



# WELLINGTON DEVELOPMENT CONTROL PLAN 2013



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*This plan was developed by staff from Wellington, Blayney, and Cabonne Councils as part of a collaborative project.*

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# WELLINGTON DEVELOPMENT CONTROL PLAN 2013

## PART ONE GENERAL REQUIREMENTS FOR DEVELOPMENT

### SECTIONS A - E



# WELLINGTON DEVELOPMENT CONTROL PLAN 2013

## PART ONE – SECTION A ADMINISTRATION



## SECTION A – ADMINISTRATION

### A1 What is this plan called?

This plan is called the Wellington Development Control Plan 2013. It is a Development Control Plan (DCP) made under the provisions of the *Environmental Planning and Assessment Act* and regulations and came into force on 1 July 2013.

### A2 Where does this plan apply?

This plan applies to all land in the Wellington Local Government Area (LGA).

### A3 Purpose of this plan

The purpose of this DCP is to supplement the new Wellington Local Environmental Plan 2012. This plan provides more detailed provisions to guide development in the Wellington Local Government Area.

Under section 79C of the *Environmental Planning and Assessment Act, 1979*, Council is required to take into consideration the relevant provisions of this DCP when determining an application for development.

### A4 Aims of this plan

- Encourage a range of building types and land uses that provide increased housing choice, diversity of employment opportunities, access to and growth of retail, commercial and industrial services and other activities that contribute to a sustainable vibrant community.
- Facilitate the economic provision of new services and minimise uncoordinated development, to focus on existing commercial areas, retaining a functional economic town centre.
- Promote the principles of ecologically sustainable development including water sensitive urban design, climate responsive building design, energy efficiency, and selection/use of building materials.
- Ensure development positively responds to the character of the surrounding area and recognises the significance of heritage items and their settings, important vegetation and the neighbourhood setting.
- Protect prime agricultural areas and other known natural resources from incompatible development, encouraging the appropriate location of buffers.
- Encourage rural type land uses to develop on the edges of residential areas, providing a defined rural-residential transition and minimising potential land use conflicts.

### A5 How does this plan relate to other plans and policies?

This DCP complements and expands on those controls and objectives specified in Council's new Local Environment Plan - Wellington LEP 2012. No control specified within this DCP can contradict the provisions of the Wellington LEP 2012.

Under the *Environmental Planning and Assessment Act 1979*, only a single DCP can apply to any parcel of land in any LGA. This plan should be read in conjunction with the following:

- The Wellington LEP 2012.

- Relevant State Environmental Planning Policies (see <http://www.legislation.nsw.gov.au/maintop/search/inforce>).
- The Wellington Section 94A Contributions Plan 2012.
- Any Guideline or Strategy referred to in this plan.

## **A6 What types of development does this plan address?**

This plan applies to any development for which development consent is required in Wellington.

### Exempt and Complying Development

Some types of development known as exempt or complying development, do not require compliance with the provisions and controls specified in this Plan.

See Division 2 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* for more information relating to exempt and complying development.

### Development Without Consent

The LEP also defines some uses which are permitted without Council approval. These are found in the Land Use Table section of Part 2 of the LEP 2012. For example, in zone RU1 Primary Production, Extensive agriculture is permitted without consent.

## **A6.1 Who should prepare a Development Application?**

If you require development consent, you are required to submit a Development Application (DA) to Council. Even if the development is small scale an application is required.

Early consultation with Council, through the pre-development application process, will assist you in preparing a DA.

For more complex development, it is generally necessary to engage a professional to prepare the application for Council.

## **A7 How do I use this plan?**

As discussed above, this DCP only applies where development consent is required. Applicants should first check that their proposal complies with the requirements of Wellington LEP 2012 and any relevant State Planning Policy or Regional Plan.

This DCP is divided into 3 broad parts:

- Part One – General requirements for development. Most applications will have to address the relevant sections of Part One, for either urban or rural development.
- Part Two – Requirements for standard development types. Part Two lists specific requirements for many of the more common forms of development.
- Part Three – Advisory notes and guides.

## **A8 How and when is this plan reviewed?**

Generally, this Plan will be reviewed by Council at 5 yearly intervals. A review may not result in any amendments, but where an amendment is proposed, the draft revision of the plan will be prepared and exhibited in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

Members of the public may request a review of any provision as part of a Development Application (see section A10). People may also request Council to consider changes to this DCP if they see a compelling need, but should demonstrate that need in a well-argued submission.

## **A9 Matters that need to be included with your Development Application**

Council provides a detailed 'Development and Building Guide' and 'DA Kit' to assist applicants in preparing and submitting a Development Application. This guide and kit can be viewed at Council offices or on line at (<http://www.wellington.nsw.gov.au/building-a-development>).

All applicants are strongly urged to follow the checklist in the guidelines.

In all but very simple DAs, a formal Statement of Environmental Effects will be required that addresses the relevant parts of this DCP and any controls or guidelines in the other plans and policies applying to the land such as those listed in section A3.

Applicants for more complex development are requested to seek professional assistance. If your development involves site engineering, vegetation removal or detailed building works, you will likely need to seek professional help. Also most development applications require plans to be included and except in the simple cases such plans need to be prepared to acceptable professional drafting standards.

## **A10 Requests to vary the requirements of this plan**

In special circumstances, Council may allow variations to the standards and guidelines in this plan, if the applicant has demonstrated that such variation does not conflict with the aims and objectives of this Plan and all relevant objectives and standards in Wellington Local Environmental Plan 2012, as amended.

Requests for variations and amendments referred to above, shall form part of the development application and comprise a detailed written submission and accompanied by graphical explanation (and modelling where appropriate).

The submission will need to demonstrate a persuasive argument that departure from the DCP requirