Building Components				1	1	1	1	1	1		Building Components				1	1	1	1	1	1
Structural Soundness				1, 4	1, 4	1, 4	1, 4	2	1, 4		Structural Soundness				2	2	2	2	2	2
Evacuation			4	4	4	4	4	4	4		Evacuation			4	4	4	4	4	4	4
Flood Affection			1, 4	3, 4	3, 4	3, 4	3, 4	3, 4	3, 4		Flood Affection			3, 5	3, 5	3, 5	3, 5	3, 5	3, 5	3, 5
Management & Design			3, 4	3	3	2, 3	3	3	1, 3		Management & Design			3, 4	3	3	2, 3	3	3	3

Planning Consideration	HIGH HAZARD FLOOD STORAGE									Planning Consideration	LOW HAZARD FLOODWAY									
	Essential Community Facilities	Critical Utilities	Subdivision	Rural Residential (Note 2)	Residential (Note 2)	Commercial & Industrial	Tourist Related Development	Open Space & Agriculture	Minor Development		Essential Community Facilities	Critical Utilities	Subdivision	Rural Residential	Residential	Commercial & Industrial	Tourist Related Development	Open Space & Agriculture	Minor Development	
Floor Level				2	2	5	5	1	4		Floor Level				2	2			1	4
Building Components				1	1	1	1	1	1		Building Components				1	1			1	1
Structural Soundness				1, 4	1, 4	1, 4	1, 4	2	1, 4		Structural Soundness				1, 4	1, 4			1, 4	1, 4
Evacuation			4	4	4	4	4	4	4		Evacuation				4	4			4	4
Flood Affection			1, 4	3, 6	3, 6	3, 6	3, 6	3, 6	3, 6		Flood Affection				2, 3, 7	3, 6			7	1, 7
Management & Design			3, 4	3	3	2, 3	3	3	3		Management & Design				3	3			3	3

Note 2: Only applicable for replacement of existing homes or one that has burnt down within 12 months of an application for rebuilding

Note 3: Controls not relevant for dwelling houses, dual occupancy, multi- dwelling housing and residential flat buildings. Only applies to group homes and seniors living.

## Schedule 3 and 4 - Prescriptive controls

### Floor Level

1. Not Used
2. Habitable floor levels to be equal to or greater than the Adopted Flood level plus 0.5m freeboard
3. Habitable floor levels to be equal to or greater than the Adopted Flood level plus 0.1m freeboard
4. Floor levels to be as close to the Adopted Flood level as practical & no lower than any existing floor level.
5. Floor levels to be as close to the Adopted level as practical and a Plan to be prepared to protect goods from flood damage or premises to be flood proofed below the Adopted Flood level.

### Building Components & Method

1. All structures to have flood compatible building and components below the Adopted Flood Level
2. All structures to have a flood compatible building and components below or at the Extreme Flood Level

### Structural Soundness

1. Engineers report to certify that any structure can withstand the forces of floodwater, debris & buoyancy up to and including the Adopted Flood
2. Applicant to demonstrate that any structure can withstand the forces of floodwater, debris & buoyancy up to and including the Adopted Flood
3. Engineers report to demonstrate that any structure can withstand the forces of floodwater, debris & buoyancy up to and including an Extreme Flood
4. Geotechnical Engineers report required to specify appropriate filling/earthworks & the means of protecting batters against scouring/erosion

## Evacuation

1. Not used
2. Reliable access for pedestrians and vehicles required during Extreme flood
3. not used
4. The development is to be consistent with any relevant flood evacuation strategy.

## Flood Affection

1. Engineers report required to certify that the development will not increase flood affection elsewhere
2. Provided existing drainage is maintained
3. Development shall not block the conveyance of flood waters across the floodplain
4. Filling of land up to 0.5m above Adopted Flood level permitted provided this does not result in any significant effect on the conveyance of flood waters.
5. Filling of a maximum of a 1/3 of allotment up to 0.5m above the Adopted Flood level permitted provided this does not result in any significant effect on the conveyance of flood waters or flood levels
6. Filling of a maximum of a 1/4 of allotment up to 0.5m above the Adopted Flood level permitted provided this does not result in any significant effect on the conveyance of flood waters.
7. No filling

## Management and Design

1. Flood plan required where floor levels are below the Adopted Flood Level
2. Applicant to demonstrate that area is available to store goods above the Adopted Flood plus 0.5m freeboard
3. No external storage of materials below the design floor level which may cause pollution or be potentially hazardous during any flood
4. Applicant to demonstrate the at potential development as a consequence of a subdivision proposal can be undertaken in accordance with this Plan



## SCHEDULE 4 OTHER FLOODPLAIN IN THE FORBES SHIRE LGA

### Planning & Development Controls

#### FLOOD RISK PRECINCTS

Not Relevant
  Unsuitable Land Use

Planning Consideration	OUTER RESIDUAL FLOODPLAIN								Planning Consideration	LOW HAZARD FLOOD FRINGE							
	Essential Community Facilities	Critical Utilities	Subdivision	Rural Residential (Note 3)	Residential (Note 3)	Commercial & Industrial	Tourist Related Development	Open Space & Agriculture		Essential Community Facilities	Critical Utilities	Subdivision	Rural Residential	Residential	Commercial & Industrial	Tourist Related Development	Open Space & Agriculture
Floor Level		2		2	2	5			Floor Level		2		2	2	5	5	4
Building Components		2			1	1			Building Components		2		1	1	1	1	1
Structural Soundness		3, 4							Structural Soundness		3, 4		2	2	2	2	2
Evacuation		2	4	4	4	4	4	4	Evacuation		2	4	4	4	4	4	4
Flood Affection									Flood Affection		2	1, 2, 4	2	2	2	2	2
Management & Design		3	3, 4	3	3	2, 3	3	3	Management & Design		3	3, 4	3	3	2, 3	3	3

Planning Consideration	HIGH HAZARD FLOOD FRINGE								Planning Consideration	HIGH HAZARD FLOODWAY							
	Essential Community Facilities	Critical Utilities	Subdivision	Rural Residential (Note 1)	Residential	Commercial & Industrial	Tourist Related Development	Open Space & Agriculture		Essential Community Facilities	Critical Utilities	Subdivision	Rural Residential	Residential	Commercial & Industrial	Tourist Related Development	Open Space & Agriculture
Floor Level				2	2	5	5	4	Floor Level					2			4
Building Components				1	1	1	1	1	Building Components					1			1
Structural Soundness				1, 4	1, 4	1, 4	1, 4	2	Structural Soundness					1, 4			1, 4
Evacuation			4	4	4	4	4	4	Evacuation					4			4
Flood Affection			1, 4	3, 4	3, 4	3, 4	3, 4	3, 4	Flood Affection					2, 3, 7			7
Management & Design			3, 4	3	3	2, 3	3	1, 3	Management & Design					3			3

Note 1: Subdivision will only be permitted assuming that part of the block where the house it to be built is Low Hazard or Outer Residual Floodplain

Note 2: Only applicable for replacement of existing homes or one that has burnt down within 12 months of an application for rebuilding

Note 3: Controls not relevant for dwelling houses, dual occupancy, multi- dwelling housing and residential flat buildings. Only applies to group homes and seniors living.



## CHAPTER 5 – URBAN RESIDENTIAL DEVELOPMENT

### 5.1 Preamble

The Forbes Shire prides its self in providing a high quality residential living environment for its resident population located in its rural setting. The protection of quality residential areas is vital to maintaining Forbes's image as an attractive place to live.

This Chapter of the Forbes Development Control Plan has been prepared by Forbes Shire Council to advise owners and builders of Council's objectives to ensure high quality residential development throughout the Forbes Shire. It provides basic minimum standards to assist developers in achieving these objectives and provides an outline of Council's requirements for the submission of relevant information to accompany development applications for all forms of residential development, including single dwellings.

The implementation of basic minimum standards for residential development will protect the existing streetscape quality and ensure new development complements residential character and amenity throughout Forbes. Development principles in the form of Objectives supported by underlying Development Standards will provide a flexible approach to control and enable developments to address their individual location, contribute to the streetscape whilst also providing for the individual design treatments and desires of the land owner. Accordingly it is considered appropriate to prepare this Development Control Plan to clearly establish Council's requirements.

### 5.2 Land to which this Plan Applies

This chapter applies to all single dwelling residential development throughout the urban areas of Forbes being zones R1 – Residential and R5 – Large Lot Residential being the erection of single detached dwellings upon all land.

### 5.3 Objectives

The Objectives of Chapter 5 of this Development Control Plan are to:

- (a) Ensure a high quality of residential development throughout the Forbes Shire;
- (b) Encourage site responsive development which reflects the opportunities and constraints of individual sites and preserves or enhances its special qualities.
- (c) Ensure development is consistent and compatible with the established streetscape and character and enhances the amenity of residential areas; and
- (d) Assist developers and applicants in the preparation and submission of applications in order to expedite the assessment process.

## DEVELOPMENT STANDARDS URBAN RESIDENTIAL DEVELOPMENT

### 5.4 Lot Size and Dimensions

#### Objectives

- To reflect the statutory requirements of Forbes Local Environmental Plan 2013.
- To ensure the creation of suitably sized allotments which reflect the prevailing residential character throughout the Forbes Shire.
- To ensure sufficient area is provided to accommodate the proposed dwelling and associated facilities without compromising residential amenity.

#### Standards

1. The minimum allotment size for the erection of a dwelling-house upon regular shaped allotment shall be 550m<sup>2</sup>, having a minimum frontage at the street alignment of 16.8m.
2. In the case of a battle-axe shaped allotment, the minimum allotment size for the erection of a dwelling-house shall be 650m<sup>2</sup>, excluding the area of the access corridor.

### 5.5 Height

#### Objectives

- To ensure dwellings are consistent with the predominant neighbourhood and street character.
- To ensure a consistency in bulk and scale of residential development.

#### Standards

1. The maximum height of dwellings shall be 2 storeys and 8.5 metres.
2. Height in metres is the distance measured vertically from the top most point of the building (not being a vent or chimney or the like) to natural ground level below.
3. A storey is the space between two floors or the space between any floor and its ceiling or roof above.

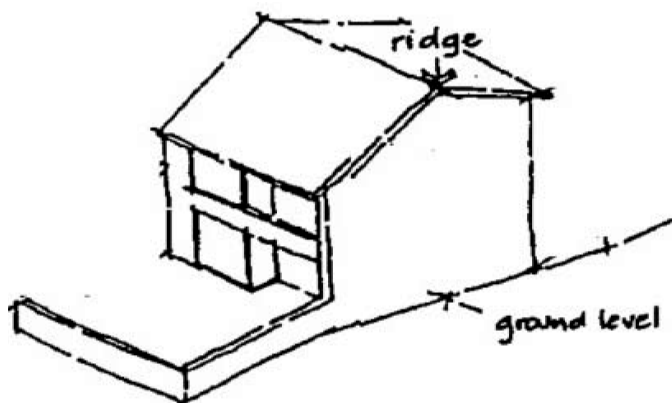


Illustration No.1 – Representation of Height Source: AMCORD 1995

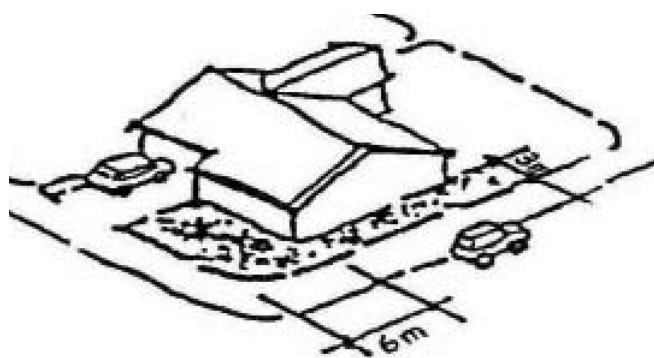
### 5.6 Setback to the Street

#### Objectives

- To ensure the established character and streetscape is retained.
- To ensure continuity within the existing streetscape.
- To integrate new development within the existing setbacks from the street.
- To provide sufficient space for landscaping at the front of dwellings to achieve integration with adjoining dwellings.

## Standards

1.
  - a) Minimum building line shall be 6 metres where the existing building line has not been established;
  - b). Lots with a depth greater than 50 metres but less than 70 metres shall have a building line of 8 metres where an existing building line has not been established;
  - c). Lots with a depth greater than 70 metres must have a minimum building line of 10 metres where an existing building line has not been established.
2. On a corner allotment, one of the setbacks to the street may be reduced as a secondary setback to a minimum of 3 metres.
3. A reduction in the minimum building line will only be considered where there is sufficient reasons and justification for the proposed reduction having regard to the existing adjoining development. This may include where the site is impacted by infrastructure and will be considered on a merit basis.
4. Encroachments to the minimum building line are not permitted for garages to maintain stacked parking options.



Corner allotment

Illustration 2 – Demonstration of Setback requirements Source: AMCORD 1995

## 5.7 Side Setback

### Objectives

- To minimise potential impacts upon adjoining development.
- To minimise opportunities for overshadowing and overlooking between adjoining developments and maintain privacy between adjoining dwellings.
- To satisfy separation requirements for the spread of fire.

### Standards

1. A single storey building should be a minimum of 900mm from the side or rear boundary.
2. The setback of the second storey to any building should be setback a minimum 1500mm from the side or rear boundary.
3. The minimum distance of eaves and gutter of a single storey building shall be 450mm. This distance shall be increased to 1125mm for the second storey of a two storey building.
4. A pool, including fencing shall be a minimum of 1 metre from the side and rear boundary.

## 5.8 Energy Conservation

### Objectives

- To encourage the consideration of climatic conditions in the design and siting of all residential development.
- To minimize the need for artificial heating and cooling and thus energy demands.
- To promote environmentally sustainable development.

## Standards

1. A BASIX certificate is required to accompany all applications for residential development available via an online service at [www.basix.nsw.gov](http://www.basix.nsw.gov).

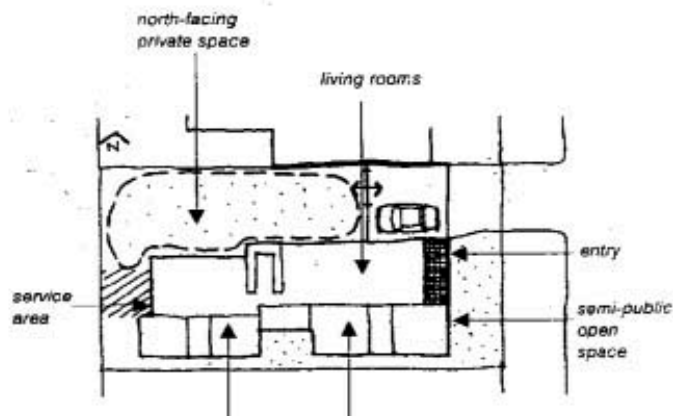


Illustration 3 – Site Planning for a Single Dwelling Sited E-W Source: AMCORD 1995

## 5.9 Heritage

### Objectives

- To retain the historic character of identified heritage items.
- To ensure that new development does not adversely affect identified heritage items.

### Standards

1. Development applications within the vicinity of heritage items will be referred to Council's heritage advisor for consideration and comment.
2. Refer to specific considerations contained in Chapter 12 – "Heritage" of this Development Control Plan.

## 5.10 Fencing

### Objectives

- To ensure fencing is consistent with the existing streetscape character in the neighbourhood.
- To reduce the potential impact of fencing upon streetscape character.
- To encourage new development to consider its relationship with adjoining development to address the street.

### Standards

1. Front fencing shall be a maximum of 1200mm in height when measured from natural ground level.
2. Front fencing shall be of low, open style construction compatible with the adjoining residential development.
3. Side fencing forward of the building line shall generally be a maximum of 1200mm in height however may graduate from 1200mm to 1800mm for compatibility with the adjoining fence height.
4. Fencing should maintain consistency with that of adjoining allotments.
5. Side and rear fencing shall be a maximum height of 1800mm

## 5.11 Rainwater Tanks

### Objectives

- To ensure that the installation of rainwater tanks does not dominate the appearance from the street.



## Standards

1. Rainwater tanks shall not be sited forward of the building line (i.e. between the street and front of the dwelling).
2. Rainwater tanks shall be screened by landscaping, fencing or decorative panels to obscure the view of the rainwater tanks from the street.

## 5.12 Swimming Pools

### Objectives

- To encourage the installation of swimming pools in a safe and convenient manner which does not affect adjoining properties.

### Standards

1. A minimum 1 metre setback from the water's edge to all property boundaries shall be provided.
2. An approved safety fence shall be installed around all pools.
3. The pumping and filtering system shall be sited and housed appropriately to minimise potential noise impacts to surrounding residences.
4. Resuscitation signs shall be displayed on or as close as possible to the entrance to the pool.
5. All pools having capacity over 40,000 litres shall be provided with a Basix Certificate.
6. An approved back wash system shall be installed to the satisfaction of Council.
7. Pool blankets and back wash storage tanks are recommended to be installed as water saving devices.

## 5.13 Signs in Residential Areas

### Objectives

- To minimise the visual impact of advertising within the residential areas of Forbes.
- To ensure the residential character is maintained.

### Standards

1. General advertising is prohibited in the residential area. An approved lawful home business may display a business identification sign which relates to a lawful or approved use of the land upon which it is to be erected.
2. A maximum advertising area of 1m<sup>2</sup>.
3. Maximum height 1.5 metres above ground level or located on the building below the eaves.
4. Must not be illuminated.
5. Temporary Real Estate Signs shall be limited to one sign per agent, contained wholly on the site, constructed so as not pose a risk to public safety.

## 5.14 New Transportable Homes

### New Transportable Homes

#### Objectives

- To permit the placement of new transportable homes with appropriate approvals.

#### Standards

1. A development application is required for the residential use of the land.
2. A Section 68 Approval is required for the placement of the transportable dwelling including details of appropriate construction techniques.
3. A BASIX Certificate is not required for transportable homes.
4. The front of the transportable dwelling shall be orientated toward the primary street frontage.
5. A subfloor curtain shall be provided to obscure the footing from public view.

6. Certification that the transportable house has been constructed in accordance with the BCA is to be provided prior to the transportation of the dwelling.

### 5.15 Relocation of Existing Dwellings Relocated Homes

#### Objectives

- To permit the relocation of existing dwellings within the residential area within keeping of existing residential development.

#### Standards

1. A photographic profile shall be provided with the DA including floor plans and elevations.
2. Structural certification of the building and cut lines shall be provided prior to the issue of the Construction Certificate.
3. Certification from a qualified Hygienist that the relocated dwelling is free from asbestos shall be provided prior to the issue of the Construction Certificate.
4. A BASIX Certificate is not required for relocated homes.
5. The front of the dwelling shall be orientated toward the primary street frontage.
6. A subfloor curtain shall be provided to obscure the footing from public view.
7. Final inspection and Occupation Certificate shall be completed within 12 months including all external finishes.
8. A bond (as detailed in Council's Management Plan) will be held by Council to ensure completion of satisfactory works. This bond may be waived upon preparation of an approved Management Plan for the proposed works.

### 5.16 Former Lachlan Vintage Village Site

#### Objectives

- To encourage high quality residential development of the Former Lachlan Vintage Village Site.
- To control potential site risks associated with the development of this site.

#### Standards

1. Residential development will only be permitted upon the flood free portions of the land. The integrity of existing drainage systems shall be maintained.
2. Residential development shall be connected to Council's reticulated water and sewerage systems at the cost to the developer.
3. Prior to development satisfactory evidence shall be provided to Council that the integrity of heritage items has been protected.
4. Suitable geotechnical investigations shall be undertaken to ensure there are no mine subsidence risks resulting from historical underground mining undertaken at the site.
5. A residential masterplan shall be endorsed by Council prior to any residential development of the site.

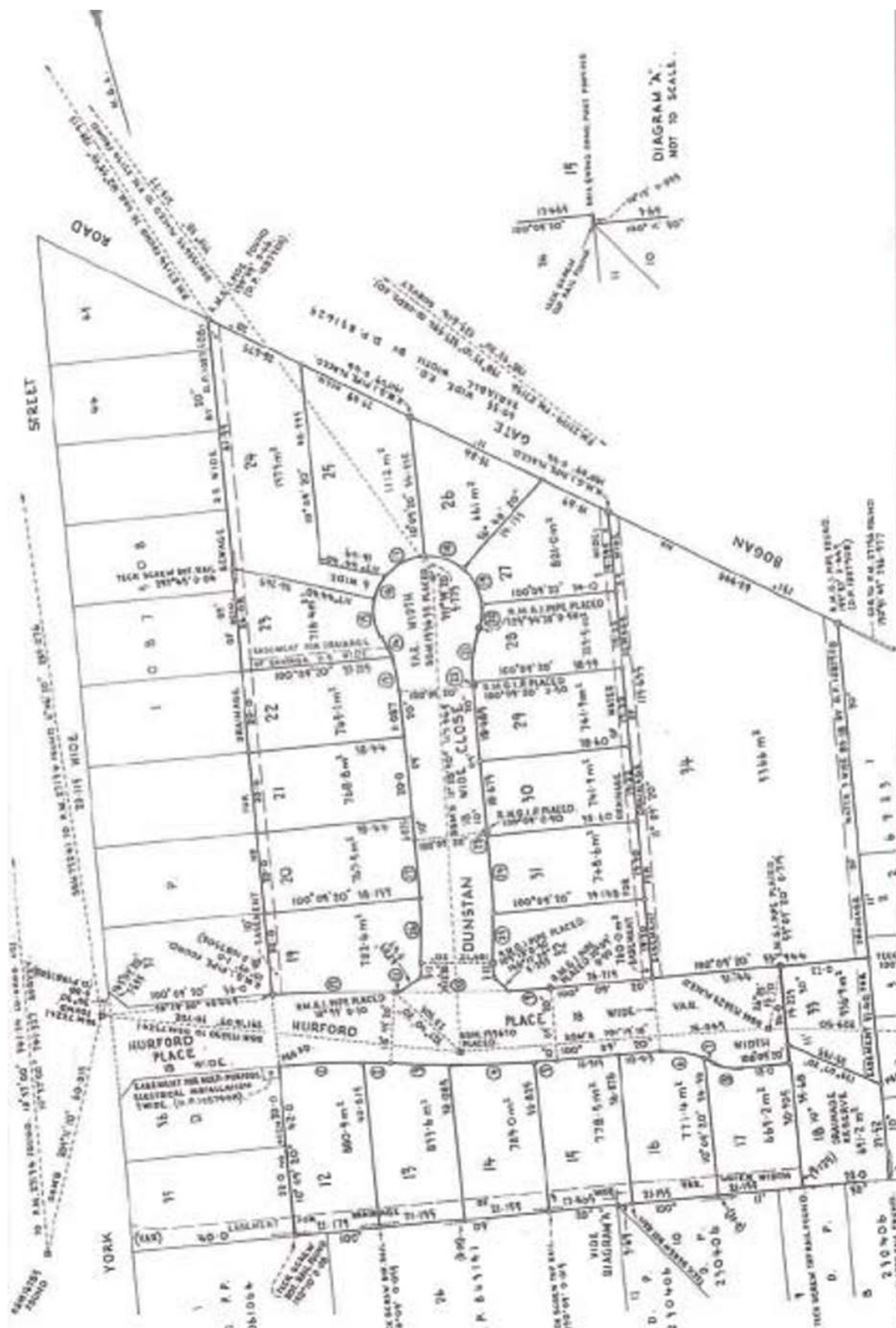
### 5.17 York Street

#### Objectives

- To control the construction of dwellings within Council's York Street subdivision.
- To enhance the visual appearance and presentation of new development within this new residential estate.

#### Standards

1. Restrictions have been imposed upon the York Street subdivision identified below.



2. The following restrictions have been imposed upon the title of affected lots:

LOTS BURDENED	RESTRICTION IMPOSED
23, 24	Easement for drainage of sewage 2.5 wide
27, 28, 29, 30, 31, 32	Easement for drainage of water 2 wide
13, 15, 20, 22, 24, 27, 29, 31	Dwelling to be constructed of new brick or block construction.
	Infill panels of glass, timber, aluminium or other shall not exceed 25% of external wall area
12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34	All buildings shall be erected with new materials
	Roof must be pitched and constructed of terracotta cement tile or corrugated colourbond,
	Dwelling shall not have a floor area less than 110 square metres
	Lots shall not be used for other than residential purposes
	No "A" frame type buildings shall be constructed
	Residential buildings other than single occupancy or duplex type are not permitted
	No advertising signs shall be painted or fixed on or adjoining the land
	Lots shall not be used for storage or depositing of buildings or other materials except during building operations
	Machinery or unregistered vehicles may not be parked on any lot
	No side or rear fence shall be constructed except by using new colourbond materials
	No owner can require Forbes Shire Council to contribute to the cost of the dividing fence
	No earthworks shall be carried out with the effect of diverting the stormwater
24, 25, 26, 27, 34	Access to the lot from Bogan Gate Road is not permitted
12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33	Approved dwelling must be completed within 12 months from the date of transfer
24, 27, 26, 27, 34	Owners shall maintain a fence of colourbond material 1.8m high and "domain" or equivalent in colour along the Bogan Gate Road Boundary

### 5.18 Garages, Sheds and other Outbuildings

#### Objectives

- Garages, sheds and other outbuildings are to be ancillary to the dwelling;
- The height, build and scale of garages, sheds and outbuildings are not to cause a significant impact on adjoining properties through overshadowing;
- The garages, sheds and other outbuildings are not to be used for commercial or industrial uses or residential occupation;
- Garages, sheds and other outbuildings are not to impact on the surrounding neighbourhood.

#### Standards

1. Have a maximum height to the ridge of 5.5 metres;
2. Where the building has a maximum height of 4.0 metres and a maximum height of 3.0 metres to the gutter be located a minimum of 500 mm from the side or rear boundary;
3. Where the building has a maximum height of 5.5 metres and a maximum height of 4.0 metres to the gutter be located a minimum of 1.5 metres to the side and rear boundary;
4. Where the rear lane access is available a 1 metre rear boundary setback is required to allow for vehicle manoeuvring.
5. The building is to have a total floor areas of no greater than 125m<sup>2</sup>.

### 5.19 Materials

#### Objectives

- To ensure a high quality of residential development throughout the Forbes Shire;
- To minimise the impact on the neighbourhood through glare;

#### Standards

1. Highly reflective material, cladding or finishes, such as zinc alume, are not permitted as a wall cladding on dwellings or outbuildings;
2. Shipping containers are not permitted in residential zones.





## CHAPTER 6 – MULTI DWELLING HOUSING, SECOND DWELLINGS AND DUAL OCCUPANCY DEVELOPMENT

### 6.1 Preamble

The Forbes Shire prides its self in providing a high quality residential living environment for its resident population located in its rural setting. The protection of quality residential areas is vital to maintaining Forbes's image as an attractive place to live.

The implementation of basic minimum standards for multi dwelling residential development, Second Dwellings and Dual Occupancies seek to protect the existing residential amenity and streetscape quality and ensure new development complements the Forbes residential character

### 6.2 Land to which this Plan Applies

This plan applies to all forms of multi dwelling residential development throughout the Forbes Shire including Second Dwellings and Dual Occupancies. Separate provisions are provided for second dwelling and dual-occupancy development. Rural workers dwellings are addressed separately in Chapter 9 of this Development Control Plan.

### 6.3 Objectives

The Objectives of this Development Control Plan are to:

- (a) Ensure a high quality of residential development throughout the Forbes Shire;
- (b) Encourage site responsive development which reflects the opportunities and constraints of individual sites and preserves or enhances its special qualities;
- (c) Ensure development is consistent and compatible with the established streetscape and character and enhances the amenity of residential areas; and
- (d) Assist developers and applicants in the preparation and submission of applications in order to expedite the assessment process.

## DEVELOPMENT STANDARDS

### 6.4 Lot Size and Dimensions

#### Objectives

- To reflect the statutory requirements of Forbes Local Environmental Plan 2013.
- To ensure that allotments are capable of accommodating more than one dwelling and the associated site facilities.
- To preserve existing residential streetscape character and amenity.

#### Standards

1. The minimum allotment size for the erection of multi-unit housing development (more than two dwellings on a single allotment) shall be 740m<sup>2</sup>, having a minimum frontage at the street alignment of not less than 16.8m.
2. The above minimum standards are Statutory controls reflected in Forbes Local Environmental Plan 2013 and cannot be varied without preparation of an Objection prepared in accordance with Clause 4.6 – Exceptions to Development Standards of Forbes LEP2012.

### 6.5 Density

#### Objectives

- To restrict overdevelopment of individual allotments.
- To ensure that allotments are capable of accommodating the number of dwelling proposed upon an individual site.
- To ensure sufficient area is available to accommodate the dwelling unit, private open space, parking and necessary site facilities.
- To preserve existing residential and streetscape character and amenity.

#### Standards

1. A maximum of one (1) dwelling per 250m<sup>2</sup> of site area shall be permitted.

### 6.6 Floor Space Ratio

#### Objectives

- To control the bulk and scale of development and restrict over development of individual allotments.
- To ensure sufficient area is available to accommodate the dwelling unit, private open space, parking and necessary site facilities.
- To preserve existing residential streetscape character and amenity.

#### Standards

1. The maximum floor space ratio for single storey development is 0.4:1.
2. The maximum floor space ration for two (2) storey developments is 0.8:1.
3. Floor Space Ratio means the ratio of the site area to the gross floor area of all units including all habitable and non-habitable rooms and garages or car parking necessary to meet any requirements of Council.

### 6.7 Height

#### Objectives

- To ensure dwellings are consistent with the predominant neighbourhood and street character
- To ensure a consistency in bulk and scale of residential development

#### Standards

1. The maximum height of dwellings shall be 2 storeys and 8.5 metres.
2. Height in metres is the distance measured vertically from the top most point of the building (not being a vent or chimney or the like) to natural ground level below.
3. A storey is the space between two floors or the space between any floor and its ceiling or roof above.

## 6.8 Setback to the Street

### Objectives

- To ensure the established character and streetscape is retained.
- To ensure continuity within the existing streetscape.
- To integrate new development within the existing setbacks from the street.
- To provide sufficient space for landscaping at the front of dwellings to achieve integration with adjoining dwellings.
- To ensure sufficient separation from secondary frontages to ensure adequate vision for traffic and pedestrian safety.
- To maintain privacy to the secondary frontage from road users.

### Standards

1. Where the existing building line has not been established
2. Lots with depth greater than 50 metres but less than 70 metres shall have a building line of 8 metres where an existing line has not been established
3. Lots with a depth greater than 70 metres must have a minimum building line of 10 metres where an existing building line has not been established
4. On a corner allotment, one of the setbacks to the street may be reduced to a minimum of 3 metres.
5. A reduction in the minimum building line will only be considered where immediately adjoining dwellings, not being a secondary setback on a corner allotment, encroach on the minimum building line. This may include where the site is impacted by infrastructure and will be considered on a merit basis.
6. Encroachments to the minimum 6m building line are not permitted for garages to maintain stacked parking options.

## 6.9 Side Setback

### Objectives

- To minimise potential impacts upon adjoining development.
- To minimise opportunities to overshadowing and overlooking between adjoining developments and maintain privacy between adjoining dwellings.
- To satisfy separation requirements for the spread of fire.

### Standards

1. A single storey building should be a minimum of 900mm from the side or rear boundary.
2. The setback of the second storey to any building should be setback a minimum 1500mm from the side or rear boundary.
3. The minimum distance of eaves and gutter of a single storey building shall be 450mm. This distance shall be increased to 1125mm for the second storey of a two storey building.
4. A pool, including fencing shall be a minimum of 1 metre from the side and rear boundary.

## 6.10 Minimum Floor Area

### Objectives

- To ensure the construction of suitably sized or undersized dwelling units.
- To restrict over development of individual allotments.
- To prevent opportunities for the creation of excessive "granny flat" units within the rear garden of existing dwellings.

### Standards

1. The minimum floor area for an individual unit is 60m<sup>2</sup> and includes habitable and non-habitable rooms and garages or car parking necessary to meet any requirements of Council.

## 6.11 Landscaped Open Space

### Objectives

To ensure the landscape character of residential areas is maintained.

- To provide separation and enhance privacy between dwellings, surrounding development and the street.
- To encourage developers to consider the appearance of their development at the early stage in the development process.

### Standards

1. All development applications for new multi-unit development are to be accompanied by a Landscape Plan.
2. The Landscape Plan is to be prepared to a suitable scale identifying the following:
  - Opportunities and constraints for landscaping; Vegetation species to be planted;
  - Areas to be planted - including dimensions;
  - Details of all "hard" elements such as paving, fencing, retaining walls, ornamental elements etc.;
  - Mature height of species to be planted;
3. Existing street trees shall be maintained and replicated where possible. The spacing of such trees shall be a minimum of 1.5 times the mature canopy of the proposed tree and a maximum 2 times the mature tree canopy.
4. Council has embarked on a street tree planting program to embellish existing gateway plantings along entrances to the Forbes Town Centre. Further information in respect of this plan can be obtained from Council's Engineering Department.

## 6.12 Private Open Space

### Objectives

- To accommodate the private out-door recreation needs of future residents.
- To ensure private open space is provided for all housing, clearly defined for private use and is usable and accessible from internal living areas.
- To ensure private open space is appropriately located to best utilize site constraints, has adequate access to sunlight as well as minimise the impact on adjoining buildings.
- To provide space for service functions including clothes drying.

### Standards

1. A minimum of 50m<sup>2</sup> of private open space should be provided for each dwelling.
2. All private open space areas shall have an area having minimum dimensions 5 x 5 metres to provide a usable area for outdoor recreation.
3. Private open space areas should be capable of receiving not less than 2 hours of sunlight between 9am and 3pm on June 21 over at least 50% of the private open space.
4. Private open space should not be located in the street setback areas.

## 6.13 Orientation & Building Energy Conservation

### Objectives

- To encourage the consideration of climatic conditions in the design and siting of all residential development.
- To minimise the need for artificial heating and cooling and thus energy demands.
- To promote environmentally sustainable development.

### Standards

1. A BASIX certificate is required for all units within the proposed residential development available via an online service at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au) or 1300 650 908.

## 6.14 Fencing

### Objectives

- To ensure fencing is consistent with the existing streetscape character in the neighbourhood.
- To reduce the potential impact of fencing upon streetscape character.
- To encourage new development consider its relationship with adjoining development to address the street.

### Standards

1. Front fencing shall be a maximum of 1200mm in height when measured from natural ground level.
2. Front fencing shall be of low, open style construction compatible with the adjoining residential development.
3. Side fencing forward of the building line shall generally be a maximum of 1200mm in height however may graduate from 1200mm to 1800mm for compatibility with the adjoining fence height.
4. Fencing should maintain consistency with that of adjoining allotments.
5. Side and rear fencing shall be a maximum height of 1800mm.

## 6.15 Car Parking & Access

### Objectives

- To ensure adequate car parking is provided on site behind the building line.
- To provide convenient and safe car parking and access.
- To ensure that access and car parking does not dominate or detract from the appearance of developments and the local streetscape.

### Standards

1. A minimum of one (1) car parking space is to be provided for each dwelling, behind the building line.
2. Visitor car parking is to be provided for developments of more than two (2) dwelling units, at a rate of 1 space per 4 dwellings or any part thereof.
3. For units facing the street and complying with the minimum 6 metre setback, visitor car parking may be permitted in tandem fashion in the driveway, where pedestrian safety is not compromised, (see following figure).
4. The driveway is to be setback a minimum of 1 metre from the side boundary and the setback area landscaped.
5. Car Parking dimensions are to meet the following minimum requirements and be free from encroachments:

Type of Car Space	Width and Length
Single Open	2.7m x 5.4m
Double Open	5.4m x 5.4m
Single Enclosed	3.0 m x 6.0m
Double Enclosed	6.0m x 6.0m

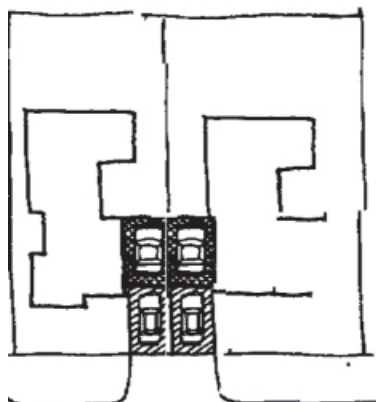


Illustration 6 – Stacked Parking



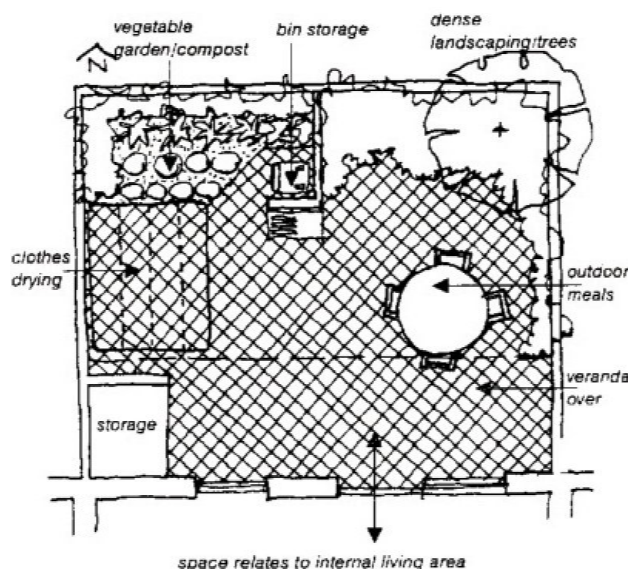
## 6.16 Site Facilities

### Objectives

- To ensure adequate provision is made for the necessary supporting site facilities such as garbage storage areas, clothes drying areas, mail boxes, water tanks etc.
- To ensure that site facilities are accessible and appropriately located.
- To ensure that the installation of rainwater tanks do not dominate the appearance from the street.

### Standards

1. A separate garbage area is to be provided in a location screened from the street and constructed of materials compatible with the development.
2. An additional storage area a minimum of 3m<sup>2</sup> per unit is to be provided preferably within the garage.
3. A separate open air clothes drying facility is to be provided for individual units. Such facilities are not to be located within the front setback.
4. A mail box facility is to be provided in an accessible location.
5. Rainwater tanks shall be screened by landscaping, fencing or decorative panels to obscure the view of the rainwater tanks from the street.



**Illustration 7 – A Usable Private Open Space Area is necessary to fulfil a number of functions**

Source: AMCORD 1995

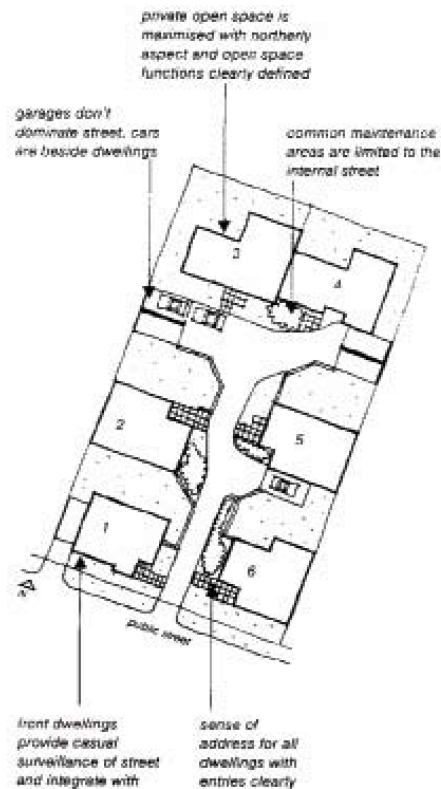
## 6.17 Heritage

### Objectives

- To retain the historic character of identified heritage items.
- To ensure that new development does not adversely affect identified heritage items.

### Standards

1. Development applications within the vicinity of heritage items will be referred to Council's heritage advisor for consideration.
2. Refer to specific considerations contained in Chapter 12 – Heritage of this Development Control Plan.



**Illustration 8 – Consider Image of Development and Amenity in the Design Process**

Source: AMCORD 1995

## 6.18 Services

### Objectives

- To ensure the location of public utilities in an efficient and cost effective manner.
- To maximise opportunities for common trenching of underground utility services where appropriate.

### Standards

1. Each dwelling unit must be capable of being connected to all necessary services. Preliminary advice from the relevant service provider shall be provided with all development applications.
2. Separate meters shall be provided to individual units. Access to meters shall be provided in accordance with Council's meter policy available from the Engineering Department.
3. All developments must be capable of being connected to a reticulated sewerage system.

## 6.19 Storm water

### Objectives

- To control storm water quantity and quality.
- To minimise the impact upon existing constructed drainage systems, ground water levels, natural drainage patterns, water courses and adjoining properties.
- To ensure the cost effective provision and maintenance of storm drainage works.

### Standards

1. Pre development storm water flows are to be maintained post development.
2. A satisfactory on-site detention system is to be designed by a suitably qualified engineer with details to be submitted with the development application.

## 6.20 Second Dwellings and Dual Occupancy

### Objectives

- To encourage alternative forms of low cost accommodation where appropriate.
- To minimise the impact of this form on development upon the streetscape and surrounding properties.

### Standards

1. Where possible design shall reflect that of a single dwelling.
2. The second dwelling shall be sited to minimise potential impacts upon surrounding properties. Measures to minimise potential impacts shall be demonstrated in the Development Application.

## 6.21 Garages, Sheds and other Outbuildings

### Objectives

- Garages, sheds and other outbuildings are to be ancillary to the dwelling.
- The height, bulk and scale of garages, sheds and outbuildings are not to cause a significant impact on adjoining properties through overshadowing.
- The garages, sheds and other outbuildings are not to be used for commercial or industrial uses or residential occupation.
- Garages, sheds and other outbuildings are not to impact on the surrounding neighbourhood.

### Standards

1. Have a maximum height to the ridge of 5.5 metres.
2. Where the building has a maximum height of 4.0 metres and maximum height of 3.0 metres to the gutter be located a minimum of 500 mm from the side or rear boundary.
3. Where the building has a maximum height of 5.5 metres and a maximum height of 4.0 metres to the gutter be located a minimum of 1.5. Metres to the side and rear boundary.
4. Where the rear lane access is available a 1 metre rear boundary setback is required to allow for vehicle manoeuvring.
5. The building is to have a total floor areas of no greater than 125m<sup>2</sup>.

## 6.22 Materials

### Objectives

- To ensure a high quality of residential development throughout the Forbes Shire
- To minimise the impact on the neighbourhood through glare

### Standards

1. Highly reflective material, cladding or finishes, such as zinc alume, are not permitted as a wall cladding on dwellings or outbuildings.
2. Shipping containers are not permitted in residential zones.



## CHAPTER 7 – FORBES URBAN RESIDENTIAL EXPANSION AREA

### 7.1 Preamble

Residential growth within the Forbes Shire is limited by primary environmental constraints in particular being the flooding of the Lachlan River. This has resulted in the identification of the urban residential growth area to the west/northwest of the existing urban area. Despite the majority of the area being zoned for such development since 1986 development has been slow and generally isolated and somewhat haphazard in nature.

In order to encourage development and maximise efficiency in the use of land and service provision to the area Council commissioned GHD consulting to prepare a development strategy for the area with the final report adopted by Council in December, 2007.

This development strategy provides the basis for the preparation of the urban residential release components of the Forbes DCP. It provides the strategic direction to guide the future urban residential development within the Shire. It will provide for the orderly and economic provision of services and encourage the efficient use of the land and also provide a clear direction for future land use decision making in the area.

### 7.2 Land to which this Plan Applies

This plan applies to land identified within the white banded area as shown on the Urban Residential Release Masterplan, being land generally adjoining the urban periphery of Forbes to the west and northwest.

### 7.3 Objectives

The Objectives of Chapter 7 - the Forbes Urban Expansion Area Development Control Plan are to:

- (a) Encourage the urban residential development of the land;
- (b) Ensure a high quality of residential development;
- (c) Ensure development relates to site conditions;
- (d) Enhance the landscape and resultant urban amenity; and
- (e) Provide for a planned approach to the comprehensive urban residential development of the land.



## 7.4 Allotment Layout

- To ensure development relates to the site conditions.
- To have a positive effect upon the drainage of the area.
- To minimise environmental impacts as a result of the proposed development
- To provide a planned, coordinated approach to the subdivision of the land

1. The basic road pattern and drainage corridor shall conform to the Forbes Urban Release masterplan. Lot layout is shown conceptually to guide perspective developers to consider the relationship with adjoining land.
2. Where a proposal seeks to depart from the Forbes Urban Release Area Masterplan the applicant shall demonstrate that the revised design can be accommodated within the masterplan concept and will not adversely affect the development potential of surrounding properties.
3. Land identified as flood prone and/or likely to be inundated due to surface water drainage shall be dedicated to Council in order to perform the drainage functions for the developed area. The required drainage corridor has been zoned for infrastructure purposes in accordance with Forbes Local Environmental Plan 2013 as identified below.







## 7.1 Road Design, Access, Pedestrian & Bicycle ways

### Objectives

- To provide a safe and appropriate level of access to all allotments.
- To encourage connectivity throughout the urban area and broader CBD area.
- To provide a distinctive and hierarchical network of roads.
- To provide clear distinction of the road hierarchy relative to road function, capacity volume, speed, and safety.
- To accommodate service infrastructure within proposed road and drainage reservations and minimise conflict with private land.

### Standards

1. All lots shall have direct access to a public road.
2. The road layout comprises a modified grid layout for convenient access generally in accordance with the development masterplan for the release area.
3. Provision shall be made in all subdivisions for the road, footpath and cycleway network should facilitate connectivity to local facilities such as schools, community facilities and Lake Forbes.
4. Traffic control devices shall be implemented where appropriate to manage vehicle speeds, such as bollards, and paving as a passive method of controlling vehicular behaviour.
5. The main open space/pedestrian and cycle corridor shall be located along the drainage corridor by the promotion of dual use of appropriate lands.
6. Links to pedestrian and cycleway paths are to be provided in the locations shown upon the masterplan.
7. Where variation is sought to the adopted masterplan the developer shall demonstrate that the proposed variation sought can be accommodated within the overall masterplan without adversely affecting adjoining properties.

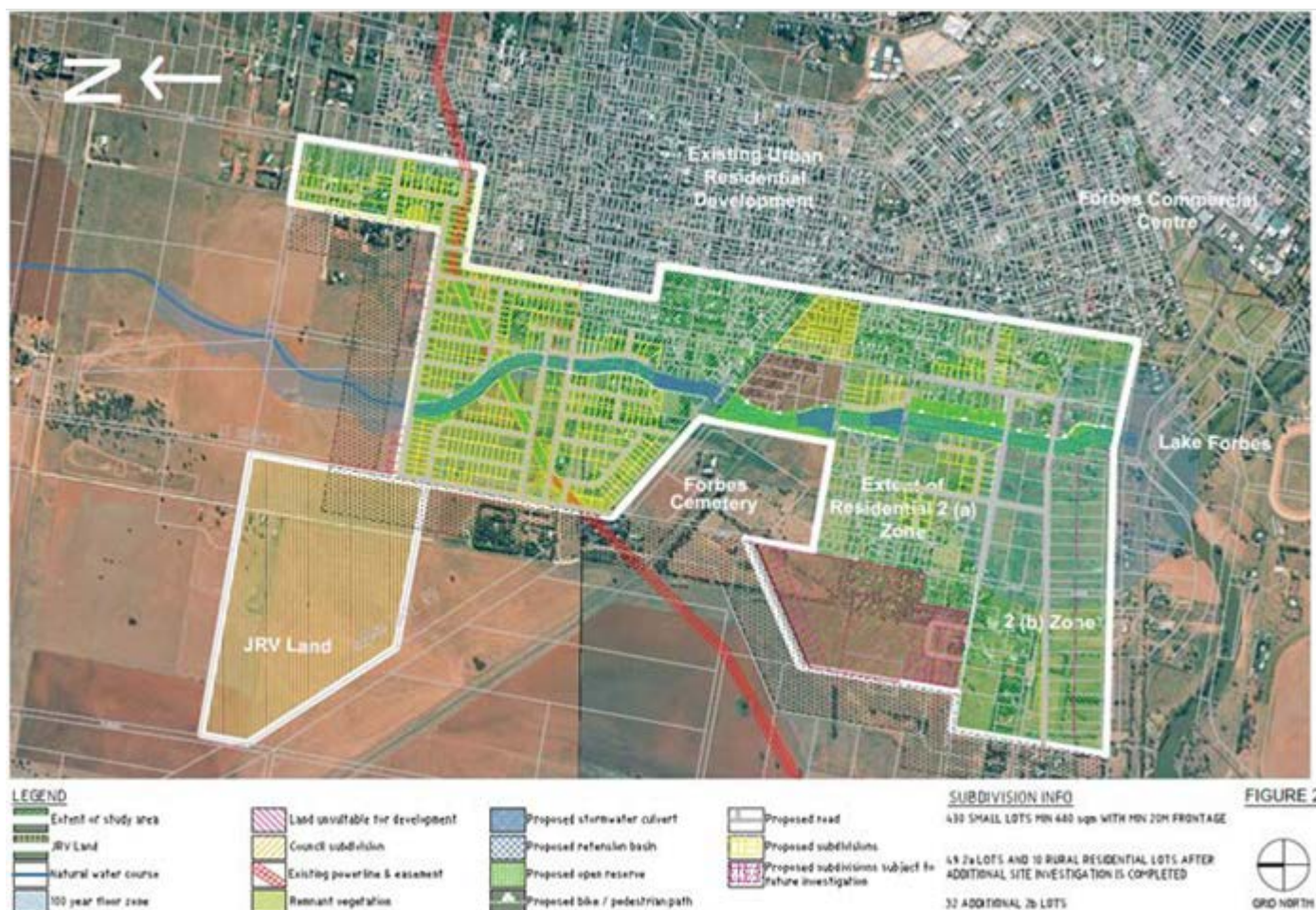
## 7.2 Interim Rural Residential Subdivision

### Objectives

- To enable subdivision of larger allotments as interim solutions where it does not compromise the future subdivision for residential purposes.

### Standards

- The minimum allotment size for any interim subdivision of the land shall be 1ha. The service requirements for interim subdivisions will be subject to an appropriate site suitability assessment including the capability of the land to sustain water collection, effluent disposal and the location of the service network.
- Subdivision to create larger allotments for an interim subdivision of the land will only be permitted where the applicant can demonstrate the allotment design will not compromise the future subdivision of the land.
- Future building envelopes for subdivision to residential densities shall be identified on the draft subdivision plan.







## CHAPTER 8 – LARGE LOT RESIDENTIAL DEVELOPMENT & PRIMARY PRODUCTION SMALL LOTS

### 8.1 Preamble

Under the Standard Instrument (LEP's) traditional rural residential development is prescribed in two forms, as either Large Lot Residential Development or Primary Production Small Lots. Typically in Forbes these forms of rural residential development will be distinguished by the level of service and the predominance of the use of the land.

The predominant use of the land use for "Large Lot Residential" development is for residential purposes with the main feature being the residential dwelling. Primary Production Small Lots development shall be dominated by the rural component of the land use, with the dwelling being ancillary. Generally allotments will be larger to accommodate the rural use as well as on site servicing. Typically these allotments form transitional lands between urban and rural land.

The Forbes Shire prides its self in providing a diverse range of rural residential living opportunities for its resident population located in its rural setting. The protection of quality fringe living opportunities is vital to maintaining Forbes's image as an attractive place to live.

This Development Control Plan has been prepared by Forbes Shire Council to advise of Council's objectives to ensure high quality development throughout the Forbes Shire. It provides basic minimum standards to assist developers in achieving these objectives and provides an outline of Council's requirements for the submission of relevant information to accompany development applications for all forms of rural residential development.

### 8.2 Land to which this plan applies

This plan applies to all forms of "Large Lot Residential" and "Primary Production Small Lots" throughout the Forbes Shire.

### 8.3 Objectives

The Objectives of this Development Control Plan are to:

- (a) Ensure a high quality of rural residential development throughout the Forbes Shire;
- (b) Encourage site responsive development which reflects the opportunities and constraints of individual sites and preserves or enhances its special qualities.
- (c) Ensure development is consistent and compatible with the established streetscape and character and enhances

the amenity of residential areas; and

- (d) Assist developers and applicants in the preparation and submission of applications in order to expedite the assessment process.

## 8.4 Minimum Allotment Sizes

### Objectives

- To protect the valuable agricultural land resource within Forbes.
- To implement minimum allotment sizes which reflect site hazards in particular flooding and the land needed to accommodate necessary services.

### Standards

1. The minimum allotment size for Large Lot Residential Development ranges from 1500 square metres to 4,000 square metres dependent upon locality, existing lot layout and surrounding development provided the allotment is serviced with reticulated effluent disposal.
2. Large Lot Residential Development not serviced with reticulated effluent disposal ranges from 10,000 square metres (1 hectare) to 100,000m<sup>2</sup> (10Ha).
3. The minimum allotment size for Primary Production Small Lots Development is 100,000 square metres (10 hectare).
4. Where onsite effluent disposal is proposed upon allotments of less than 2 hectares a geotechnical report shall be provided to identify satisfactory area for effluent disposal in the given location. Preference will be given to aerated onsite effluent disposal systems.
5. The minimum allotment size for Large Lot Residential land identified as being of low flood hazard risk is 2ha.

## 8.5 Location within Agriculturally Productive Area

### Objectives

- To recognise and protect the valuable agriculturally productive land of the Forbes Shire.
- To increase awareness of the realities of developing and living in the country.

### Standards

1. Applicants need to recognise they are proposing to develop within an agriculturally productive area and consider the impacts of agriculture upon the proposed development and the impact of the proposed development upon agriculture.
2. Council may impose conditions or requirements upon development consents or land covenants in order to address any potential impacts upon agriculture.

## 8.6 Servicing

### Objectives

- To ensure that an adequate level of services is provided to all allotments.
- To ensure that block sizes in unsewered areas are of sufficient shape and size to accommodate on-site effluent disposal.
- To ensure development does not place an unreasonable demand upon service authorities, Council and the community.

### Standards

1. Large Lot Residential Development shall be connected to the reticulated sewer system.
2. Primary Production Small Lots should be connected to the reticulated sewer system where feasible. Where reticulated sewer cannot be provided, an approved on-site effluent disposal system shall be installed in accordance with the requirements of "Environment and Health Protection Guidelines Onsite Sewage Management for Single Households 1998.
3. All septic tanks shall be provided with an overflow relief drain located between the dwelling and tank to protect the dwelling from septic surges and overflows.
4. Electrical Services are to be provided in accordance with the requirements of Essential Energy. Service availability is to be confirmed prior to approval of the associated development application.

5. Telephone lines shall be installed in accordance with the requirements of Telstra. Service availability is to be confirmed prior to approval of the associated development application.
6. Where reticulated water is not available roof water collection tanks shall be installed capable of storing a minimum of 90,000 litres. A reduction in water storage capacity will only be permitted where approval of a stock and domestic bore can be provided and a dual (potable and non-potable) water reticulation system has been installed. All secondary roof structures in excess of 15 square metres shall be connected to the primary water reticulation system.
7. A secondary water source for collection of surface water in accordance with the Department of Natural Resources – Farm Dams Policy shall be provided on allotments greater than 2 hectares for stock water purposes.
8. An additional 22,000 litres of water storage shall be provided for bush firefighting purposes.
9. All necessary easements shall be created in favour of the relevant service authority at the cost to the developer.

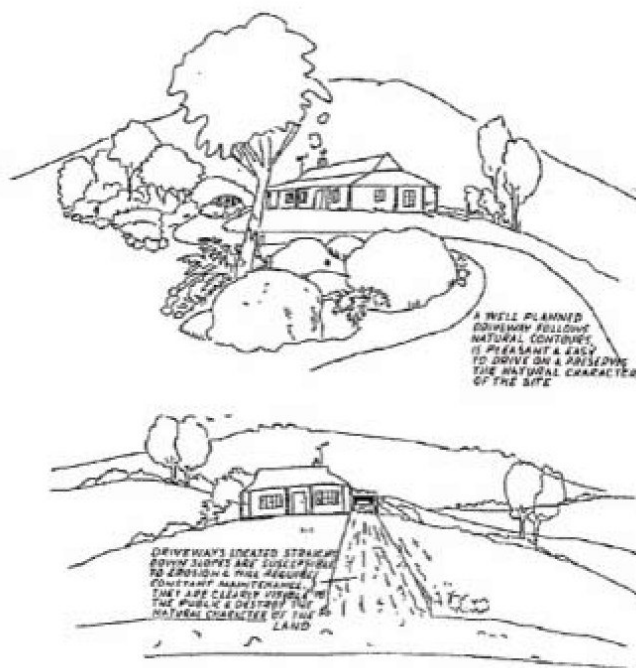
## 8.7 Access

### Objectives

- Ensure satisfactory arrangements are made for access to new developments.
- Encourage the orderly and economic provision of roads.
- To minimise the potential impact upon the environment and rural aesthetic quality.

### Standards

1. Direct legal access to a public road is required to all new allotments and dwellings.
2. The minimum rural road reservation shall be 20 metres.
3. New roads and access arrangements should be located to take account of the natural features of the site as well as existing vegetation.
4. Driveways should be designed to follow the contours of the land to minimise the visual impact of the development.
5. Roads that run with the contour of the land can be significantly cheaper and easier to construct and maintain.
6. Where development involves the increase in frequency or intensity of use on an existing road, upgrading of the road to Council standards may be required.



## 8.8 Signs in Large Lot Residential & Primary Production – Small Lot Areas

### Objectives

- To ensure signage/advertising is lawful and approved in accordance with the Environmental Planning and Assessment Act, 1979.
- To enhance the visual landscape of the Shire of Forbes.
- To establish general guidelines to be followed in the design and siting of outdoor advertising.
- To minimise the visual impact of advertising within the residential areas of Forbes.
- To ensure the rural residential character is maintained.

### Standards

1. A development application is required to be lodged and approval obtained prior to the erection or alteration of advertising structures or signage throughout the Shire.
2. A property name may be displayed within the property to which it relates without the need to obtain development approval.
3. General advertising is prohibited in the residential area. An approved lawful home business may display a business identification sign which relates to a lawful or approved use of the land upon which it is to be erected.
4. A maximum advertising area of 1m<sup>2</sup>.
5. Maximum height 1.5 metres above ground level or located on the building below the eaves.
6. Must not be illuminated.
7. Temporary Real Estate Signs shall be limited to one sign per agent, contained wholly on the site, constructed so as not pose a risk to public safety.

## 8.9 New Transportable Homes

### Objectives

- To permit the placement of new transportable homes with appropriate approvals.

### Standards

1. A development application is required for the residential use of the land.
2. A Section 68 Approval is required for the placement of the transportable dwelling including details of appropriate construction techniques
3. A BASIX Certificate is not required for transportable/ relocatable homes.
4. The front of the transportable dwelling shall be orientated toward the primary street frontage.
5. A subfloor curtain shall be provided to obscure the footing from public view.

## 8.10 Relocation of Existing Dwellings Relocated Homes

### Objectives

- To permit the relocation of existing dwellings within the residential area within keeping of existing residential development.

### Standards

1. A development application is required for the residential use of the land.
2. A Section 68 Approval is required for the placement of the transportable dwelling including details of appropriate construction techniques.
3. A photographic profile shall be provided with the DA including floor plans and elevations.
4. Structural certification of the footings and cut lines shall be provided prior to the issue of the Occupation Certificate.
5. Certification from a qualified Hygienist that the relocated dwelling is free from asbestos shall be provided prior to the issue of the Occupation Certificate.



6. A BASIX Certificate is not required for relocated homes.
7. The front of the dwelling shall be orientated toward the primary street frontage.
8. A subfloor curtain shall be provided to obscure the footing from public view.
9. Final inspection and Occupation Certificate shall be completed within 12 months including all external finishes.
10. A bond as listed in the fees and charges section of Council's Management Plan will be held by Council to ensure completion of satisfactory works. This bond may be withheld in lieu of an approved Management Plan for the proposed works.

## 8.11 Replacement of an Existing Dwelling

### Objectives

- To increase potential for rural living opportunities without fragmenting the existing land resource.

### Standards

1. Where an existing dwelling is being replaced with a new dwelling however the existing dwelling is to remain the existing dwelling shall be altered so it is not capable of being inhabited as a separate domicile.
2. Generally a dwelling shall be rendered uninhabitable where the kitchen has been removed.

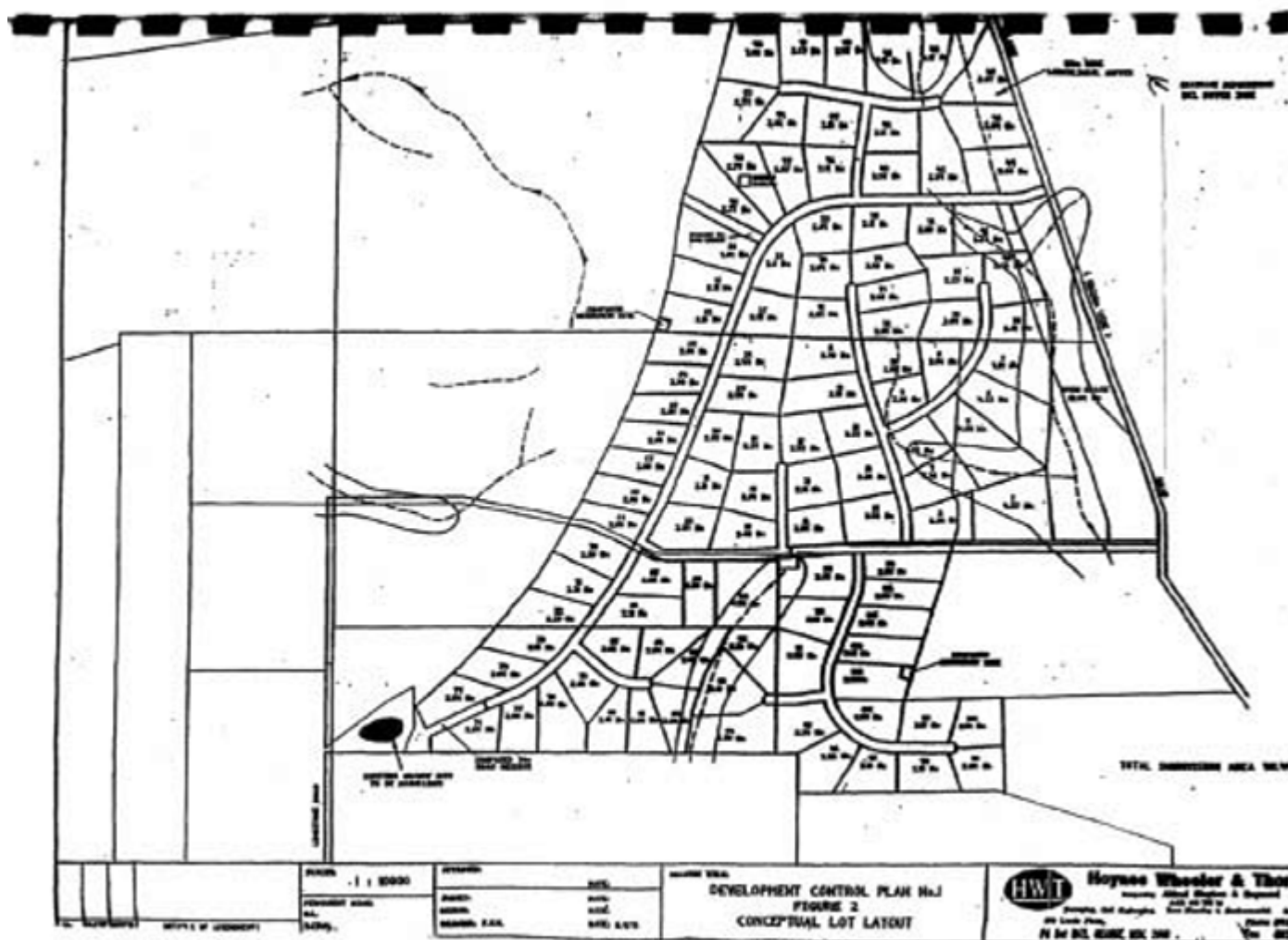
## 8.12 Alcheringa Rural Residential Estate

### Objectives

- To reduce environmental impact of the development of the site;
- To provide development standards and guidelines to satisfactorily address the development of Alcheringa;
- To minimise soil erosion;
- To ensure the provision of services; and
- To ensure satisfactory effluent disposal.

### Standards

1. A minimum allotment size of 2 hectares applies throughout the estate.
2. Subdivision shall conform to the Alcheringa Estate Concept Plan below.
3. No buildings will be permitted to encroach upon any ridgeline in particular, the central ridgeline is to be kept free of development to provide a natural buffer between the rural residential development and the rural zones. Revegetation of this buffer is encouraged.
4. Proposed building envelopes need to be identified at the time of subdivision.
5. All lot boundary fencing shall be secure and stock proof.
6. A 150 metre buffer zone shall be established between adjoining agricultural lands and all building developments.
7. A buffer is to be created 40 metres wide on both sides of all watercourses, and within the drainage depression areas.
8. On-site water storage shall be provided with connection to the low-pressure water supply reticulated to the estate. The on-site storage system shall be provided prior to occupation of the dwelling.
9. The water supply system will incorporate a coupling suitable for connection with standard local bushfire brigade equipment. The coupling will be a 65 mm storz fitting unless otherwise notified by Council.
10. The installation of an AWTS is to be in accordance with a design provided by a geotechnical engineer and approved by Council.
11. Disposal areas are not to be located near adjoining properties, watercourses, drainage lines or dams.
12. Disposal areas are to be vegetated with grasses, shrubs, ground cover etc prior to the AWTS commencing irrigation.
13. Resident's area required to install onsite water storage facilities to supplement bush firefighting purposes. A minimum onsite supply of 22,000 litres must be available for bushfire protection.
14. Cluster/Strata/Community type developments are not permitted within the estate.
15. The dual occupancy unit may be constructed provided it is erected under the main roof space of the principle building.





## 8.14 Calarie Road and Farnell Street Large Lot Residential Area

### Objectives

- To establish a development strategy for the further Large Lot Residential Subdivision of the land.
- To encourage the large lot residential development of the land.
- To promote efficient use of the land and associated servicing thereto.

### Standards

1. All future allotments must be serviced by the Forbes reticulated sewer system.
2. Subdivision shall not be permitted without direct vehicular access to an extension to the public road system.
3. Subdivision shall be generally in accordance with the development concept plan below.

## 8.15 River Road Large Lot Residential Area

### Objectives

- To encourage the large lot residential development of the land within identified flood risks.
- To promote efficient use of the land and associated servicing thereto.

### Standards

1. All future allotments must be serviced by the Forbes reticulated water and sewer system.
2. The minimum allotment size for Large Lot Residential areas identified as being of low flood hazard shall not be less than 2ha.

3. The minimum allotment size for areas identified as being of high flood hazard shall not be less than 10ha.
4. A cumulative flood impact assessment shall be provided with all applications for development.
5. A restriction shall be placed upon the title of all new allotments prohibiting access to ground water sources.
6. Subdivision shall not be permitted without direct vehicular access to an extension to the public road system.

### 8.16 Bathurst Street Large Lot Residential Area

#### Objectives

- To encourage the large lot residential development of the land within identified flood risks.
- To promote efficient use of the land and associated servicing thereto.

#### Standards

1. All future allotments must be serviced by the Forbes reticulated water and sewer system.
2. The minimum allotment size for areas identified as being of low flood hazard shall not be less than 2ha.
3. A cumulative flood impact assessment shall be provided with all applications for development.
4. A restriction shall be placed upon the title of all new allotments prohibiting access to ground water sources.
5. Subdivision shall not be permitted without direct vehicular access to an extension to the public road system.

### 8.17 Lachlan Vintage Village Large Lot Residential Area

#### Objectives

- To encourage the large lot residential development of the land within identified flood risks.
- To promote efficient use of the land and associated servicing thereto.




#### Standards

1. All future allotments must be serviced by the Forbes reticulated water and sewer system.
2. The minimum allotment size for Large Lot Residential areas identified as being of low flood hazard shall not be less than 2ha.
3. A cumulative flood impact assessment shall be provided with all applications for development.
4. A restriction shall be placed upon the title of all new allotments prohibiting access to ground water sources.
5. Subdivision shall not be permitted without direct vehicular access to an extension to the public road system.





## **LEGEND**

-  Proposed Road
-  Indicative Subdivision Pattern
-  Zone Boundary

Note: Final Subdivision Layout will be Subject to site specific investigations and owners Development aspirations.

Scale 1:10,000

## 8.18 Keeping of Animals

### Objectives

- To permit personal desires regarding pets and animals within or surrounding the urban area.
- To mitigate any potential adverse impacts upon surrounding residents and the environment.
- To enforce relevant requirements of the Local Government Act in regard to keeping of animals.

### Standards

1. Generally Council will not regulate the keeping of animals within the urban area. Where complaints arise however, the requirements of the Local Government Act will be enforced.
2. Animals shall be kept in accordance with the requirements of the Companion Animals Act 1998,
3. Suitable facilities shall be provided as deemed appropriate, to accommodate the desired animal husbandry within the Forbes urban area. Where conflicts arise Council will consult with the Department of Primary Industries.

## 8.19 Swimming Pools

### Objectives

- To encourage the installation of swimming pools in a safe and convenient manner which does not affect adjoining properties.

### Standards

1. A minimum 1 metre setback from the water's edge to all property boundaries shall be provided.
2. An approved safety fence shall be installed around all pools.
3. The pumping and filtering system shall be sited and housed appropriately to minimise potential noise impacts to surrounding residents.
4. Resuscitation signs shall be displayed on or as close as possible to the entrance to the pool.
5. All pools having capacity over 40,000 litres shall be provided with a BASIX Certificate.
6. An approved back wash system shall be installed to the satisfaction of Council.

## 8.20 Garages, Sheds and other Outbuildings

### Objectives

- Garages, sheds and other outbuildings are to be ancillary to the dwelling.

### Standards

1. Maximum overall height on land with a lot size of less than 4,000 m<sup>2</sup> to be consistent with R1 height and setback standards.
2. Maximum overall height and boundary setbacks to be considered on a merit based assessment for lots with a total area over 4,000 m<sup>2</sup> taking into account impact of overshadowing, bulk and scale and impact of overshadowing, bulk and scale and impact on the amenity of the neighbourhood.
3. Maximum floor area of 125m<sup>2</sup> for lots with a total area of less than 1,500m<sup>2</sup>.
4. Lots with an area between 1,500m<sup>2</sup> and 4,000 m<sup>2</sup> to have a maximum floor area of 150m<sup>2</sup>.
5. Lots greater than 4,000m<sup>2</sup> to be determined on a merit basis.

## 8.21 Materials

### Objectives

- To ensure a high quality of residential development throughout the Forbes Shire;
- To minimise the impact on the neighbourhood through glare;

### Standards

1. Highly reflective material, cladding or finishes, such as zinc alume, are not permitted as a wall cladding on dwellings or outbuildings;





## CHAPTER 9 – RURAL DEVELOPMENT

### 9.1 Preamble

Agriculture is important to the Forbes Shire, in fact, Forbes developed to service the needs of the surrounding rural community. Agriculture in Forbes contributes directly to the local economy, employs directly and in directly one quarter of the work force provides significant flow on effects to the local social and economic base of the Shire.

In order to recognise this significant contribution our agricultural area makes to the community Forbes Shire Council have developed guidelines to guide development in the rural area to minimise potential external impacts and advise owners of Council's objectives and local controls to ensure high quality rural development throughout the Forbes Shire. It provides basic minimum standards to assist developers in achieving these objectives and provides an outline of Council's requirements for the submission of relevant information to accompany development applications for all forms of development.

The implementation of basic minimum standards for rural development seek to protect our valuable agricultural area and the scenic landscape it affords. Accordingly it is considered appropriate to prepare the following is Development Control Plan to clearly establish Council's requirements.

### 9.2 Land to which this plan applies

This plan applies to all forms of rural development throughout the Forbes Shire, including agricultural development, subdivision, rural dwellings, outbuildings and associated agricultural uses.

### 9.3 Objectives

The Objectives of this section of the Forbes Development Control Plan are to:

- (a) To protect the agriculturally productive capacity of our rural land;
- (b) Ensure that rural living developments are integrated with the landscape;
- (c) Ensure subdivision potential is compatible with the capability of the land;
- (d) To minimise rural land use conflict; and
- (e) Maintain existing stands of vegetation.

## 9.4 Minimum Allotment Size

### Objectives

- To protect the valuable agricultural land resource within Forbes.
- To implement minimum allotment sizes which reflect the amount of land needed to accommodate sustainable agriculture.

### Standard

1. There is no minimum allotment size for land proposed for the purposes of agriculture. Minimum allotments sizes are attributed to dwelling house entitlements.
2. The minimum allotment size for an allotment seeking a dwelling entitlement is set out as follows:
  - a. Dryland Agriculture: For extensive dry land agriculture predominantly cropping and grazing – 200ha
  - b. Irrigated Agriculture: Water Sourced from regulated river water source or a ground water source – 40ha.
  - c. Irrigated Agriculture: Water Sourced from Jemalong Irrigation Scheme – 100ha Council will impose a condition of development
3. consent requiring the commencement of the irrigated agricultural enterprise prior to any development consent being issued for construction of a dwelling house in conjunction with irrigated agriculture.
4. Commencement of the agricultural enterprise includes obtaining all relevant water licenses, installation of the required irrigation infrastructure and planting of the crop or fodder.

## 9.5 Location within Agriculturally Productive Area

### Objectives

- To recognise and protect the valuable agriculturally productive land of the Forbes Shire.
- To increase awareness of the realities of developing and living in the country.

### Standards

1. Applicants need to recognise they are proposing to develop within an agriculturally productive area.
2. Council may impose conditions or requirements upon development consents or land covenants acknowledging the diversity of agriculture and potential external impacts.

## 9.6 Rural Land Use Conflict

### Objectives

- To acknowledge rural land use conflict as a major threat to the sustainability of agriculture within the Forbes Shire.
- To minimise the opportunities for rural land use conflicts.
- To maintain the rural visual character of agriculture within the Forbes Shire.
- To provide separation between residential uses and noise generating sources.

### Standards

1. A minimum separation distance of 150 metres as well as landscape screening shall be provided in new developments which adjoin incompatible land uses to accommodate noise, odours and chemical spray.
2. A minimum set back of 30 metres is required for all rural dwellings to all existing public roads.

## 9.7 Identification of Building Envelope

### Objectives

- To plan for and consider the location of future buildings prior to establishing new allotment boundaries.

### Standards

1. All applications for subdivision shall identify future building envelopes prior to subdivision approval. Council may impose a restriction upon the title of any new allotments restricting buildings to within identified locations.
2. Building envelopes should be of sufficient size to accommodate a dwelling and associated outbuildings including adequate effluent disposal requirements taking into consideration the topography and soil conditions.
3. Building envelopes should be on land which is predominantly flat and clear to minimize surface runoff, cut, fill and stability issues.
4. Building envelopes should where possible avoid high quality agricultural land.

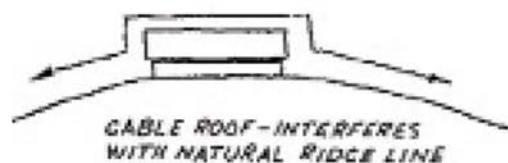
## 9.8 Building Siting and Design

### Objectives

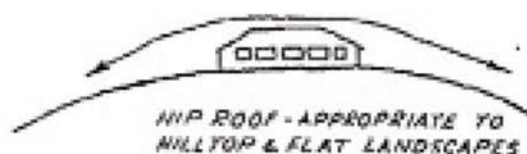
- To minimise the impact of development upon the rural landscape
- To encourage applicants to consider the overall layout of their development in conjunction with the site upon which it is proposed.

### Standards

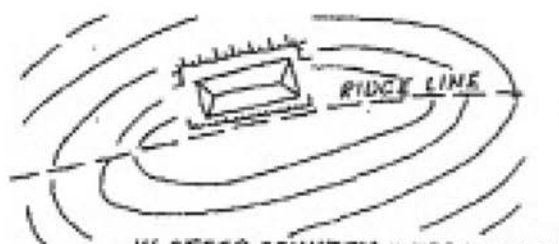
1. The location of buildings should minimize the removal of existing vegetation.
2. Buildings should complement the characteristics of the landform as depicted below.



CABLE ROOF - INTERFERES WITH NATURAL RIDGE LINE



HIP ROOF - APPROPRIATE TO HILLTOP & FLAT LANDSCAPES



IN STEEP COUNTRY WHERE THERE ARE NO BENCH SLOPES, A HOUSE SHOULD BE ALIGNED ALONG THE RIDGE ON THE LEE SIDE



SPLIT LEVEL - APPROPRIATE TO HILL SIDE & UNDULATING COUNTRY

ROOFLINES SHOULD BE DESIGNED TO INTEGRATE WITH THE LANDSCAPE

#### ROOFLINES RESPONSIVE TO TOPOGRAPHY



#### OUTBUILDINGS



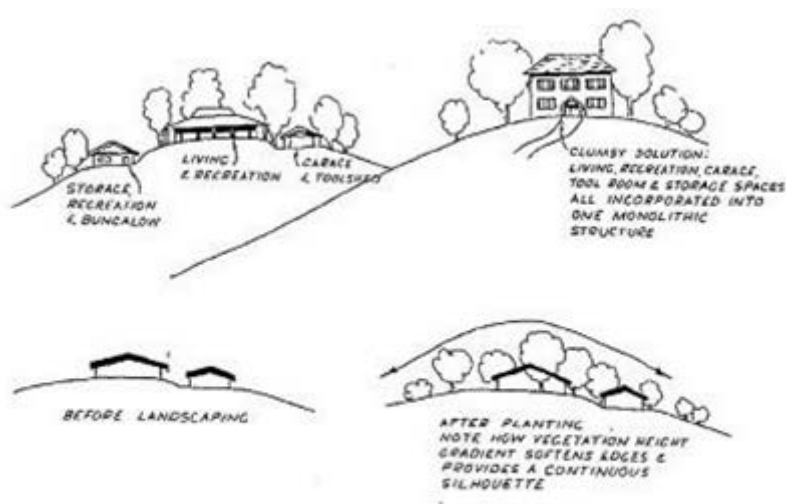
## 9.9 Scenic and Landscape Quality

### Objectives

- To minimise the impact of development upon the rural landscape
- Retain existing stands of native vegetation.

### Standards

1. The scale, form, materials and colours of the development shall be appropriate to the character of the area and location of development site. Highly contrasting coloured bricks/finishes should be restricted to use on building elements such as sills, window heads, stringcourses etc. The body of external walls shall be consistent in colour.
2. All existing native vegetation shall be maintained where possible.



## 9.10 Servicing

### Objectives

- To ensure that an adequate level of services is provided to all allotments.
- To ensure that block sizes in unsewered areas are of sufficient shape and size to accommodate on-site effluent disposal.
- To ensure development does not place an unreasonable demand upon service authorities, Council and the community.

### Standards

1. An approved on-site effluent disposal system shall be installed in accordance with the requirements of "Environment and Health Protection Guidelines Onsite Sewage Management for Single Households 1998.
2. All septic tanks shall be provided with an overflow relief drain located between the dwelling and tank to protect the dwelling from septic surges and overflows.
3. Electrical Services are to be provided in accordance with the requirements of Essential Energy. Service availability is to be confirmed prior to approval of the associated development application.
4. Telephone lines shall be installed in accordance with the requirements of Telstra. Service availability is to be confirmed prior to approval of the associated development application.
5. Where reticulated water is not available roof water collection tanks shall be installed capable of storing a minimum of 90,000 litres. A reduction in water storage capacity will only be permitted where approval of a stock and domestic bore can be provided and a dual (potable and non-potable) water reticulation system has been installed. All secondary roof structures in excess of 15 square metres shall be connected to the primary water reticulation system.
6. A secondary water source for collection of surface water in accordance with the Department of Natural Resources – Farm Dams Policy shall be provided on allotments greater than 2 hectares for stock water purposes.
7. An additional 22,000 litres of water storage shall be provided for bush firefighting purposes.



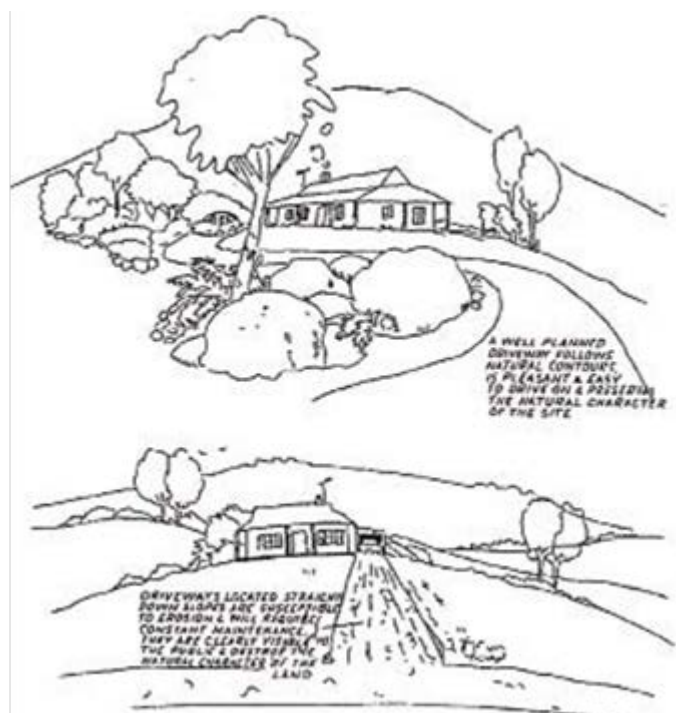
## 9.11 Access

### Objectives

- Ensure satisfactory arrangements are made for access to new developments
- Encourage the orderly and economic provision of roads
- To minimise the potential impact upon the environment and rural aesthetic quality.

### Standards

1. Direct legal access to a public road is required to all new allotments and dwellings.
2. The minimum rural road reservation shall be 20 metres.
3. New roads and access arrangements should be located to take account of the natural features of the site as well as existing vegetation.
4. Driveways should be designed to follow the contours of the land to minimize the visual impact of the development.
5. Roads that run with the contour of the land can be significantly cheaper and easier to construct and maintain.
6. Where development involves the increase in frequency or intensity of use on an existing road, upgrading of the road to Council standards may be required.



## 9.12 Separation

### Objectives

- To minimise the impact of new development upon existing rural dwellings.

### Standards

1. A proposal for a dwelling house will have to demonstrate sufficient separation from existing rural dwellings and agricultural uses located upon adjoining properties. Each proposal will be assessed on its merits having regard to the varying considerations such as natural topography, prevailing winds, land uses and buffer treatments.
2. New development shall consider any potential impacts upon the visual and acoustic privacy of existing rural dwellings.



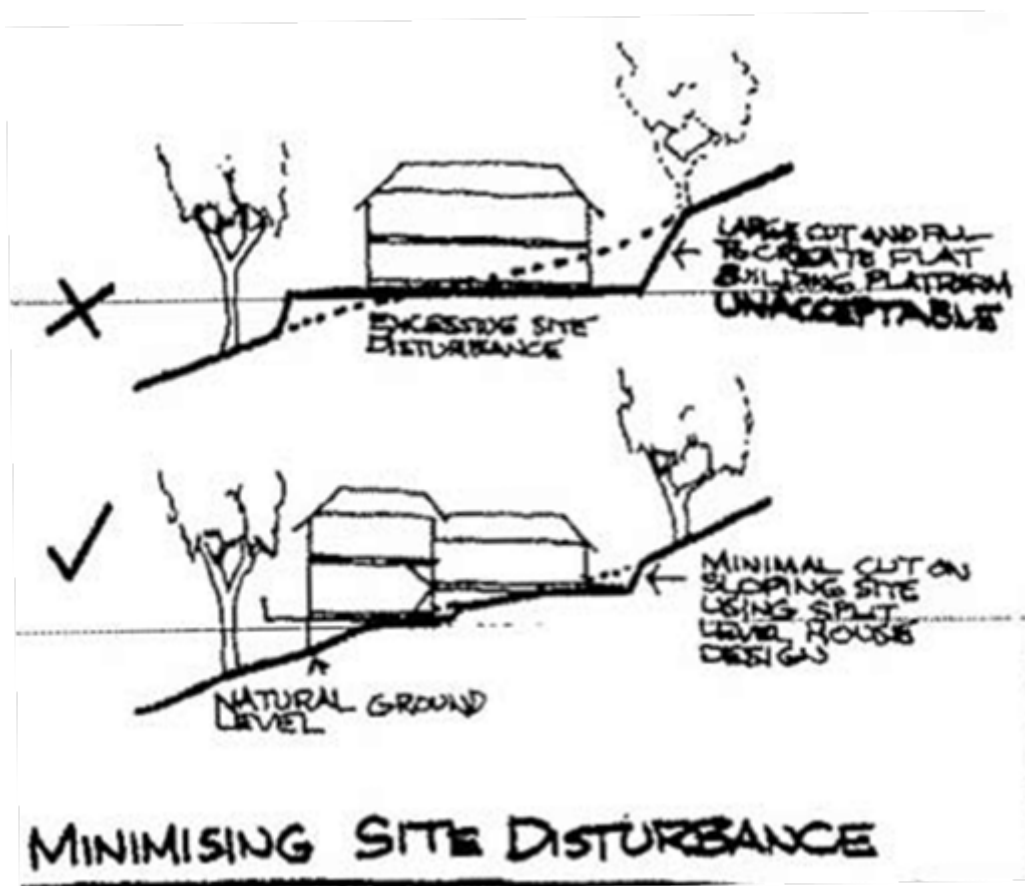
## 9.13 Rural Development Generally

### Objectives

- To minimise the impact of development upon the environment, prevent land degradation and protect natural water flows, streams and waterways.

### Standards

- Development should not disturb existing natural watercourses
- Development should not disturb or remove existing stands of native vegetation.
  - A Part 3A Permit under the Rivers and Foreshores Improvement Act, 1948 is required to be obtained from the NSW Office of Water for development within 40 metres of a water course.
  - A maximum of 1 metre cut and 1 metre fill is allowed on sloping lands to avoid land degradation and stability issues.
  - The developer may be required to establish grassed waterways, diversion banks and sediment traps to reduce soil erosion and land degradation.
  - On undulating land, split level homes are generally more suited as they bind the building to the ground, minimise excavation and allow for a smaller staggered roof line



## 9.14 Landform and Stability

### Objectives

- To minimise the potential impacts of soil movement.

### Standards

1. Slopes in Excess of 20% are considered unsuitable for development.
2. For developments upon slopes in excess of 15% a structural engineers certification shall be provided for all new structures.
3. Development should be designed having regard to existing drainage patterns of the area.
4. An erosion and sediment control plan shall be provided for all developments requiring excavation and/or fill.

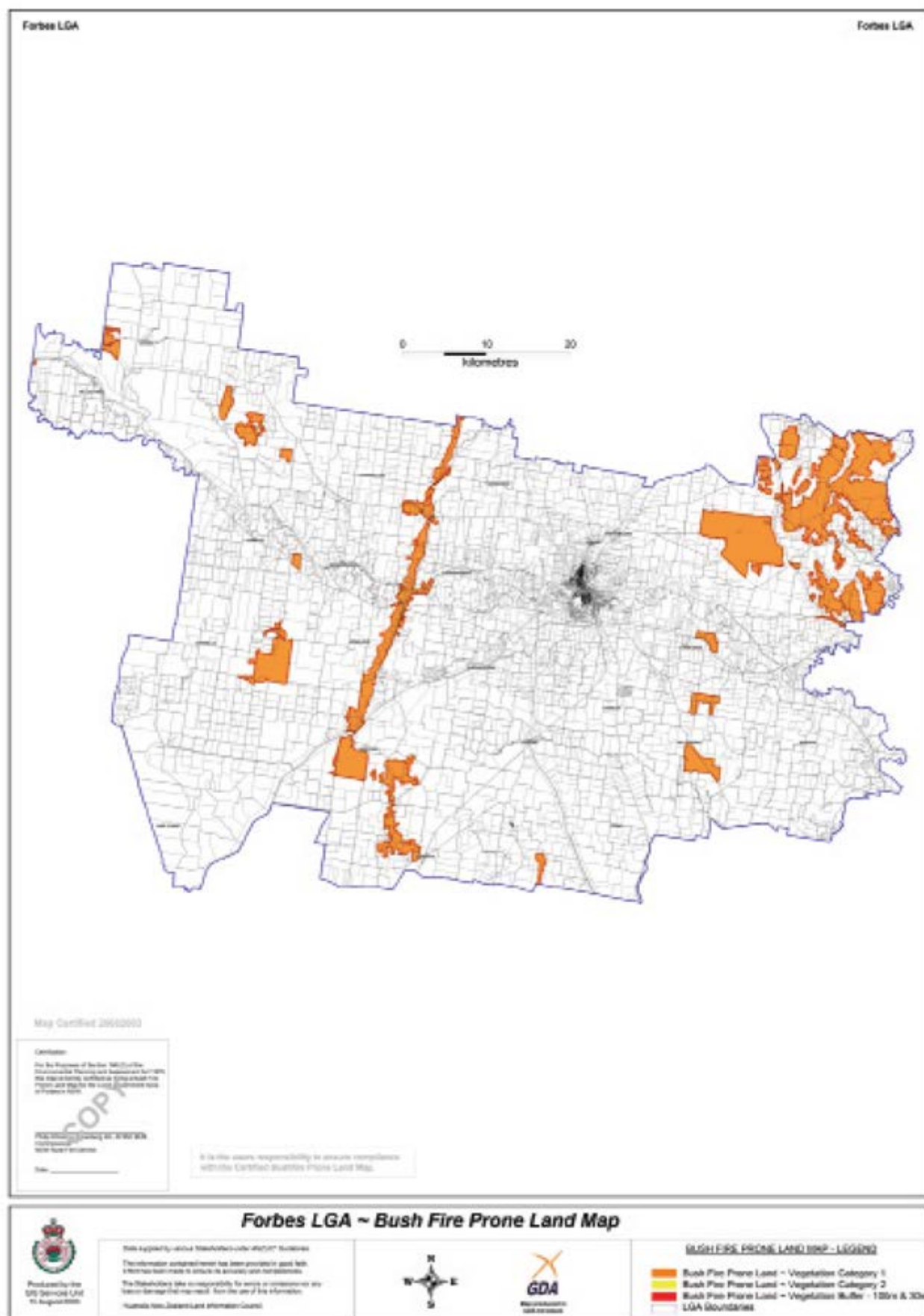
## 9.15 Bushfire

### Objectives

- To minimise the threat of bushfire to life and property.

### Standards

1. A Bushfire Hazard Assessment shall be provided for land identified by the NSW Rural Fire Service as being bush fire prone as identified in the map below:
2. The Bush Fire Hazard Assessment shall be prepared in accordance with the "Planning for Bushfire Protection" prepared by the NSW Rural Fire Service and Department of Planning.



## 9.16 Outdoor Advertising/Signage

### Objectives

- To ensure outdoor advertising is lawful and approved in accordance with the Environmental Planning and Assessment Act, 1979.
- To enhance the visual landscape of the Shire of Forbes.
- To establish general guidelines to be followed in the design and siting of outdoor advertising.
- To avoid the proliferation of signage along the Shires Roads.

### Standards

1. A development application is required to be lodged and approval obtained prior to the erection or alteration of business identification signage and advertising signage throughout the Shire.
2. A property name may be displayed within the property to which it related without the need to obtain development approval.
3. The sign must relate to a lawful or approved use of the land and located upon the land where the activity is carried out.
4. A maximum of one (1) sign per site is permitted.
5. The advertising sign must be located upon private land and not within the road reserve or upon public land.
6. A maximum advertising panel of 2.5m<sup>2</sup> is permitted.
7. The maximum height of the entire advertising structure is 2 metres.
8. The sign must be made of non-reflective material.
9. The sign must be setback 3 metres from a corner or intersection of the road.
10. The advertising sign must be free standing.
11. Illumination is not permitted.
12. No advertising structures are permitted on rural land.

## 9.17 New Transportable Homes

10.

### Objectives

- To permit the placement of new transportable homes with appropriate approvals.

### Standards

1. A development application is required for the residential use of the land.
2. A Section 68 Approval is required for the placement of the transportable dwelling including details of appropriate construction techniques
3. A BASIX Certificate is not required for transportable/ relocatable homes.
4. The front of the transportable dwelling shall be orientated toward the primary street frontage where it can be easily seen from the street.
5. A subfloor curtain shall be provided to obscure the footing from public view.

## 9.18 Relocation of Existing Dwellings –Relocated Homes

### Objectives

- To permit the relocation of existing dwellings within the residential area within keeping of existing residential development.

### Standards

1. A development application is required for the residential use of the land.
2. A Section 68 Approval is required for the placement of the transportable dwelling including details of appropriate construction techniques.

3. A photographic profile shall be provided with the DA including floor plans and elevations.
4. Structural certification of the footings and cut lines shall be provided prior to the issue of the Occupation Certificate.
5. Certification from a qualified Hygienist that the relocated dwelling is free from asbestos shall be provided prior to the issue of the Occupation Certificate.
6. A BASIX Certificate is not required for relocated homes.
7. The front of the dwelling shall be orientated toward the primary street frontage.
8. A subfloor curtain shall be provided to obscure the footing from public view.
9. Final inspection and Occupation Certificate shall be completed within 12 months including all external finishes.
10. A bond as indicated in the fees and charges section of Council's management plan will be held by Council to ensure completion of satisfactory works. This bond may be withheld in lieu of an approved Management Plan for the proposed works.

## 9.19 Intensive Agriculture

### Objectives

- To promote intensive agricultural development in appropriate locations.
- To minimise potential impacts upon surrounding properties and the environment.

### Standards

1. Separation of intensive agricultural developments from existing dwellings shall be based upon potential land use conflict investigations including, noise, odour, spray drift etc.
2. Relevant industry guidelines should be followed in the design of intensive agricultural developments and will form an important part of Council's assessment of proposed developments.
3. Applications for development likely to generate noise, odour or other environmental nuisance shall be accompanied by an assessment report prepared by a suitably qualified practitioner considering the environmental standards of the Department of Environment and Conservation. Consideration should be given to amelioration techniques and the location of existing surrounding rural dwellings in regard to prevailing winds.

## 9.20 Non-Agricultural Development

### Objectives

- To permit non-agricultural development within the rural area where it will not adversely potential agricultural production nor impact upon adjoining properties.

### Standards

1. Developments which have the potential to generate traffic should consider the likely traffic generation and the condition and capacity of the road system.
2. Any necessary road upgrades to cater for the proposed development will be the responsibility of the applicant.
3. Applications for development likely to generate noise, odour or other environmental nuisance shall be accompanied by an assessment report prepared by a suitably qualified practitioner considering the environmental standards of the Department of Environment and Conservation. Consideration should be given to amelioration techniques and the location of existing surrounding rural dwellings in regard to prevailing winds.
4. Low scale rural tourist facilities are encouraged in the form of farm stay and bed and breakfast facilities. Larger proposals will be considered on their merits.





## CHAPTER 10 – COMMERCIAL DEVELOPMENT

### 10.1 Preamble

The Forbes Central Business District prides its self on retention of its historical origins. The historic buildings combined with the character of a traditional main street shopping centre with minimal impact of large discount department stores is unique to Forbes. This historic character and the unique shopping experience it affords is increasingly being used as a marketing tool to give Forbes the edge over other centres. It is considered important that the maintenance of this heritage character remain as a focus of the whole town. Protection of the shopping experience and the historic and main street character are considered essential for the Forbes CBD to out compete other centres into the future. Accordingly it is considered appropriate to prepare the following Development Control Plan to identify to potential developers the goal for the Forbes CBD.

### 10.2 Land to which this Plan Applies

This plan applies to all development within the Forbes Shire.

### 10.3 Objectives

The Objectives of this Development Control Plan are to:

- (a) To maintain the Forbes CBD as the primary focus of retail and commercial development throughout the Shire.
- (b) Ensure that new development contributes to and enhances the character of the Forbes Shire;
- (c) Ensure the compatibility of new development with the traditional shopping streets of Lachlan and Rankin Streets.

### 10.4 Change of Occupancy/Tenancy

#### Objectives

- To permit minor and incidental change of occupancies to occur without the need to lodge a development application.

#### Standards

1. Any changes to external advertising/signage will require separate development approval
2. Disabled access will be required to be incorporated in any remodelling of shopfronts or access reconfigurations.

## 10.5 Building Line/Street Frontage

### Objectives

- To promote consistency in the streetscape and commercial amenity of the commercial street.
- To promote new developments to consider their visual appearance and contribution to the streetscape.

### Standards

1. There is no formal building line setback, however the siting of buildings is to be harmonious with immediately adjoining buildings and the existing streetscape within the vicinity of the proposed development.
2. All commercial developments are to be harmonious in terms of their size, scale and bulk with surrounding properties and the general area in which they are located.
3. Proposed car parking within the front setback area is to be incorporated in the design and landscape solution for this area of the development.

## 10.6 Side and Secondary Setbacks

### Objectives

- To provide adequate areas for site landscaping.
- To ensure internal separation to minimise potential impacts between adjoining developments.

### Standards

1. Side and secondary setbacks are to be considered on merit in regard to consistency within the streetscape and impacts upon adjoining properties.
2. Consideration shall be given to screening of storage/ loading areas etc from public view.
3. Landscaped areas shall consider potential impacts between developments and opportunities to reduce conflict.

## 10.7 Building Height

### Objectives

- To maintain a consistency in the urban streetscape.
- To minimise impacts upon adjoining properties.

### Standards

1. The maximum height of buildings shall be 2 storeys and 17 metres.
2. Consideration shall be given to the height of a development in regard to its consistency with the urban streetscape and minimise impacts upon adjoining properties.

## 10.8 Materials

### Objectives

- To maintain a consistency in the streetscape.
- To protect the heritage qualities of the building and/or immediate area

### Standards

1. New development shall be compatible with the character of an existing building and that of immediately surrounding properties.
2. Where there is no prevailing character, new development shall respect the qualities of surrounding properties in integrating new development within the commercial core.
3. Highly reflective material, cladding or finishes, such as Zinalume, are not permitted as a wall cladding.

## 10.9 Advertising

### Objectives

- To ensure outdoor advertising is considered and assessed in accordance with the Environmental Planning and Assessment Act, 1979.
- To enhance the visual landscape of the Shire of Forbes.
- To ensure the traditional historical character of the Forbes commercial centre is maintained.
- To prevent the over proliferation of advertising associated with any single property.
- To reduce the visual complexity of the streetscape by providing fewer, more effective advertising.

### Standards

1. The alteration of existing signage (including colours), erection of additional signs or changes to the outside of buildings are not permitted without separate development consent.
2. Where signage is to be attached to an Item of Environmental Heritage, to a building within the Forbes Conservation Area refer to the specific requirements contained within Chapter 14 – “Heritage” of this Development Control Plan
3. Permanent signs on shop front windows should not cover more than 25% of the window area.
4. The following signs are prohibited:
  - Advertising affixed to trees, light poles or other structure not for the purposes of advertising structure;
  - Signs mounted above the awning or verandah of a building;
  - Bunting;
  - Painted buildings to reflect corporate colours; and
  - Flashing or externally illuminated signs

## 10.10 Car Parking

### Objectives

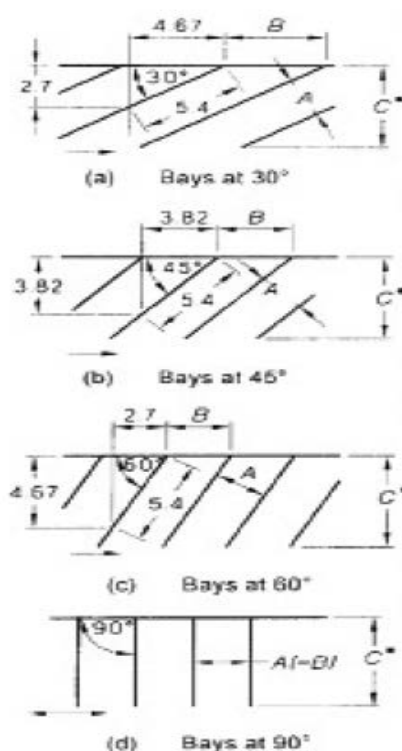
- To ensure adequate car parking is provided to satisfy the needs of development.
- To ensure developments are provided with sufficient area for the loading and unloading of goods without impacting upon the road network.

### Standards

1. Council will require developers to provide on-site car parking at the rate set out in the following table. For any particular type or category of development not covered, the rate applied shall be based upon a merit in accordance with the requirements of the Roads and Traffic Authority's – Guide to Traffic Generating Development, 2002.

Land and Building Use	Rate of Car Parking
Bowling Clubs	30 spaces per green
Catering and Reception Premises	1 space per 3 guests
Drive-In Take-Away Food Premises	Minimum 15 spaces
Educational Establishments	1 space per 2 staff plus 1 space per 10 senior students
Hospitals and Similar Institutions	1 space per 3 beds
Motels	1 space per unit
Offices, Including Banks, Professional Offices and other similar uses	1 space per 65m <sup>2</sup> gross floor area
Cafes, Restaurants and Refreshment Rooms	1 space per 6.5m <sup>2</sup> of Customer Service Area
Shops Including Supermarkets and Department Stores	1 space per 35m <sup>2</sup> of Customer Service Area
Tennis Courts, Bowling Alleys etc	3 spaces per court or alley
Theatres, Cinemas, Concerns Halls and Similar uses	1 space per 10 seats
Places of Worship, Churches and Similar Uses	1 space per 10 seats or 1 space per 10m <sup>2</sup> gross floor area

- The design and layout of car parking areas shall be in accordance with the Roads and Traffic Authority's –Guide to Traffic Generating Development, 2002 design standards set out in the following diagrams.
- Access into and egress from the site shall be provided in a forward direction.
- Traffic surfaces are to be paved with concrete, bitumen, paving stones or other material approved by Council on a solid foundation and designed to minimise the impact of dust.
- Drainage of paved surfaces is to be provided to the satisfaction of Council.
- Parking areas are to be segregated from non-traffic areas by kerbs, logs, bollards or barriers. Parking spaces are to be defined by painted lines or other similar approved means.
- In cases of developments where, in the opinion of the Council, the provision of off-street car parking is not physically possible, Council will give consideration to the acceptance of a cash contribution in accordance with the current Contributions Plan in force at the time.
- A separate loading/unloading bay shall be provided in a location separate from the car parking area, in an accessible location having regard to the likely delivery needs of the development.
- The loading bay shall be designed to accommodate all necessary vehicle movements within the development site for the size vehicles necessary to service the proposed development.



User class (Note 1)	A (Notes 2 & 3)	B	C <sub>1</sub>	C <sub>2</sub>	C <sub>3</sub>	Aisle width
1, 1A	2.1	4.2	4.4	4.1	4.5	3.1
2	2.3	4.6	4.4	4.1	4.7	3.0
3	2.5	5.0	4.4	4.1	4.9	2.9
3A	2.5	5.0	4.4	4.1	4.9	3.45

User class (Note 1)	A (Note 3)	B	C <sub>1</sub>	C <sub>2</sub>	C <sub>3</sub>	Aisle width
1, 1A	2.4	3.4	5.2	4.8	5.5	3.9
2	2.5	3.5	5.2	4.8	5.6	3.7
3	2.6	3.7	5.2	4.8	5.7	3.5
3A	2.6	3.7	5.2	4.8	5.7	4.2
4	(See Note 5)					

User class (Note 1)	A (Note 3)	B	C <sub>1</sub>	C <sub>2</sub>	C <sub>3</sub>	Aisle width
1, 1A	2.4	2.75	5.7	5.1	5.9	4.9
2	2.5	2.90	5.7	5.1	6.0	4.6
3	2.6	3.00	5.7	5.1	6.0	4.3
3A	2.6	3.00	5.7	5.1	6.0	5.1
4	(See Note 5)					

User class (Note 1)	A (Note 3)	B	C <sub>1</sub>	C <sub>2</sub>	C <sub>3</sub>	Aisle width (Note 4)
1	2.4	2.4	5.4	4.8	5.4	6.2
1A	2.4	2.4	5.4	4.8	5.4	5.8
2	2.5	2.5	5.4	4.8	5.4	5.8
3	2.6	2.6	5.4	4.8	5.4	5.8
3A	2.6	2.6	5.4	4.8	5.4	6.6
3A	2.7	2.7	5.4	4.8	5.4	6.2
4	(See Note 5)					

\*Dimension C is selected as follows (see Note 6):

C<sub>1</sub>—where parking is to a wall or high kerb not allowing any overhang.

C<sub>2</sub>—where parking is to a low kerb which allows 600 mm overhang in accordance with Clause 2.4.1(a)(i).

C<sub>3</sub>—where parking is controlled by wheelstops installed at right angles to the direction of parking, or where the ends of parking spaces form a sawtooth pattern, e.g. as shown in the upper half of Figure 2.4(b).

For Notes—see over.

DIMENSIONS IN METRES

## 10.11 Landscaping

### Objectives

- To provide adequate areas for site landscaping in order to soften the potential impacts (in particular visual) of development.
- To ensure Council has adequate information to consider and assess proposed landscaping to be provided in conjunction with development applications.
- To provide a reference plan for the installation and implementation of landscaped areas.
- To encourage the use of native vegetation for its tolerance to the climate of Forbes including hot, dry summers and cold, frosty winters.
- To retain where possible all existing native vegetation.

### Standards

1. All development applications for new commercial developments are to be accompanied by a Landscape Plan.
2. Council will hold a "landscape bond" to be provided by the developer for the provision, and maintenance of landscaping. The "landscape bond" is to be in the form of Cash, a Bank Guarantee or Bank Cheque. To be made in the favour of Forbes Shire Council, to the value of \$2,000 or 5% of the estimated cost of the entire development, whichever is lesser amount. The landscape bond will be applied as a condition of development consent, to be released, upon request, a minimum 12 months after the issue of an "Occupation Certificate".
3. Commercial developments upon vacant land shall provide a minimum 10% of the site for landscaping.
4. All landscaped areas are to use predominantly native vegetation. A minimum 80% of landscaping shall utilise native vegetation. A list of recommended plant species are identified in Appendix 1. These plant species have been shown to be suited to the climate of the Central West many are native to the Forbes district.
5. Landscaping proposed in Saline areas shall use a minimum 80% Salt tolerant and water wise plant species. Recommended plant species for such situations are identified in Appendix 2. Not attached.
6. All existing native vegetation is to be retained and where possible enhanced with additional plantings and landscaping.
7. Existing street trees shall be maintained and replicated. The spacing of such trees shall be a minimum of 1.5 times the mature canopy of the proposed tree and a maximum 2 times the mature tree canopy.

## 10.12 Side Walk Dining

### Objectives

- To encourage side walk dining where it can be accommodated without impacting upon pedestrian movement or adjoining properties.

### Standards

1. A S68 Application is required for use of the Council footway.
2. Applications for use of the Council footway will be considered and assessed on their merits.

## 10.13 Bulky Goods Retail Development

### Objectives

- To encourage bulky goods retailing in suitable locations where it does not undermine the function of the commercial core.

### Standards

1. An area has been specifically zoned for this style of development along the Newell Highway to the north of the Forbes CBD. All developments within this area shall address their relationship to the Newell Highway.
2. Bulky goods retail development will only be permitted within the commercial core where all associated facilities can be accommodated on site and the development can be integrated into the existing streetscape.



### 10.14 Limitations on Floor Size in the B5 Zone

#### Objectives

- To enable a mix of business and warehouse uses and bulky goods that require a large floor area in locations that are close to, and that support the viability of centres.
- To maximise exposure of business related developments on the Newell Highway.
- To encourage larger shops, only where they do not undermine the function of the commercial core.
- To restrict the floor area of shops which are used for the purpose of retail sales of food or groceries

#### Standards

1. Shops within the B5 - Business Development Zone must have a minimum floor area of 600m<sup>2</sup>.
2. Shops within the B5 - Business Development Zone used for the retail sale of food or groceries must not have a floor area greater than 1500m<sup>2</sup>



## CHAPTER 11 – INDUSTRIAL DEVELOPMENT

### 11.1 Preamble

Forbes Shire actively promotes and seeks new industrial development to support the existing agricultural base and bolster the Shires economy. Industrial use of the land should not however be at the expense of the environment, both natural and physical. Accordingly it is considered appropriate to prepare the following Development Control Plan to identify the controls imposed upon industrial development in order to inform potential developers and promote a sustainable urban environment.

### 11.2 Land to which this Plan Applies

This plan applies to all industrial development (including light industrial development) within the Forbes Shire.

### 11.3 Objectives

The Objectives of this Development Control Plan are to:

- (a) Ensure that industrial developments do not have an adverse impact on surrounding land use or the environment.
- (b) To ensure that industrial developments contribute to and enhances the visual and landscape character of the Forbes Shire.
- (c). To ensure good access, circulation and loading facilities on sites and adequate services and the disposal of waste.

### 11.4 Change of Occupancy/Tenancy

#### Objectives

- To permit minor and incidental change of occupancies to occur without the need to lodge a development application.

#### Standards

1. The change of use of retail and office and industrial premises is controlled by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. All other changes in the use of premises requires lodgement of a Development Application.

2. Any necessary internal alterations to accommodate the new use shall require separate construction certificate detailing compliance with the BCA.
3. Any changes to external advertising/signage will require separate development approval
4. Disabled access will be required to be incorporated in any re-modelling of business fronts or access reconfigurations.

## 11.5 Dwellings on Industrial Land

### Objectives

- To restrict dwellings upon industrial allotments to those legitimately needed in conjunction with the industrial use conducted upon the land.
- To manage, where possible, the natural conflicts between residential and industrial use of land.

### Standards

1. The construction of new dwellings upon vacant land upon light industrial land will be considered on the merits of the development proposal. Any development application will need to provide sufficient justification on the basis of existing and likely future use of the land and surrounding properties.
2. Upon general industrial land dwelling-houses will be permitted on industrial land only where it meets the following development standards
  - Only one dwelling or care takers cottage is permitted per allotment
  - Dual occupancy development is not permitted on industrial land
  - The dwelling is subsidiary to the industrial use of the land
  - The dwelling does not have a floor area greater than 90m<sup>2</sup>
  - The dwelling is constructed over the rear 30% of the allotment.
3. Alterations and additions are permitted to an existing dwelling located upon industrial land to a maximum floor area of 90m<sup>2</sup>.

## 11.6 Building Line

### Objectives

- To maintain a consistency in the streetscape and promote the urban amenity.
- To encourage industrial developments presentation to the street.

### Standards

1. Generally the building line is 6 metres for light industrial development and 15 metres for general and heavy industrial development, however the siting of buildings is to be harmonious with the existing streetscape, adjoining developments and the immediately surrounding area.
2. The area in front of the building shall be suitably landscaped;
3. All waste and storage areas are to be located behind the building line and obscured from view.

## 11.7 Site Coverage and Floor Space Ratio

### Objectives

- To restrict the overdevelopment of land within the industrial area.
- To ensure satisfactory provision of all necessary facilities in conjunction with industrial development are contained within the development site.

### Standards

1. The floor space ratio shall not exceed 1:1 with a maximum site coverage of 50%.

## 11.8 Advertising in Industrial Areas

### Objectives

- To prevent the proliferation of signage throughout the industrial areas of Forbes while enabling business identification and display.

### Standards

1. The advertising sign must be located upon the land where the activity is carried out.
2. Advertising should be integrated with building design, landscaping and general site operation.
3. One pole, pylon or post mounted sign is permitted per site
4. The advertising area must not exceed 4m<sup>2</sup>.
5. The maximum height of the entire advertising structure is 4 metres.
6. Signs for each unit in a multiple occupancy development should be of uniform size and design.
7. The following signs are prohibited:
  - (a) Advertising affixed to trees, light poles or other structure not for the purposes of advertising structure
  - (b) Signs mounted above the awning or verandah of a building.
  - (c) Bunting
  - (d) Painted buildings to reflect corporate colours
  - (e) Flashing or externally illuminated signs

## 11.9 Storage Areas

### Objectives

- To minimise the visual impact of storage areas associated with industrial developments.
- To promote the urban amenity within industrial areas.

### Standards

1. Any open storage areas must be screened from view of roadways.
2. A minimum gravel seal shall be provided over the storage area to prevent surface damage, erosion etc.

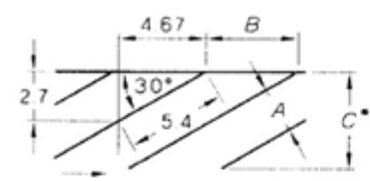
## 11.10 Car Parking

### Objectives

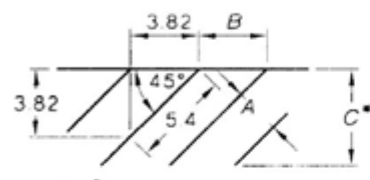
- To ensure adequate car parking is provided to satisfy the needs of development contained within the development site.

### Standards

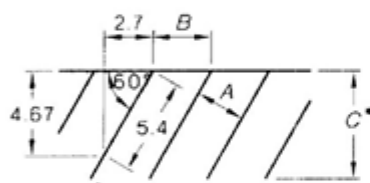
1. Council will require developers to provide on-site car parking at the rate set out in the following table. For any particular type or category of development not covered, the rate applied shall be based upon a merit in accordance with the requirements of the Roads and Traffic Authority's – Guide to Traffic Generating Development, V2.2 , October 2002.
2. The design and layout of car parking areas shall be in accordance with the relevant Australian Standards summarised in the following diagrams.
3. Access into and egress from the site shall be provided in a forward direction.
4. Traffic surfaces are to be paved with concrete, bitumen, paving stones or other material approved by Council on a solid foundation.
5. Drainage of paved surfaces is to be provided to the satisfaction of Council.
6. Parking areas are to be segregated from non-traffic areas by kerbs, logs, bollards or barriers. Parking spaces are to be defined by painted lines or other similar approved means.



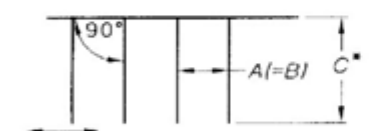
(a) Bays at 30°



(b) Bays at 45°



(c) Bays at 60°



(d) Bays at 90°

User class (Note 1)	A (Notes 2 & 3)	B	C <sub>1</sub>	C <sub>2</sub>	C <sub>3</sub>	Aisle width
1, 1A	2.1	4.2	4.4	4.1	4.5	3.1
2	2.3	4.6	4.4	4.1	4.7	3.0
3	2.5	5.0	4.4	4.1	4.9	2.9
3A	2.5	5.0	4.4	4.1	4.9	3.45

User class (Note 1)	A (Note 3)	B	C <sub>1</sub>	C <sub>2</sub>	C <sub>3</sub>	Aisle width
1, 1A	2.4	3.4	5.2	4.8	5.5	3.9
2	2.5	3.5	5.2	4.8	5.6	3.7
3	2.6	3.7	5.2	4.8	5.7	3.5
3A	2.6	3.7	5.2	4.8	5.7	4.2
4	(See Note 5)					

User class (Note 1)	A (Note 3)	B	C <sub>1</sub>	C <sub>2</sub>	C <sub>3</sub>	Aisle width
1, 1A	2.4	2.75	5.7	5.1	5.9	4.9
2	2.5	2.90	5.7	5.1	6.0	4.6
3	2.6	3.00	5.7	5.1	6.0	4.3
3A	2.6	3.00	5.7	5.1	6.0	5.1
4	(See Note 5)					

User class (Note 1)	A (Note 3)	B	C <sub>1</sub>	C <sub>2</sub>	C <sub>3</sub>	Aisle width (Note 4)
1	2.4	2.4	5.4	4.8	5.4	6.2
1A	2.4	2.4	5.4	4.8	5.4	5.8
2	2.5	2.5	5.4	4.8	5.4	5.8
3	2.6	2.6	5.4	4.8	5.4	5.8
3A	2.6	2.6	5.4	4.8	5.4	6.6
3A	2.7	2.7	5.4	4.8	5.4	6.2
4	(See Note 5)					

\*Dimension C is selected as follows (see Note 6):

C<sub>1</sub>—where parking is to a wall or high kerb not allowing any overhang.

C<sub>2</sub>—where parking is to a low kerb which allows 600 mm overhang in accordance with Clause 2.4.1(a)(i).

C<sub>3</sub>—where parking is controlled by wheelstops installed at right angles to the direction of parking, or where the ends of parking spaces form a sawtooth pattern, e.g. as shown in the upper half of Figure 2.4(b).

For Notes—see over.

DIMENSIONS IN METRES

Land and Building Use	Rate of Car Parking
Industries	1 space per 2 employees
Warehouse	1 space per 90 m <sup>2</sup> gross floor area
Motor Vehicle Repair Workshops	1 space per 55m <sup>2</sup> gross floor area
Motor Vehicle Showrooms	1 space per 35 gross floor area plus 1 space per 160m <sup>2</sup> of outdoor display area
Service Stations	Minimum of 10 spaces
Car tyre retail outlet	3 spaces per work bay

- In cases of developments where, in the opinion of the Council, the provision of off-street car parking is not physically possible, Council will give consideration to the acceptance of a cash contribution in accordance with the current Contributions Plan in force at the time.
- The contribution collected shall be used in the maintenance and construction of public car parking and upgrading and maintenance of on-street parking facilities.
- A separate loading/unloading bay shall be provided in a location separate from the car parking area, in an accessible location having regard to the likely delivery needs of the development.



## 11.11 Landscaping

### Objectives

- To provide adequate areas for site landscaping in order to soften the potential impacts (in particular visual impact) of industrial development.
- To ensure Council has adequate information to consider and assess proposed landscaping to be provided in conjunction with development applications.
- To provide a reference plan for the installation and implementation of landscaped areas.
- To encourage the use of native vegetation for its tolerance to the climate of Forbes including hot, dry summers and cold, frosty winters.
- To retain where possible all existing native vegetation.

### Standards

1. All development applications for new industrial developments are to be accompanied by a Landscape Plan.
2. Council will hold a "landscape bond" to be provided by the developer for the provision, and maintenance of landscaping. The "landscape bond" is to be in the form of Cash, a Bank Guarantee or Bank Cheque. To be made in the favour of Forbes Shire Council, to the value of \$2,000 or 5% of the estimated cost of the entire development, whichever is lesser amount. The landscape bond will be applied as a condition of development consent, to be released, upon request, a minimum 12 months after the issue of an "Occupation Certificate".
3. Industrial developments upon vacant land shall provide a minimum 10% of the site for landscaping.
4. All landscaped areas are to use predominantly native vegetation. A minimum 80% of landscaping shall utilise native vegetation. A list of recommended plant species are identified in Appendix 2. These plant species have been shown to be suited to the climate of the Central West many are native to the Forbes district.
5. Landscaping proposed in Saline areas shall use a minimum 80% Salt tolerant and water wise plant species. Recommended plant species for such situations are identified in Appendix 3.
6. All existing native vegetation is to be retained and where possible enhanced with additional plantings and landscaping.
7. Existing street trees shall be maintained and replicated. The spacing of such trees shall be a minimum of 1.5 times the mature canopy of the proposed tree and a maximum 2 times the mature tree canopy.

## 11.12 Materials

### Objectives

- To maintain a consistency in the streetscape.
- To protect the heritage qualities of the building and/or immediate area.

### Standards

1. New development shall be compatible with the character of an existing building and that of immediately surrounding properties;
2. Where there is no prevailing character, new development shall respect the qualities of surrounding properties in integrating new development within the industrial area.
3. Highly reflective material, cladding or finishes, such as Zinalume, are not permitted as a wall cladding.

## 11.13 Forbes Midstate Industrial Park

This section of the Forbes DCP seeks to encourage the creation of the “Forbes Mid-State Industrial Park” upon the subject site and establish appropriate development controls having regard to its sensitive rural location and prominence to the Newell Highway. The Forbes Mid-State Industrial Park seeks to cater for large scale industrial developments which cannot be suitably located within existing industrial areas located closer to the Forbes Town Centre.

### Objectives

- To establish a “Masterplan” to guide the development of the “Forbes Mid-State Industrial Park”;
- To facilitate and control the industrial development of the site to cater for large industrial developments not suitably located within existing industrial areas located closer to the Forbes Town Centre;
- To encourage and promote the orderly and economic development of the site;
- To achieve a high quality integrated development having regard to its visual prominence and environmental sensitivity;
- To provide for a variety of industrial allotments to serve the demands for the industrial and economic growth of Forbes; and
- To ensure the provision of appropriate on-site servicing requirements in an environmentally acceptable manner.

### 11.13.1 Allotments and Land Use

#### Objectives

- To ensure that each allotment has an appropriate minimum area in regard to environmental and industrial needs.
- To provide a variety of allotment sizes in an endeavour to meet the demands of potential developments.
- To ensure allotments are economically viable and developable having regard to specific site and servicing needs.
- To minimise land use conflict.

#### Standards

1. The subdivision of the subject site for industrial purposes shall be generally in accordance with the Forbes Midstate Industrial Park Masterplan below. Alternative allotment configurations have been identified to cater for varying market requirements.
2. The creation of allotments of less than 1.8 hectares in area will not be permitted. Regularly shaped allotments shall be provided with a road frontage of not less than 75 metres.
3. Applications for the further subdivision of allotments identified on the Forbes Mid-State Industrial Park Masterplan shall demonstrate that the proposed industrial development cannot be suitably located within the traditional industrial area located adjacent to the Forbes urban area and that each allotment to be created can cater for the traffic and on-site servicing needs for the intended development.
4. Developments which occupy more than one allotment shall cause the consolidation of all immediately adjoining allotments prior to the commencement of operation.

### 11.13.2 Setbacks

#### Objectives

- To provide a visual buffer to the development when viewed from surrounding rural areas and the Newell Highway.
- To provide adequate areas for site landscaping.
- To ensure internal separation to minimise potential impacts between adjoining developments.

#### Standards

1. A 30 metre set back shall be provided to the Newell Highway.
2. A minimum set back of 10 metres shall be provided to all other roads.
3. A minimum side set back of 7.5 metres shall be provided to all buildings and trafficable areas.
4. Front setback areas shall be used for landscaping and car parking purposes. No industrial activities or open storage shall occur within the front setback.

## 11.13.3 Traffic Management

### Objectives

- To provide a road layout for the Forbes Mid-State Industrial Park suitable to its likely future needs.
- To reduce the impact of development upon the Newell Highway.
- To encourage circular traffic movement to ease access needs particularly for heavy vehicles.

### Standards

1. The Newell Highway is an access denied road and no direct vehicular access shall be permitted to internal allotments.
2. All internal roads shall be provided with a minimum road reserve of 30 metres. A minimum pavement width of 15 metres is to be provided serviced by grassed table drains rather than kerb and gutter.
3. All traffic servicing needs for individual developments shall be accommodated on site.

## 11.13.4 Car Parking, Access, Loading and Unloading

### Objectives

- To ensure adequate car parking is provided on-site for clients and employees.
- To ensure the smooth flow of traffic in and around the Forbes Midstate Industrial Park.
- To ensure access parking and loading facilities are integrated into the development to service individual needs.

### Standards

1. All access, parking and loading areas are to be designed in accordance with the Forbes Shire Council Car Parking Code, the Roads and Traffic Authority's Guide to Traffic Generating Development, V2.2, October 2002. and Australian Standards AS2890 –Parking Facilities and AS2890.1-1993 - Off Street Car Parking, or as amended.
2. Individual site accesses provided from Back Yamma Road are restricted to a maximum of two (2) separate driveways capable of accommodating B -Double vehicles.
3. All trafficable areas are to be screened by landscaped buffers a minimum of 2 metres wide.
4. All developments are to be provided with car parking, loading and unloading facilities within the curtilage of the site.

## 11.13.5 Urban Design

### Objectives

- To encourage a high standard of architectural design utilising high quality materials and finishes.
- To ensure development has regard to its rural location.

### Standards

1. Development should avoid large blank wall surfaces. Substantial elevations should be articulated either by structural variation of external finishes.
2. Prominent elevations, such as street frontages should be treated with suitable architectural features.
3. Attention should be given to energy efficiency principles in building design.

## 11.13.6 Drainage, Soil Erosion and Control

### Objectives

- To ensure the provision of on-site surface and storm water drainage control.
- To ensure site drainage does not impact upon adjoining properties.
- To ensure that development does not cause land degradation through erosion and sedimentation.

## Standards

1. All surface and storm water shall be catered for on-site. Pre development flow volumes will be accepted into the drainage reserves.
2. The Developer shall design and construct necessary surface drainage works to be provided in the form of "drainage reserves" to be dedicated to Council upon creation of the relevant allotments.
3. An on-site drainage and storm water control system shall be designed by a suitably qualified engineer and constructed to cater for the drainage requirements of each individual development.
4. The maintenance of on-site servicing works will be the responsibility of the land owner and will be included as a "Section 88B Restriction" upon the title of the property".
5. All roof water is to be collected and recycled for use where possible in the resultant industrial development.
6. Suitable erosion and sediment control measures shall be implemented during all construction works.

**Note:** Reference to "Section 88B restriction" refers to Section 88B of the Conveyancing Act, 1919 (as amended).

## 11.13.7 Site Servicing

### Objectives

- To promote the orderly and economic provision of services.
- To coordinate the provision of services with the relevant Service Authority.
- To minimise the burden upon Council's and Service Authority resources.
- To ensure the provision of suitable on-site drainage and storm water management systems.

### Standards

1. The developer will be responsible for the upgrading of existing and the provision of new roads to service the industrial estate.
2. Ultimately, water is to be supplied via the Council reticulated water supply system. On-site water supplies may be required to be provided by the individual developer in the interim for onsite use and firefighting purposes.
3. The Developer or relevant Service Authority (at the cost of the developer) will provide electricity and telecommunication services. Appropriate easements have been identified upon the DCP Masterplan and will be created upon the relevant property titles in accordance with the standard procedures and requirements of the service provider.
4. The provision of all other services including the extension of services within individual allotments will be the responsibility of developers and owners.
5. An aerated on-site effluent disposal systems is required to be provided for all developments.
6. Effluent, Drainage and Storm water control shall be provided within the confines of individual allotments.
7. Open storage and waste collection areas are to be suitably sited and screened to avoid view from public areas and prominent rural views.
8. Developers are to consider waste recycling options in the preparation of development applications for their intended development. The requirements and details of any necessary "Industrial Waste" requirements shall be provided to Council with the development application.

## 11.13.8 Landscaping

### Objectives

- To enhance the visual appearance of individual developments and the industrial estate generally.
- To screen undesirable views and reduce the visual impact of the development having regard to its rural setting.
- To provide functional areas of planting that enhance the visual appearance of development.
- To assist in addressing salinity upon the subject site.

## Standards

1. An easement shall be created upon all allotments adjoining the Newell Highway to provide for a 30m landscaping buffer area. This buffer area is to be suitably landscaped by the developer. The maintenance of this landscaped buffer area will be the responsibility of the land owner and will be included as a "Section 88B Restriction" upon the title of the property".
2. A landscape plan shall be submitted and approved by Council with all development applications.
3. All front and side set back areas shall be landscaped to Council's satisfaction.
4. All security fencing shall be located behind the front landscape setback. Species selection for planting within this area shall have regard to site security.
5. Landscaping is to include predominantly native vegetation. A minimum 80% are to be salt tolerant and water-wise vegetation species.

## 11.13.9 Advertising

### Objectives

- To ensure signage is integrated into the design of all buildings.
- To prevent distraction to motorists and potential for traffic conflicts.

### Standards

1. An estate identification sign will be displayed at the intersection of the Newell Highway and Back Yamma Road. An appropriate easement shall be created upon this particular parcel of land to enable Forbes Shire Council care and control of this land.
2. Signage orientated toward the Newell Highway shall be prohibited. Signage erected upon allotments having dual frontage to the Newell Highway will only be permitted if it is attached or painted directly onto the building.
3. One (1) business identification sign a maximum 2m x 1m shall be displayed within the front building setback area.
4. A maximum of three (3) signs per development will be permitted, only one of which is to be visible when the development is viewed from any point external to the site.

## 11.13.10 On-Site Living

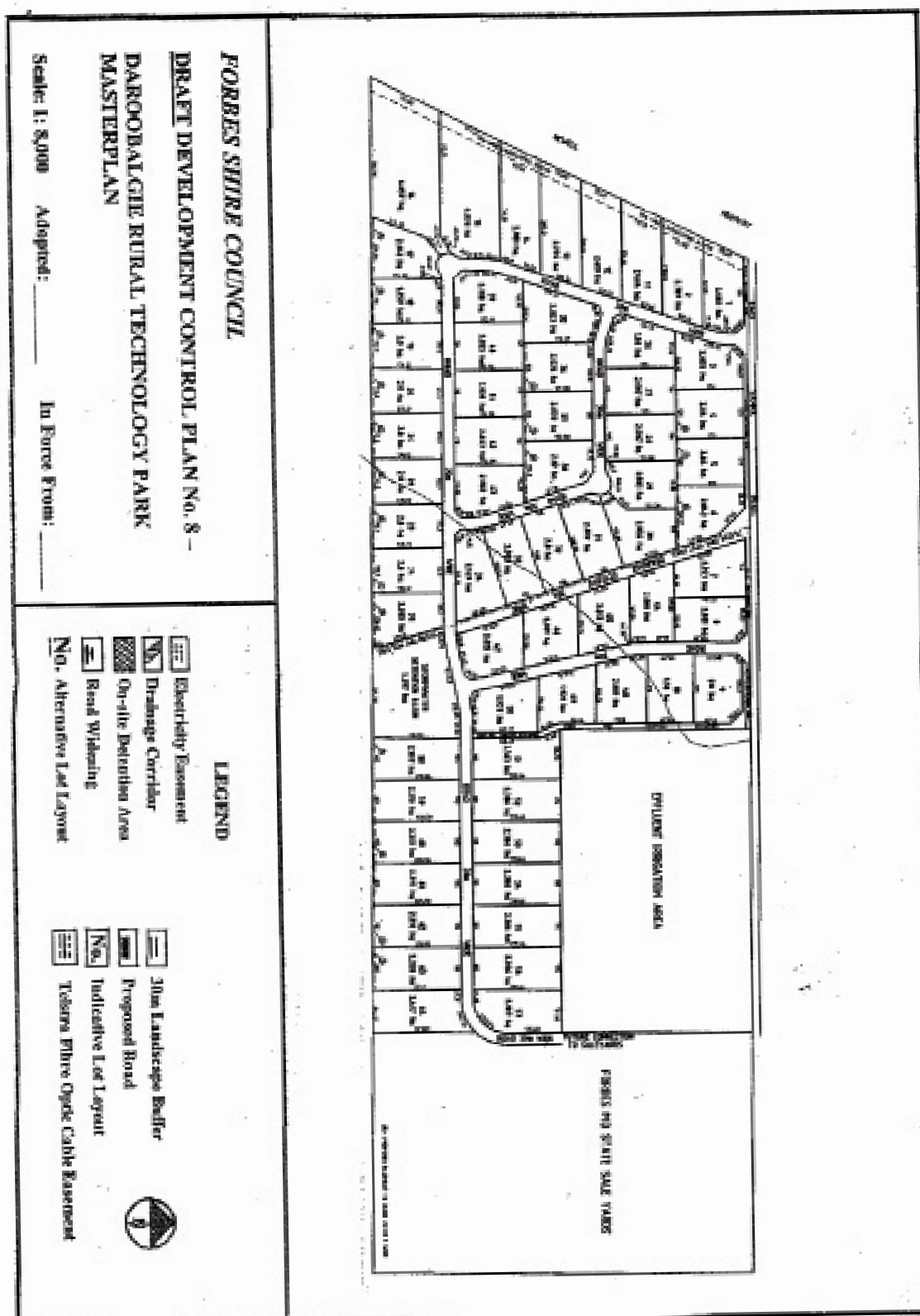
### Objectives

- To restrict residential living opportunities in the industrial area

### Standards

1. Residential development will not be supported by Council in this industrial area.
2. Residential living opportunities will only be permitted as single caretakers/security quarters where it can be demonstrated it is a vital component of the development and it does not interfere with the industrial development of the estate. Such quarters shall be integrated into the design of the industrial development.
3. A maximum of 90 square metres of Gross Floor Area shall be permitted for residential purposes.







## CHAPTER 12 – DEMOLITION

### 12.1 Preamble

In many cases demolition is forgotten in the development and assessment process. This Section of the Forbes Development Control Plan outlines the relevant procedures associated with the demolition of existing structures and in particular the management of waste and asbestos.

Accordingly it is considered appropriate to prepare this Development Control Plan to clearly establish Council's requirements for demolition and asbestos removal.

### 12.2 Land to which this Plan Applies

This plan applies to all development applications lodged for or involving demolition.

### 12.3 Objectives

The Objectives of this Development Control Plan are to:

- a) To clearly establish and inform developers of Council's requirements with respect to demolition;
- b) To advise of the necessary requirements for the disposal of asbestos;
- c) To encourage the recycling of materials where ever possible.
- d) To ensure that demolition waste is disposed of at a landfill licensed to accept demolition and building wastes including asbestos;
- e) To ensure that sites on which buildings containing asbestos or other hazardous material are certified as being suitable for future land uses.

### 12.4 Requirements for Demolition

#### Objectives

- To ensure public safety in and around demolition work sites.
- To ensure compliance with the relevant statutory requirements.

## Standards

1. A development application is required for all demolition works.
2. Where demolition is proposed in conjunction with other development or site works the demolition should be separately detailed within a single development application.
3. Prior to the commencement of site works Council will require the preparation of a "Work Plan" prepared in accordance with Australian Standards AS2601-2001, Demolition of Structures prepared by a suitably qualified person.  
The Work Plan must include the following information (as applicable):
  - The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor;
  - Details of hazardous materials, including asbestos with location and quantities;
  - Method/s of demolition and removal of asbestos;
  - Measures and processes to be implemented to ensure the health & safety of workers and community;
  - Measures to be implemented to minimise any airborne asbestos and dust;
  - Methods and location of disposal of any asbestos or other hazardous materials;
  - Other relevant details, measures and requirements to be implemented as identified in the Asbestos Survey; and
  - The date the demolition and removal of asbestos will commence.
4. All site works shall comply with the occupational health and safety requirements of WorkCover NSW.
5. Demolition works shall not commence until appropriate site fencing and notices advising of public access restrictions have been erected.
6. The demolition work area shall be left at all times in a safe and practical manner.
7. All opportunities for the recycling of materials shall be considered and identified in the demolition work plan.
8. Details of sediment control are to be provided prior to the commencement of demolition work.

## 12.5 Demolition Involving Hazardous Material Including Asbestos

### Objectives

- To identify and appropriately manage asbestos removal.
- To ensure compliance with the relevant statutory requirements.

### Standards

1. All hazardous or intractable wastes and materials (including asbestos) shall be removed and disposed of in accordance with the requirements of WorkCover NSW, the Environmental Protection Authority, including the following provisions:
  - Occupational Health and Safety Act 2000
  - Occupational Health and Safety (Hazardous Substances) Regulation 2001
  - Occupational Health and Safety (Asbestos Removal Work) Regulation 2001; and
  - WorkCover NSW Code of Practice for the Safe Removal of Asbestos
  - Australian Standard 2601 (2001) – Demolition of Structures
  - The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996
  - Relevant Department of Environment & Heritage / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.
  - Hazardous dust must not be allowed to escape from the site. The use of fine mesh dust proof screens or other relevant measures is recommended. Existing accumulations of dust (eg, ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter or equally effective methods. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during high winds, which may cause dust to spread beyond site boundaries.
  - Since 2008 a WorkCover licensed demolition or asbestos removal contractor must undertake removal of asbestos:
    - AS1 Licensed operator for friable and bonded asbestos
    - AS2 Licensed operator for bonded asbestos only. (Note: Bonded asbestos up to 10m<sup>2</sup> may be removed by an unlicensed person in accordance with WorkCover requirements)

4. A professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.
5. Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 1996.
6. Asbestos waste must be disposed of at the Darroobalgie Landfill Site and not transported out of the Shire. Copies of all receipts detailing method and location of disposal must be maintained on site and be provided to Council officers upon request, as evidence of correct disposal.
7. A Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist or licensed asbestos contractor), must be provided to Council upon completion of the works (prior to an Occupation Certificate being issued), which confirms that the relevant requirements contained in the Asbestos Survey and conditions of consent, in relation to the safe removal and disposal of asbestos, have been satisfied.
8. Where a building containing asbestos has been damaged by a fire the site will be considered to contain friable asbestos requiring containment and demolition by an AS1 Licensed Asbestos contractor.
9. Where unauthorised demolition works occurs or Council suspects that asbestos has been removed contrary to WorkCover guidelines certification of the site will be required by an occupational hygienist.

## 12.6 Safe Work Practices

### Objectives

- To ensure safety practices are implemented in and around demolition work sites.
- To ensure applicants are aware of appropriate protection when dealing with the hazards of demolition.

### Standards

1. Consider the need for:
  - Breathing mask or respirator fitted with appropriate filter;
  - Suitable clothing including the need for disposable coveralls;
  - Establishment of a decontamination area;
  - Disposal/Washing/shower facilities in suitable proximity;
  - Minimise work on windy days;
  - Consider the need for use of ground sheeting to catch dust and debris;
  - Remove play equipment, personal belongings and vehicles from the work area;
  - Isolate the work area;
  - Use only non-powered hand tools;
  - Work in well-ventilated areas where possible;
  - Clearly wrap and label hazardous material for dumping at approved locations.
2. Please consider the following Brochure produced by the Department of Environment, Climate Change and Water NSW in relation to Guidance Material: Asbestos and Fire-Damaged Buildings.

<http://www.environment.nsw.gov.au/resources/waste/asbestos/09561asbestosfdb.pdf>





## CHAPTER 13 –HERITAGE

### 13.1 Preamble

Forbes has a unique historical background commencing with the Wiradjuri nations. John Oxley explored the area via the Lachlan River in 1817. Scotch immigrant George Ranken squatted in the area in 1832 and probably before. The surveyor-general and explorer Thomas Mitchell records James Collits, colonial-born son of the Irish convict Pierce Collits, in the area in 1836. In 1861 the Lachlan Gold Rush broke out and the township of Forbes came into existence. In the early 1860s squatting was joined by free selection. Local resident Ben Hall took to bushranging in 1862 and sought refuge in the area until he was shot dead in 1865.

The Forbes Community Based Heritage Study was completed in 2006 which recommended the statutory listing of some 173 identified items of environmental heritage. These items have been identified in Schedule 2 the Forbes Local Environmental Plan 2013 while 73 items are considered as having Contributory Heritage Significance.

A Conservation Area has also been established over the main CBD area of Lachlan and Rankin Streets. The historic Main Street character of Forbes will be conserved with the retention of traditional significant buildings, and promoting the use of materials, colours and designs sympathetic to the heritage setting. Infill development and adaptive re-use are also supported where sympathetic buildings are proposed. Heritage character meets the expectations of the contemporary tourist and should be embraced to maximise local social and economic benefits.

More detailed development controls are appropriate to inform and guide perspective developers and owners of the most appropriate methods to be adopted in meeting their desired development aspirations, including necessary regulation.

### 13.2 Land to which this Plan Applies

This plan applies to all items of Environmental Heritage both those identified in Schedule 5 of the Forbes Local Environmental Plan 2013 and those undiscovered items protected under the Heritage Act as well as the Forbes Business Conservation Area. The provisions contained in this instrument may also apply to certain development within the vicinity of Heritage Items, in circumstances where there may be a potential impact as a result of a proposed development.



## 13.3 Objectives

- (a) The Objectives of this Development Control Plan are to:
- (b) To conserve the heritage significance of the built and natural environments;
- (c) To ensure that new development is sympathetic to the identified heritage significance;
- (d) To ensure the retention of heritage items and contributory items;
- (e) To provide planning and design guidelines for developments associated with heritage items and conservation areas;
- (f) To provide guidance to owners and perspective developers of heritage items concerning the most appropriate method for their development to proceed without detracting from the heritage significance and its value to the site.

## 13.4 Development Standards

Council's requirements are identified as "Objectives" which have been underpinned with appropriate "Development Standards" which seek to guide and control the provision of landscaping

The Objectives state what Council is endeavouring to achieve in its control of the development. Each Objective is supported by Development Standards, which outline the preferred method of achieving the objective/s. Council may vary the development standards where it can be demonstrated that the proposed development is consistent with the objective/s and is likely to provide a better planning solution.

## 13.5 Heritage Listings

### Objectives

- To advise of statutory listings and applicable statutory controls to items of environmental heritage throughout the Forbes Shire.
- To inform of the relative levels of significance of identified heritage items.

### Standards

1. There are three levels of heritage significance being of Local, State and National significance.
  - Heritage items of National Significance are items having significance beyond the State level and are considered under the Australian Heritage Council Act 2003. The Act affects property owned by the Commonwealth Government and its Agencies.
  - State significant items are identified in the State Heritage Register and are protected by the Heritage Council and Heritage Office under the NSW Heritage Act, 1977.
  - Items of Local heritage significance result from previous Heritage Studies, the National Trust listings, the Main Street Study and the Forbes Shire Community Based Heritage Study and are identified in Schedule 5 of Forbes Local Environmental Plan 2013.

## 13.6 NSW Heritage Assessment Criteria

### Objectives

- To advise of relevant criteria to be considered in the assessment of heritage significance.

### Standards

1. Consideration of heritage significance should be based upon consideration of the following criteria:
  - Criterion (a) an item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area);
  - Criterion (b) an item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area);
  - Criterion (c) an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area);
  - Criterion (d) an item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons;

- Criterion (e) an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area);
- Criterion (f) an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area);
- Criterion (g) an item is important in demonstrating the principal characteristics of a class of NSW's:
- cultural or natural places; or
  - cultural or natural environments.
  - (or a class of the local area's
  - cultural or natural places; or
  - cultural or natural environments.)
  - An item is not to be excluded from the Register on the ground that items with similar characteristics have already been listed on the Register

Source: Local Government Heritage Guidelines, NSW Heritage Office, 2002

## 13.7 Conservation Area

### Objectives

- To retain and enhance the environmental heritage of Forbes as a primary attraction to the town and local area.
- To conserve existing significant fabric, settings, relics, views and movable items associated with the heritage significance of heritage items and heritage conservation areas.
- To reinstate significant building elements which have been removed, such as verandahs, awnings and colour schemes.
- To ensure that new development is sympathetic to the character of heritage items and Conservation Areas.
- To provide incentives for property owners to heritage items and sites within conservation areas.

### Standards

1. The Forbes Business Conservation Area is identified below.
2. Individual developments shall not have a detrimental impact upon the prevailing streetscape character for the Forbes commercial area.
3. Traditional building elements and façade treatments shall be reinstated with any redevelopment within the Forbes Business Conservation Area.
4. Signs and external advertising and external colour schemes shall not have a detrimental impact upon the heritage significance of the listed heritage place or the Conservation Area
5. All applications for development within this area shall consider the impact of the development proposal upon the heritage significance of the subject land and land within its immediate vicinity as well as any potential impacts upon the broader conservation area.

## 13.8 Heritage Advisory Service

### Objectives

- To consider the impact of development upon the heritage significance of an individual item or broader conservation area.
- To inform applicants of the availability and role of Council's Heritage Advisor.

### Standards

1. To assist owners of heritage assets, Council has appointed a heritage advisor who is available to provide a free advisory service offering advice on the best way for your development to occur whilst maintaining heritage significance.
2. Council will refer all development applications relating to heritage items or within the Forbes Conservation Area for the Heritage Advisors consideration.
3. It is recommended you review the Forbes Heritage Inventory and consult with the Heritage Advisor before preparing your development application.

## 13.9 Heritage Impact Statement

### Objectives

- To consider the impact of development upon the heritage significance of an individual item or conservation area.
- To inform applicants of specific heritage considerations necessary to accompany applications for development with the potential to impact upon heritage significance.

### Standards

1. Basic considerations of heritage impacts associated with the vast majority of developments can be accommodated within the Statement of Environmental Effects Report. Council will refer all development applications including relevant considerations relating to heritage items or within the Forbes Conservation Area for the Heritage Advisors consideration.
2. A Separate and suitably detailed Heritage Impact Statement (prepared in accordance with the current guidelines of the NSW Heritage Office) will be required for applications involving demolition of heritage items or where there is disagreement or departure from the considerations of Council's Heritage Advisor.
3. The level of detail to be provided is dependent upon the nature and extent of the proposed development and its potential impact upon significant elements of the site. Consult with Council, Council's Heritage Advisor or your own independent professional for guidance upon the detail required within the Heritage Impact Statement however will generally be required in accordance with the following schedule:

Scale of Development Proposal	Detail to be provided for Council's consideration	Circumstances where additional details will be required
Minor Internal Alterations and Additions	Plans submitted for consideration of Heritage Advisor	Concerns raised by Heritage Advisor
Minor External Alterations and Additions	Plans submitted for consideration of Heritage Advisor	Concerns raised by Heritage Advisor
Alterations to Colour Scheme	Colour scheme submitted for consideration of Heritage Advisor	Concerns raised by Heritage Advisor
Substantial Alteration and Additions	Detailed consideration in Statement of Environmental Effects Report	Concerns raised by Heritage Advisor
Demolition/Redevelopment	Submission of separate Heritage Impact Statement prepared by suitably qualified Heritage Consultant	Concerns raised by Heritage Advisor or consideration requested by Heritage Branch – NSW Department of Planning



### 13.10 Authenticity

#### Objectives

- To protect the original fabric that contributes to the significance of a heritage asset.

#### Standards

1. Original and significant fabric of a premises should be retained in situ.
2. Original character and fabric should not be fundamentally altered or irreversibly changed by new work.
3. Traditional building elements should only be removed where there is a firm proposal to restore or replace something sympathetic in that same location or where specifically identified for removal by a heritage assessment.
4. Traditional elements are to be reconstructed based upon historic research of a particular building in preference to details that are simply typical for a period.
5. Traditional construction materials and techniques should be used where possible for the repair or alteration to a heritage asset.

### 13.11 Streetscape

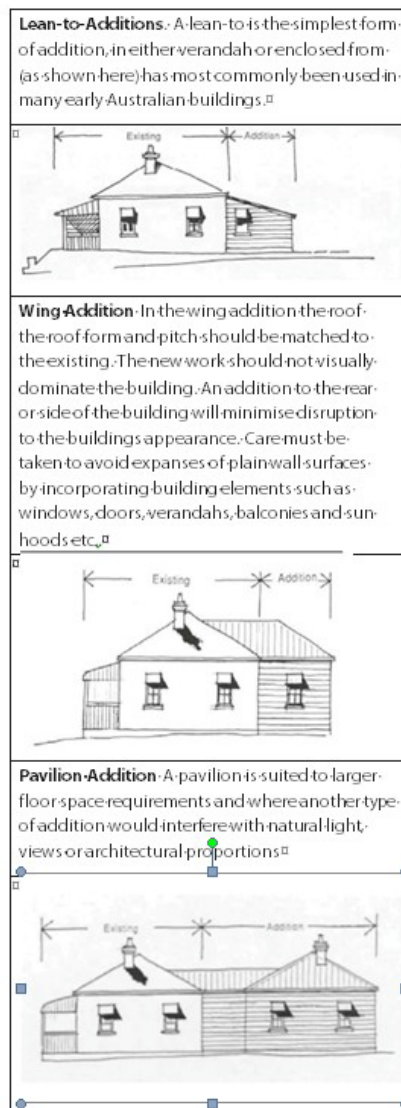
#### Objectives

- To protect the unique streetscape character and appearance of the main shopping streets of the Forbes commercial area.
- To conserve and promote the heritage streetscape character as a marketing tool for encouraging tourism within the Shire.



## Standards

1. Development should consider its relationship to the following elements of the streetscape:
  - Front setback
  - Materials, colours, textures
  - Roof form and pitch
  - Scale, height and proportion of buildings
  - Landscaping and gardens
  - Spaces between buildings
  - Façade treatments
  - Verandahs
  - Window placement and treatment
  - Provision of new services, in particular air conditioning out of sight
2. The design approach adopted in any given situation depends on the configuration of the main building, its orientation and views, the proposed use, size and slope of the site.
3. In all additions, new doors, windows and external details should match the original in proportion, style, materials, roof and wall construction.
4. The following is a summary of the main styles of additions:





## 5. Adaptive Re-use

### Objectives

- To prevent heritage items falling into a state of disrepair as a result of prolonged vacancy.

### Standards

1. Adaptive reuse simply means a substantial change to a buildings type of use.
2. Adaptive reuse should only occur where the original use is no longer viable.
3. Retain all significant fabric of heritage listed items
4. Retain the general appearance of the building such that its original role can be readily interpreted.
5. Works must be readily reversible and should not compromise the potential for future alternative uses of the premises.
6. Any works must be sympathetic to the character of the existing building
7. Where incorporating additions, plant or equipment required for the new operations, should be concealed from view from the broader streetscape.

## 13.13 Infill Development

### Objectives

- To ensure a consistency between existing and new development to maintain the visual continuity, appearance and streetscape.
- To reflect the new and meet the amenity requirements of new users.

### Standards

1. Character & Style: New development should reflect the character and style of adjacent and surrounding development to achieve visual continuity and harmony.
2. Scale: New development should be designed to reflect the scale of adjacent and surrounding development in terms of height, size and proportions to ensure that new buildings do not dominate in a historic streetscape. Height should be determined in relation to the adjoining buildings.
3. Form and Massing: New development should identify and reflect the predominant form and massing of existing development within the streetscape. The bulk of a building is also influenced by the size and shape of the roof. Infill development must adhere to existing roof and parapet heights.
4. Materials and Detail: Within a locality of consistent character there is usually a predominant building technique repeated throughout the precinct. Infill design should identify characteristic materials and details and interpret them in any new building.
5. Siting and Orientation: The qualities of the existing area can be reinforced by conforming to existing setbacks and walls and fences should be related to adjacent properties. This principle also refers to the rear of infill buildings where new buildings should conform to the predominant building alignment.



## 13.14 Reconstruction

### Objectives

- To ensure retention of elements of heritage significance in the reconstruction process
- To return a place as near as possible to a known earlier state with the introduction of appropriate new materials.

## Standards

1. Reconstruction should be based upon historic information to allow accurate replication of details of heritage significance
2. Original materials, where possible, or suitable replications which match the original built elements should be used.
3. For non heritage items, reconstruction should be based upon typical details of the time, however the preference is for the accurate replication of building elements.

## 13.15 Redevelopment

### Objectives

- To preserve the heritage significance of the place, which gives that special character, in a way which reflects the new requirements and meets the needs of the users and occupants
- To create new structures which are sympathetic to the heritage significance of the Conservation Area, on sites which have no individual significance worthy of retention.

### Standards

1. Redevelopment will only be permitted where reconstruction is not considered feasibly upon heritage grounds.
2. The principal building elements of height, bulk, scale, setback etc shall be maintained in any redevelopment.
3. Original materials, where possible, or alternatively suitable replications which match the original built elements should be used in the redevelopment of a heritage item.

## 13.16 Subdivision

### Objectives

- To ensure that an appropriate curtilage is allowed around the heritage item or place in relation to boundaries, to views to and from the item and to a composite of the boundaries and views.
- To reflect the traditional subdivision pattern where it is part of the heritage significance of the area.

### Standards

1. A subdivision proposal upon land containing a heritage item shall identify the heritage asset and ensure an adequate curtilage is retained which maintains the integrity of the item
2. Land is to be subdivided in the vicinity of a heritage item should consider the impact of the new property boundaries and likely future development upon the integrity of surrounding heritage assets.
3. A heritage curtilage should include associated landscape plantings of significance including hedges, tree lined driveways etc.
4. Consideration should be given to original outbuildings and their relevance to the overall significance of the item or property
5. Consideration should be given to any important views to and/or from the heritage assets

## 13.17 Demolition

### Objectives

- To encourage the protection and retention of as many individual items of heritage significance throughout the Shire of Forbes
- To acknowledge that there may be circumstances where there may be no reasonable option other than to demolish a heritage item after all options have been considered
- To only permit demolition as a final resort

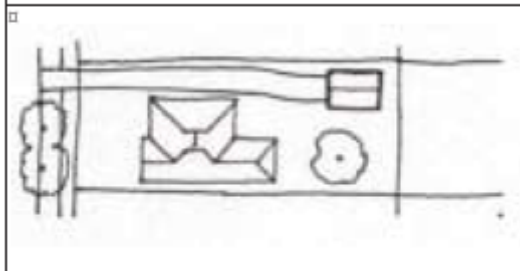
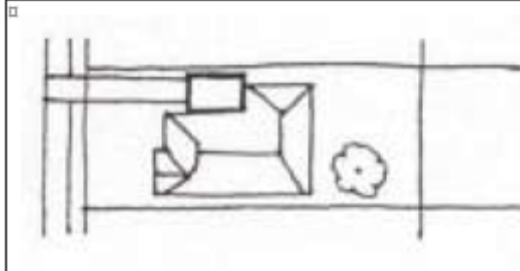
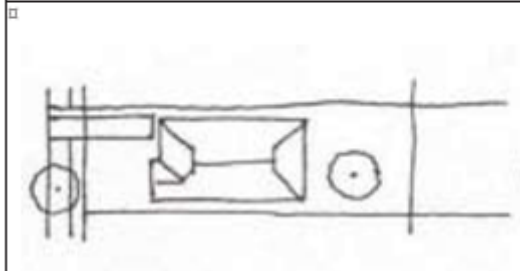
## Standards

1. Demolition of a heritage item will not be permitted unless it can be demonstrated that the item is not reasonably capable of conservation.
2. Where a heritage item or building within a conservation area is proposed to be demolished a Heritage Impact Statement should consider:
  - Clearly provide justification why this is the preferred action
  - Assessment of historical information upon the property
  - An assessment upon the quality and condition of the building by persons with appropriate experience and qualifications
  - Details of any alterations and their impact upon overall significance
  - A comparative analysis of the significance of the building in relation to others in the Shire
  - Consideration of options for retention of the significant heritage elements in conjunction with additional appropriate development with use of the Incentive clauses
  - Consideration of development options for the building and land
3. Council will consult with the NSW Heritage Office upon all applications for demolition of items of environmental heritage of State Significance.
4. Precedence should be given to decisions based upon the heritage significance of the item, not the development potential of the land it is situated upon. In making a decision a balance of economic and heritage issues need to be made.

## 13.18 Garages

1. The preferred options for garage additions are discussed below:



Locate garage at the rear with access from the street frontage

If the existing house takes up the width of the block locate garage as far back from the front of the building as possible

If no side access is possible provide an area at the front, preferably to one side if it does not interfere with the historic garden


## 13.19 Fences

### Objectives

- To provide or retain fencing which contributes to the heritage significance of the heritage item or Conservation Area and complements the character of the streetscape

## Standards

### Late-Victorian-Cottage¶

Simple round or square picket, more decorative posts in grander dwellings, regular spacing.¶

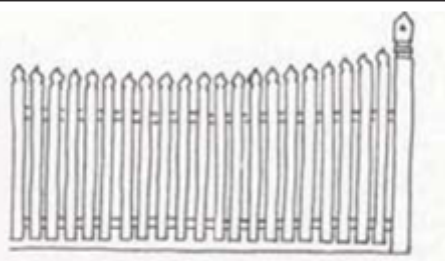
¶



### Edwardian/Federation-House¶

Timber pickets. Round, square or tulip. Top edge stepped up at post in some examples.¶

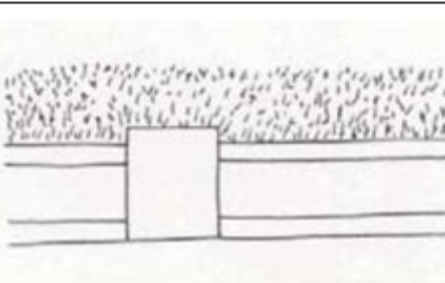
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### Californian-Bungalow¶

Low fences 450—900mm high, open weave wire and timber or square topped pickets, rendered brick with brick posts.¶

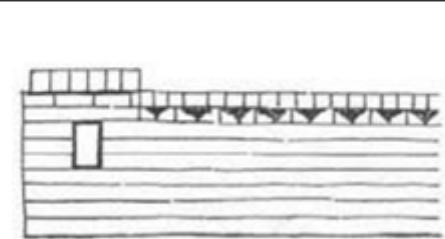
¶



### Post-War¶

Rendered cappings and inset panels with unrendered brick posts. Pierced pre-cast concrete panels. Decorative brick capping, decorative brick to match the house.¶

¶





## 13.20 Signage & Outdoor Advertising

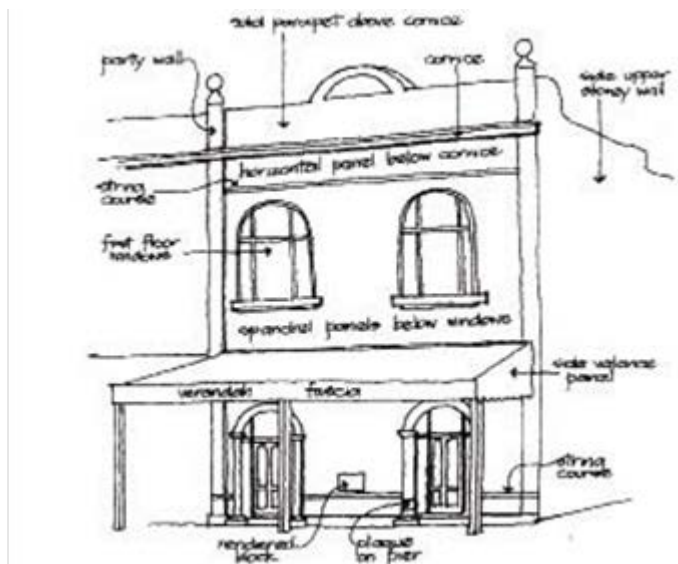
### Objectives

- To ensure the traditional historical character of the Forbes commercial centre is maintained.
- To prevent the over proliferation of advertising associated with any single property.
- To minimise the visual aesthetic impact of commercial advertisement whilst acknowledging the proprietors need to advertise their business.
- To reduce the visual complexity of the streetscape by providing fewer, more effective advertising.
- To ensure that external advertising is sympathetic and reflects the heritage of the building and its contemporary times.

### Standards

1. The alteration of existing signage (including colours), erection of additional signs or changes to the outside of buildings are not permitted without separate development consent.
2. Generally, sign panels can be determined by dividing a building up into a grid and identifying locations on the following locations, (it is best to clarify with early photographs, images or paintings):
  - A solid parapet above a cornice
  - The horizontal entablature or panel below a cornice
  - Verandah (ground or upper floor) as well as the possible side valance panel formed by the roof profile.
  - Spandrel panels below windows
  - Ground or first floor windows
  - Notice boards or plaques on ground floor piers
  - String courses
  - Small signs limited to individual elements such as rendered block
  - On side upper storey walls
  - Party walls able to be viewed above adjacent buildings.

These locations are shown below.



## Identifying Sign Panels.

Modern signs, can at times, be accommodated as follows:

- Hanging beneath a verandah roof
  - Projecting from a building without a verandah above the ground floor window head or on a ground or first floor pier
  - On windows
  - On a plaque beside the entrance door
  - As a free standing pole sign or low level sign (below ground floor window sill level) in front of or beside the building
  - As a panel on a front fence.
3. Generally, signs on individual buildings or within areas of special significance should be discreet and should complement the building or area. The architectural characteristics should always dominate.
  4. Signs should be placed in locations on the building or item which would traditionally have been used as advertising areas. If the building or item has no such locations, advertising will usually be inappropriate.
  5. Advertising should be placed in locations on the building or item which would traditionally have been used as advertising areas. Some traditional advertising solutions are shown below.
  6. Permanent signs on shop front windows should not cover more than 25% of the window area.
  7. The use of modern logos and colour schemes will need to be considered on a case by case basis. The franchisee, shop owner and sign writer must ensure a development application is prepared with scale drawings and colour schemes. All applications within the central business district will be referred to Council's Heritage Advisor.



Figure 2 TRADITIONAL SIGNS

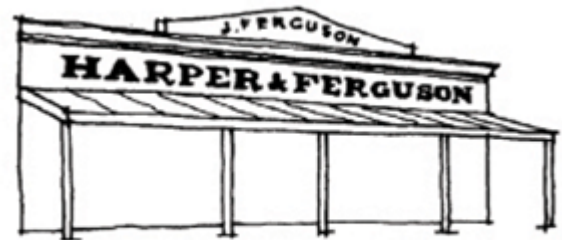


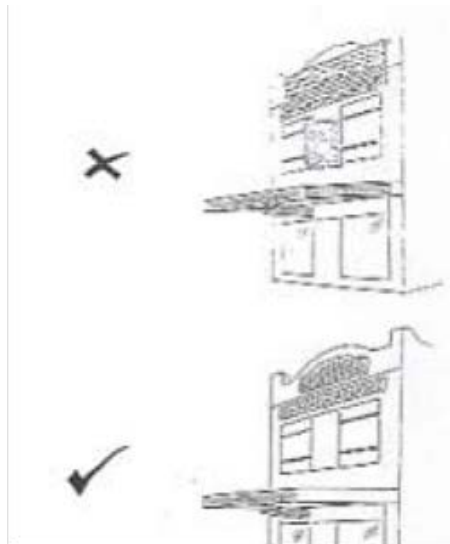
Figure 2a TRADITIONAL SIGN LOCATIONS



Unacceptable display of Signs



This is how signs should be located



## 13.21 Prohibited Signs

### Objectives

- To prohibit inappropriate and offensive advertisements.

### Standards

1. The following signs are prohibited:
  - Advertising affixed to trees, light poles or other structure not for the purposes of advertising structure.
  - Signs mounted above the awning or verandah of a building.
  - Bunting.
  - Painted buildings to reflect corporate colours.
  - Flashing lights associated with signs.

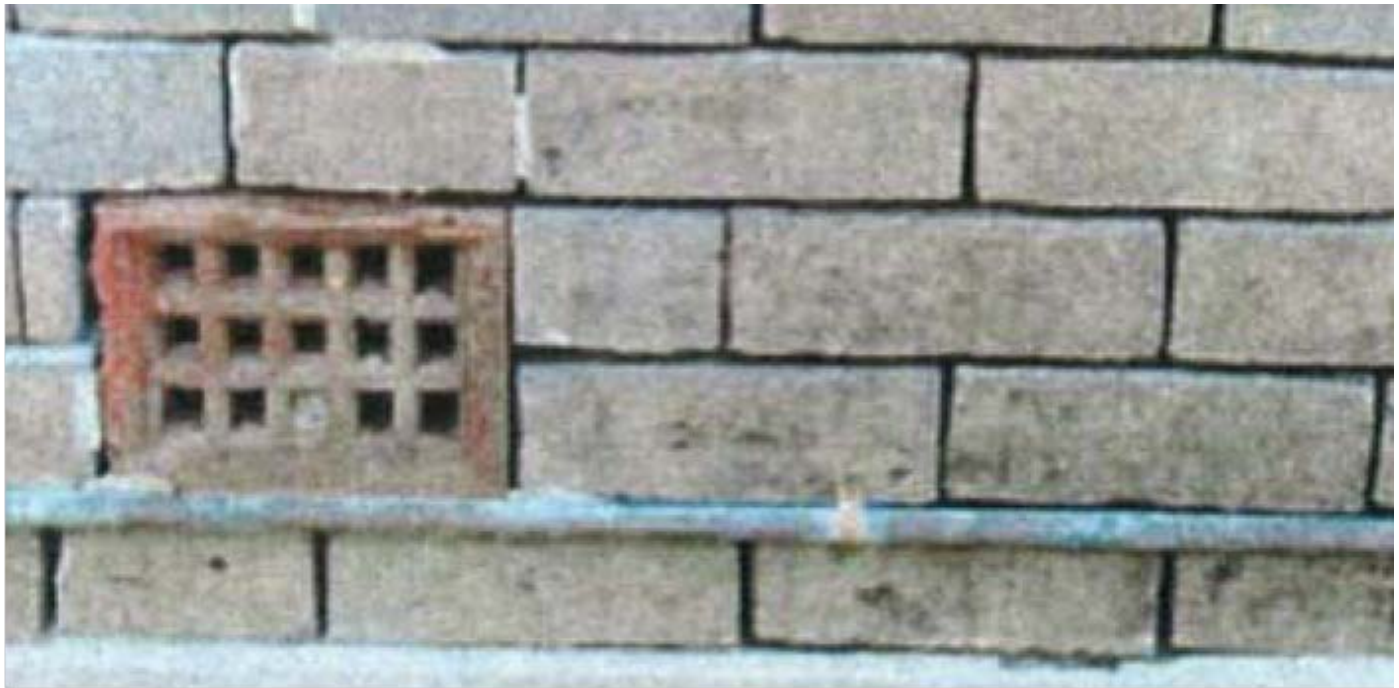
## 13.22 Incentives to Property Owners

### Objectives

- To advise of and make available as much assistance as possible to owners of heritage items to encourage their protection.
- To allow for the application of the Incentive Clauses within the LEP in relation to the development of sites of heritage significance as listed within the Heritage Schedule

### Standards

1. Certain minor or incidental works do not require approval, including maintenance which causes no damage to the significance, repairs which involve replacing like with like, painting previously painted surfaces in the same colour and paint type, excavation where there is no archaeological significance and restoration where existing fabric is returned to a known earlier location, and where accretions of no significance are removed.
2. Funding is available as an Incentive through the Local Heritage Fund that allows property owners to apply for support towards maintenance, repair and conservation works. Please contact Council's Environmental Services Department for further details.
3. Council also provides heritage awards that recognise appropriate works to heritage assets. Please contact Council's Environmental Services Department for further details.
4. Where zoning would usually prohibit a use, Forbes Local Environmental Plan 2013 permits the use of a heritage item for any purpose if the conservation of the item would be facilitated by the granting consent to the use and there will be little or no impact to the item or its immediate area.



## CHAPTER 14 –SALINITY

### Preamble

Salts are a natural part of the Australian landscape.

Concentrated salt and different types of salt, once dissolved and mobilised in water, can have an impact on the durability of some building material.

Salinity has emerged as a significant problem within the existing urban area of the Forbes Township. As a result, buildings within the Forbes Shire may be susceptible to salt damage.

This policy will assist Council in the reasonable carrying out of its roles and responsibilities under the local Government Act 1993 and Environmental Planning and Assessment Act, 1979.

### 14.1 Land to which this Plan Applies

This plan applies to all development of all land within the Forbes Shire.

Where a developer does not wish to implement the requirements of this salinity policy Council will consider on merit arguments relating to a diminished salinity risk. In all such instances the onus of proof rests with the applicant\*.

\* Diminished salinity risk may be argued through a risk assessment based on a site analysis consistent with the

Department of Land and Water Conservation (2002) Guide: Site Investigations for Urban Salinity (ISBN: 0 7347 5303 5, and the incorporation into site design, appropriate measures to manage the risk of salt damage.

### 14.2 Objectives

The Objectives of Chapter 14 of this Development Control Plan are to:

- (a) Minimise the risk of salt damage to building materials
- (b) Minimise the moisture contact to building materials
- (c) Increase slab strength and resistance

### Development Standards

Council's requirements are identified as "Objectives" which have been underpinned with appropriate "Development Standards" which seek to guide and control the provision of landscaping.

The Objectives state what Council is endeavouring to achieve in its control of the development. Each Objective is supported by Development Standards, which outline the preferred method of achieving the objective/s. Council may vary the development standards where it can be demonstrated that the landscaping provided is consistent with the objective/s and is likely to provide a better planning solution.

### 14.3 Slab on ground construction

#### Objectives

- To ensure slab construction which does not permit water to rise from the ground into the building.
- To ensure compliance with the BCA.

#### Standards

1. For slab on ground construction, a layer of at least 50mm of sand must be provided under the slab to prevent saline water from soaking into the slab and tearing the damp proof membrane.
2. A damp proof membrane (rather than a vapour proof membrane) must be laid under the slab.  
Membrane product types include:
  - Vapour proof - black industrial, orange industrial (differ only in colour)
  - Damp proof - orange premium and orange super.
3. The damp proof membrane must be extended to the outside face of the external edge beam up to the
4. finished ground level (clause 3.2.2.6 and Figure 3.2.2.3 of the BCA)
5. Class 32 Mpa (N32) concrete must be used or a sulphate resisting SR cement with a water cement ratio of 0.5 must be used.
6. Slabs must be vibrated and cured for a minimum of 3 days
7. The minimum cover to reinforcement must be 50mm from unprotected ground.
8. The minimum cover to reinforcement must be 30 mm from a membrane in contact with the ground.
9. The minimum cover to reinforcement must be 50mm for strip footings and beams irrespective of whether a damp proof membrane is used.
10. Admixtures for waterproofing and/or corrosion prevention may be used.

### 14.4 Brick Pier Construction

#### Objectives

- To ensure footing construction which does not permit water to rise from the ground into the building.
- To ensure compliance with the BCA.

#### Standards

1. For brick piers the damp proof course must consist of polyethylene or polyethylene coated metal and be correctly placed as per SA BCA 3.3.4.4.
2. Exposure Class masonry units must be used below the damp proof course including for strip footings.
3. Appropriate mortar and mixing ratio must be used with exposure class masonry units

**Note;** The resistance of bricks to water and salt vary between different brick companies. When buying bricks you should enquire as to the water and salt resistance test results. Factors such as clay, type and location in the kiln may affect brick resistance. Some companies routinely test batches of bricks and class the more resistant bricks as "exposure class bricks".

Admixtures for waterproofing and/or corrosion prevention may be used.



## 14.5 Requirements For All Buildings

### Objectives

- To minimise the potential for salt to enter a new building thus reducing the potential for salt damage.

### Standards

1. Once installed the damp proof course must not be breached by any later works or additions such as steps, verandahs, walls, rendering, bagging, pointing, paving or landscaping.
2. Appropriate subsoil drainage must be installed for all slabs, footings, retaining, walls and driveways.
3. The dwelling must be designed to suit the topography. The installation of the damp course proofing must be above finished ground level.
4. Landscaping and garden designs should not be placed against walls of the building.

## 14.6 Recommendations for All Buildings

### Objectives

- To make a series of recommendations to minimise the potential for salt damage to property to improve building health, reduce maintenance and increase life span construction.

### Standards

1. Be water wise in the garden.
2. Low water requiring plants and water wise garden designs are preferred.
3. Buy a tap timer.
4. Water in the morning or evening and avoid watering on windy days.
5. Mulch garden beds.
6. Avoid fine mist sprays, use low trajectory sprinklers.
7. Sweep paths rather than water them.
8. Check and repair water pipe leaks and leaking taps as soon as possible, (Read the water meter before going to bed and again the next morning, if the numbers have increased, call a plumber).
9. Divert roof water from your rubble pit if you have one. Install a water tank for reuse in the garden and/or connect to a storm water system if possible.



## CHAPTER 15 – PUBLIC CONSULTATION

### 15.1 Preamble

To ensure an open and fair consideration of development proposals and ensure consistency in the approach to public notification and exhibition of development proposals, a plan outlining the relevant requirements and procedures has been prepared. It will also ensure a consistent approach in accordance with the legislative requirements appropriate for Forbes.

This section of the Forbes Development Control Plan addresses Council's administrative procedures associated with the notification of development applications.

Accordingly it is considered appropriate to prepare this section of the Forbes Development Control Plan to clearly establish Council's requirements.

### 15.2 Land to which this Plan Applies

This plan applies to all development applications lodged for the consideration of Forbes Shire Council.

### 15.3 Objectives

The Objectives of this Development Control Plan are to:

- (a) To detail the circumstances when notice of development applications will be given;
- (b) To provide opportunities for comment from persons likely to be affected by a development proposal;
- (c) To set out the rights of land owners in making submissions on a development application; and
- (d) To outline the processes Council follows in determining applications where submissions are made.

### 15.4 Applications Not Requiring Notification

#### Objectives

- To minimize unnecessary complication of the assessment process for minor or incidental works.
- To expedite the assessment process.

## Standards

1. The following applications of minor impact do require notification or public exhibition
  - Exempt and Complying Development;
  - Internal Alterations to dwellings, commercial premises and industrial buildings;
  - A change of use from a shop to a shop or a commercial premises to a commercial premises;
  - Strata or community subdivision of an approved development; and
  - A modified application which is substantially the same as an application which has been previously notified.

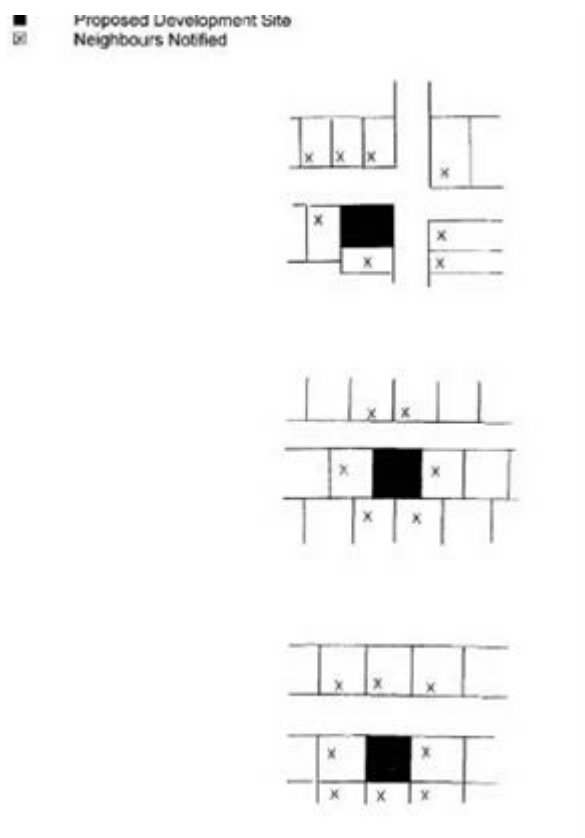
## 15.5 Notification of Development Applications:

### Objectives

- To ensure likely affected land owners are given the opportunity to provide their views in the assessment process.
- To advise of standard notification periods and requirements.

### Standards

1. All Applications for development will be notified to immediately adjoining land owners inviting submissions from interested persons for a period of not less than 10 days including a minimum of 7 working days.
2. The applicant may submit correspondence from surrounding landowners indicating that they have not objections to the proposed development, in which case Council will not notify the relevant landowner.
3. The notification requirements of a development application can be varied (increased or decreased) at the discretion of the Assessing Officer having regard to the potential impacts of a proposed development.
4. What constitutes immediately adjoining shall be in accordance with the following illustration.



## 15.6 Advertisement of Development Applications:

### Objectives

- To advise of circumstances requiring wider notification of applications which are likely to be of broader public interest.

### Standards

1. Development Applications likely to be of significant public interest (as deemed by the Director of Environmental Services) will be notified in the local newspaper for a period of not less than 14 days.

## 15.7 Designated/Advertised/Integrated and State Significant Development

### Objectives

- To comply with the formal public participation requirements applicable to other forms of development as outlined under the Environmental Planning and Assessment Act.

### Standards

1. The requirements for public participation for applications that are Designated, Advertised, Integrated or State Significant are to be in accordance with the requirements of Sections 79, 79A, 79B, 79BA and 92A of the Environmental Planning and Assessment Act, 1979 and Sections 77 – 91 of the Environmental Planning and Assessment Regulation 2000.

## 15.8 Amendments to Development Plans

### Objectives

- To ensure appropriate notification of amendments made throughout the assessment process.
- To expedite the assessment process.

### Standards

1. Where plans of the proposed development are modified, the development application will be re-notified or re-exhibited in the same way as initially notified or exhibited.
2. Notification may vary dependent upon the extent and potential impact of the proposed amendment at the discretion of the Director of Environmental Services.

## 15.9 What is the Role of the Applicant

### Objectives

- To provide sufficient information to enable the public to consider the potential impacts of a proposed development.

3.

### Standards

1. When lodging an application which requires notification in accordance with this plan, the applicant is required to supply Council with all relevant plans and specifications plus four additional sets of plans at A4 size to accompany the notification letters to be sent by Council.

## 15.10 What is the Role of the Public

### Objectives

- To objectively consider the proposed development and potential implications upon them or their property and where concerns exist accurately convey them to the assessing authority.

## Standards

1. As an adjoining owner or interested member of the public you may make a submission in respect of the proposed development. Any submission must be made in writing within the specified period clearly outlining your concerns with the proposed development.
2. Should you not have any concerns regarding the proposed development, there is no necessity to reply to Council.
3. Should you wish to discuss the proposal further, Council staff will be available to assist with your enquiry,

## 15.11 What form and content should submissions take?

### Objectives

- To ensure submission contain sufficient information for Council to address the concerns and/or make contact with the author.

### Standards

1. Submission relating to a notifiable matter must be made in writing addressed to the General Manager.
2. Each submission must:
  - Clearly identify the matter to which the submission relates;
  - State the grounds for any support or objection expressed in the submission;
  - Be signed by the person making the submission
  - Include appropriate contact details.
  - Submissions relating to a notifiable matter must be lodged with the Council by 4.00pm on the final day of the public exhibition period.

## 15.12 Late Submissions

### Objectives

- To make the notification and submission process as fair as possible to

### Standards

1. Late submissions will be considered at the Council's discretion until a determination has been made.

## 15.13 Are Submissions Confidential

### Objectives

- To comply with the privacy requirements whilst seeking to resolve the concerns raised.

### Standards

1. The substance of written submissions will be included in reports for consideration by Council. Once in a Council business paper these reports become public documents. The name, address and personal details of the person making the submission will be withheld from Council's reporting.

## 15.14 What is the Role of the Council

### Objectives

- To ensure an open and fair development assessment process.
- To institute appropriate procedures as required by the Environmental Planning and Assessment Act.



### Standards

1. Council will advise immediately adjoining owners with written notification, and where considered appropriate by the Director Environmental Services, the general public, with local advertisement of the receipt of the development application. It will make copies of relevant information available for viewing and staff available to assist with any enquiries.
2. Council will consider written submissions with an endeavour to address concerns raised.
3. Where no agreement can be reached and an objection is considered to have significant merit on planning grounds by the Assessing Officer, a report will be prepared for Councils determination of the development application at a public council meeting.

# APPENDIX 1 - INTEGRATED DEVELOPMENT REQUIREMENTS

## Integrated development — approvals from state agencies

Some proposals need other kinds of approvals (eg licences, permits). Your proposal is known as integrated development if you need development consent and one or more of the approvals that have been set out in this attachment. Follow through each group of questions to decide whether you need any of these approvals. If you have identified you need one or more approvals, please include this attachment with your application.

### Aboriginal relics and places

Will your development destroy, damage or otherwise harm an Aboriginal relic that is known to exist on the land you want to develop?

No ☐

Yes ☐ > Are you going to do so in accordance with Aboriginal tradition?

Yes ☐

No ☐ > You need an approval under section 90 of the *National Parks and Wildlife Act 1974* from the National Parks and Wildlife Service

Will your development destroy, damage or otherwise harm land that has been declared to be an Aboriginal place?

No ☐

Yes ☐ > You need an approval under section 90 of the *National Parks and Wildlife Act 1974* from the National Parks and Wildlife Service.

### Aquaculture

Do you want to carry out aquaculture?

No ☐

Yes ☐ > You need a permit under section 144 of the *Fisheries Management Act 1994* from NSW Fisheries.

### Bushfires

Do you want to subdivide 'bushfire prone land' <sup>(1)</sup> that could lawfully be used for residential or rural residential purposes?

No ☐

Yes ☐ > You need a bushfire safety authority issued under section 100B of the *Rural Fires Act 1997*.

Do you propose to develop 'bushfire prone land' <sup>(1)</sup> for a special fire protection purpose <sup>(2)</sup>?

No ☐

Yes ☐ > You need a bushfire safety authority issued under section 100B of the *Rural Fires Act 1997*.

### Notes

1. *Bush fire prone land*, in relation to an area, means land recorded for the time being as bush fire prone land on a bush fire prone land map for the area

2. *Special fire protection purpose* means the purpose of the following:

- a school
- a child care centre
- a hospital (including a hospital for the mentally ill or mentally disordered)
- a hotel, motel or other tourist accommodation
- a building wholly or principally used as a home or other establishment for mentally incapacitated persons
- housing for older people or people with disabilities within the meaning of State Environmental Planning Policy No. 5 – Housing for Older People or People with a Disability
- a group home within the meaning of State Environmental Planning Policy No. 9 – Group Homes
- a retirement village
- any other purpose prescribed by the Rural Fires Regulation 2002.

3. The above provisions do not include the carrying out of internal alterations to any building in 'bush fire prone land'

continued

## Dredging or reclamation

Do you want to carry out dredging or reclamation work in a waterway (a stream, river, lake, lagoon, estuary or marine waters)?

No ☐

Yes ☐ ➤ You need a permit under section 201 of the *Fisheries Management Act 1994* from NSW Fisheries.

## Heritage

Does your development involve a building, a place or land that has a permanent conservation order, an interim conservation order or an interim heritage order protecting it, or which is listed on the State Heritage Register?

No ☐

Yes ☐ ➤ You need an approval under section 57 of the *Heritage Act 1977* from the NSW Heritage Office.

## Marine vegetation

Will your development harm any mangroves or seagrasses in a public waterway or on the shore of a public waterway?

No ☐

Yes ☐ ➤ You need a permit under section 205 of the *Fisheries Management Act 1994* from NSW Fisheries.

Do you want to take sea lettuce or blackfish weed to use as bait from a public waterway or the shore of a public waterway?

No ☐

Yes ☐ ➤ You need a permit under section 205 of the *Fisheries Management Act 1994* from NSW Fisheries.

## Mine subsidence

Do you want to build, subdivide, make roads, paths or driveways, or put in any pipelines, water, sewage, telephones, gas or other service mains in a mine subsidence district, or alter any of these types of development in a mine subsidence district?

No ☐

Yes ☐ ➤ You need an approval under section 15 of the *Mine Subsidence Compensation Act 1961* from the Mine Subsidence Board.

## Pollution

Is your development designated development?

No ☐ ➤ Will the development cause the pollution of water?

No ☐

Yes ☐ ➤ You can apply for a licence under section 43(d) of the *Protection of the Environment Operations Act 1997* from the Environment Protection Authority so that you cannot be convicted of an offence of polluting water.

Yes ☐ ➤ You are likely to need a licence from the Environment Protection Authority. Is your land already designed to carry out the activity?

No ☐ ➤ You may need a licence under section 47 of the *Protection of the Environment Operations Act 1997* from the Environment Protection Authority.

Yes ☐ ➤ You may need a licence under section 48 of the *Protection of the Environment Operations Act 1997* from the Environment Protection Authority.



**continued**

## Rivers and lakes

Is your development within 40 metres of a stream, river, lake or lagoon?

No ☐

Yes ☐ > Are you going to excavate the land, remove material from the land or anything which will obstruct or detrimentally affect the water flowing in a stream, river, lake or lagoon?

No ☐

Yes ☐ > You need a permit under Part 3A of the *Rivers and Foreshores Improvement Act 1948* from the Waterways Authority if the development will affect Sydney Harbour or its tributaries, Botany Bay (east of Captain Cook Bridge) or the Ports of Newcastle, Kembla, Eden or Yamba, and from the Department of Land and Water Conservation in any other case.

## Roads

Will your development affect a public road, a Crown road, a highway, a main road, a freeway or a tollway?

No ☐

Yes ☐ > You need a consent under section 138 of the *Roads Act 1993* from the Roads and Traffic Authority, the Department of Land and Water Conservation or the council.

## Using water

NB: The following approvals are taken from the *Water Act 1912*. It is proposed that the review of the *Water Act*, which is currently taking place, will consolidate and reduce the number of these approvals.

### > Licences and permits for occupiers of land

Is your development going to be used for conserving water, irrigation, water supply, drainage or changing the course of a river?

No ☐

Yes ☐ > Will your development affect the quantity or use of water in a river, lake or swamp, or water flowing into or from a river, lake or swamp?

No ☐

Yes ☐ > If you occupy the land on which you propose to build the development, you need a licence under section 10 of the *Water Act 1912* from the Department of Land and Water Conservation to build and use your development, and take, use and dispose of the water for any purpose.

> If you own or occupy the land on which you propose to build the development, and you will be irrigating less than 4 hectares of land, you can apply for a permit under section 18F of the *Water Act 1912* from the Department of Land and Water Conservation to build and use your development and take, use and dispose of the water for anything other than irrigation.

### > Licence for non-occupiers of land

1. Do you propose to build pumps (or the like) to obtain water, or build pipes (or the like) to carry water?

No ☐

Yes ☐ > Is your development going to be used for conserving water, irrigation, water supply, drainage, changing the course of a river, or preventing the course of a river from changing?

No ☐

Yes ☐ > Go on to question 2

**continued**

- 2 Will your development affect the quantity or use of water in a river, lake or swamp, or water flowing into or from a river, lake or swamp?

No ☐

Yes ☐ > Do you propose to use the water for household use, stock use or irrigation?

No ☐

Yes ☐ > Go on to question 3

3. Do you occupy the land on which you propose to build the pumps (or the like)?

Yes ☐ > Go on to question 4

No ☐ > Can you obtain occupation of the land?

No ☐ > You need a licence under section 13A of the *Water Act 1912* from the Department of Land and Water Conservation to build the pumps and take and use the water.

Yes ☐ > Go on to question 4

4. Do you occupy all the land on which you propose to build pipes (or the like) to carry the water from the pumps to the land where you will use the water?

Yes ☐

No ☐ > Can you obtain occupation of the land?

Yes ☐

No ☐ > You need a licence under section 13A of the *Water Act 1912* from the Department of Land and Water Conservation to build the pumps and take and use the water.

**> Joint water supply scheme**

1. Is your development going to be used for conserving water, irrigation, water supply, drainage, changing the course of a river or preventing the course of a river from changing?

No ☐

Yes ☐ > Will your development affect the quantity or use of water in a river, lake or swamp, or water flowing into or from a river, lake or swamp?

No ☐

Yes ☐ > Go on to question 2

2. Is the development going to be used by two or more occupiers of land to supply water to their lands?

No ☐

Yes ☐ > Go on to question 3

Is the development going to supply water to irrigate land(s) other than the land on which the development is built?

No ☐

Yes ☐ > Go on to question 3

Will the development involve pipes (or the like) to carry water to irrigate your land and the land of other occupiers?

No ☐

Yes ☐ > Go on to question 3

3. Will the development be built on land that is occupied by those who will use the water?

Yes ☐ > Go on to question 4

No ☐ > You need an authority under section 20B of the *Water Act 1912* from the Department of Land and Water Conservation to build and use the development and take and use the water.

4. Do the occupiers of land who will use the water wish to build and use the development to supply water for household use, stock water use or irrigation?

No ☐

Yes ☐ > Do they occupy all of the land on which the development will be built, and the land on which the pipes (or the like) will be built?

Yes ☐

No ☐ > Can they obtain occupation of the land?



continued

Yes ☐

No ☐ ➤ You need an authority under section 20CA of the *Water Act 1912* from the Department of Land and Water Conservation to build the development and take and use the water.

## ➤ Group licences

Are you a Board of Management elected under the *Private Irrigation Districts Act 1973*?

No ☐

Yes ☐ ➤ Do you want to build and use the development to take water from a river or lake for occupiers of land in a private district to use?

No ☐

Yes ☐ ➤ You need a group licence under section 20L of the *Water Act 1912* from the Department of Land and Water Conservation.

## ➤ Bores

Do you want to sink a bore or enlarge, deepen or alter a bore?

No ☐

Yes ☐ ➤ Is the work to be carried out by the Crown?

Yes ☐

No ☐ ➤ You need a licence under section 116 of the *Water Act 1912* from the Department of Land and Water Conservation.

## ➤ River banks and floodplains

1. Do you want to build an earthwork, embankment or levee, or a road, railway or bridge?

No ☐

Yes ☐ ➤ Go on to question 2

2. Will the development be on land that is the bank of a river or lake, forms part of a bank of a river or lake or is within a floodplain?

No ☐ ➤ Go on to question 3

Yes ☐ ➤ Do you have a licence, authority, permit or consent under the *Water Act 1912*?

Yes ☐

No ☐ ➤ You may need an authority under Part 8 of the *Water Act 1912* from the Department of Land and Water Conservation.

3. Will the development affect the flow of water to or from a river or lake and prevent land being flooded by water?

No ☐

Yes ☐ ➤ Do you have a licence, authority, permit or consent under the *Water Act 1912*?

Yes ☐

No ☐ ➤ You need an authority under Part 8 of the *Water Act 1912* from the Department of Land and Water Conservation.

## APPENDIX 2 - SPECIES LISTING RECOMMENDED FOR THE FORBES SHIRE NATIVE AND INTRODUCED SPECIES

### Note:

This species listing is not exhaustive, rather a list of recommended species to serve as a guide to establishing a landscape plan. The species identified have been sourced from: Forbes Tree Species List, Forbes Urban Landcare Group and Forbes Shire Council, 2003; The Mid-Lachlan Regional Vegetation Management Plan and Native Vegetation Resource Package, Department of Infrastructure, Planning and Natural Resources. 2001; Forbes Shire Council Policy - Street & Footpath Trees in Urban Areas.

### Trees:

Botanical Name	Common Name	Size	Evergreen/ Deciduous	Native/ Introduced
Casurina critata	Belah	10	E	N
Casurina Cunninghamiana	River Oak	15	E	N
Cercis siliquastrum	Judas Tree	4	D	I
Eucalyptus albens	White Box	6	E	N
Eucalyptus Campaspe	Silver Topped Gimlet	6	E	N
Eucalyptus dealbata	Hill Red Gum	10	E	N
Eucalyptus Goniocalyx	Bundy	6	E	N
Eucalyptus lansdowneana	Crimson Mallee	4	E	N
Eucalyptus leucoxylon	Pink Flowered Large			
	Pod yellow Gum	10	E	N
Eucalyptus platypus	Round Leafed Moort	5	E	N
Eucalyptus scoparia	Willow Gum	8	E	N
Eucalyptus torquata	Coral Gum	5	E	N
Eucalyptus viridus	Green Mallee	6	E	N
Fraxinus griffithi	Evergreen Ash	6	E	I
Gledistia triacanthos	Golden Gledista	8	D	I
Hymenosporum flavum	Native Frangipani	12	E	I
Koelrueteria bipinnate	Pride of China	6	D	I
Koelrueteria paniculate	Golden Rain Tree	6	D	I
Lagerstroemia indica	Crepe Myrtle	4	D	N
Lophostemon confertus	Brush Box	10	E	N
Melaleuca ericifolia	Tea Tree Paper Bark	3	E	N
Melia Azedarach	White Cedar	6	E	N
Myoporum montanum	Western Boobialla	4	E	N
Platanus Lybrid	London Plane Tree	6	D	I
Pyrus calleriana	Cultivars Ornamental Pear	8	D	I
Pyrus ussuriensis	Manchurian Pear	5	D	I
Sapium sebiferum	Chinese Tallow Tree	8	D	I
Ulmus Parvitolia	Chinese Elm	5	D	I
Xylosma senticosa	Shiny Xylosma	5	E	I

## Shrubs:

Botanical Name	Common Name	Size	Evergreen/ Deciduous	Native/ Introduced
Acacia acinacea	Gold-dust Wattle	3	E	N
Acacia buxifolia	Box-leaf Wattle	3	E	N
Acacia Cultnformis	Golden Glow	3	E	N
Acacia Podalyriifolia	Queensland Wattle	3	E	N
Acacia Spectabilis	Mudgee Wattle	3	E	N
Acacia Rubida	Red-stem Wattle	2	E	N
Acacia Saligna	WA Golden Wattle	3	E	N
Callistemon citinus	Endeavour Bottle Brush	2	E	N
Callistemon macropunctatus	Scarlet Bottle Brush	5	E	N
Callistemon paludosus	River Bottlebrush	3	E	N
Callistemon salignus	Pink Tip Bottlebrush	3	E	N
Callistemon sieberi	River Bottle Brush	5	E	N
Callistemon viminalis	Captain Cook B.	2	E	N
Callistemon viminalis	Wildfire	2	E	N
Ceratopetalum Gummiferum	Christmas bush	1	E	I
Dodanaea truncatiales				
var. heterophylla	Propellor Bush	2	E	N
Dodanaea viscose				
Angustifolia	Broad Leaf Hopbush	2	E	N
Grevillea Poorinda	Constance Grevillea	2	E	N
Michelia Figo	Port Wine Magnolia	4	E	I
Murraya paniculate	Orange Jessamine	3	E	I
Pittosporum Phylliraeoides	Butterbush	4	E	N
Robinia InevimsRubinca	Mop Head	4	D	I

## APPENDIX 3 - SALT TOLERANT PLANT SPECIES RECOMMENDED FOR THE FORBES SHIRE

### Trees:

Botanical Name	Common Name	Size	Evergreen/ Deciduous	Native/ Introduced
<i>Albizia julibrissin</i>	Sirius	5	D	I
<i>Allocasuarina leuhmannii</i>	Bull Oak	10	D	I
<i>Brachychiton populneus</i>	Kurrajong	6	E	N
<i>Callistemon viminalis</i>	Hannah Ray	3	E	I
<i>Casurina cristata</i>	Belah	4	E	I
<i>Casurina cunninghamiana</i>	River Oak	6	E	N
<i>Clematis microphylla</i>	Small-leafed clematis	5	E	N
<i>Eucalyptus blakelyi</i>	Blakely's Red Gum	6	E	N
<i>Eucalyptus camaldulenus</i>	River Red Gum	10	E	N
<i>Eucalyptus dumosa</i>	White Mallee	8	E	N
<i>Eucalyptus intertexta</i>	Inland Red Gum	8	E	N
<i>Eucalyptus lansdowneana</i>	Crimson Mallee	5	E	N
<i>Eucalyptus largiflorens</i>	Black Box	10	E	N
<i>Eucalyptus leucoxylon</i>	Blue Gum	8	E	N
<i>Eucalyptus melliodora</i>	Yellow Box	8	E	
<i>Eucalyptus microcarpa</i>	Grey Box	8	E	N
<i>Eucalyptus spathulata</i>	Swamp Mallet	6	E	N
<i>Melaleuca bracteata</i>	White Cloud Tree	5	E	N
<i>Melaleuca decussata</i>	Cross-Leaf Honey Myrtle	5	E	N
<i>Melaleuca halmaturorum</i>	South Australian Paper Bark	3	E	N
<i>Melaleuca lanceolata</i>	Moonah	7	E	
<i>Melaleuca linariifolia</i>	Snow in Summer	5	E	N
<i>Melaleuca stypheloides</i>	River Paper Bark	5	E	N
<i>Pistacia chinensis</i>	Chinese Pistachio	10	D	I



## Shrubs:

Botanical Name	Common Name	Size	Evergreen/ Deciduous	Native/ Introduced
Acacia brachybotrya	Grey Mulga	3	E	N
Acacia calamifolia	Wallowa	3	E	N
Acacia Cardiophylla	Wyalong Wattle	3	E	N
Acacia decora	Western Golden Wattle	3	E	N
Acacia pendula	Weeping Myall	3	E	N
Acacia salicina	Cooba	2	E	N
Einadia nutans	Climbing Salt Bush	3	E	I
Enchylaena tomentosa	Ruby Saltbush	3	E	I
Melaleuca uncinata	Broom Bush	2	E	N
Nerium Oleander	Oleander	3	E	I
Rhagodia spinescens	Thorny Salt bush	3	E	I

## Ground Covers:

Botanical Name	Common Name
Agapanthus orientalis	Agapanthus
Dianella tasmanica	Tasmanian Flax Lilly
Goodenia ovata	Hop Goodenia
Myoporum parvifolium	Dwarf Native Myrtle
Lantana montevedensis	Lantana
Pandorea pandorana	Boat Vine
Vinca minor	Juss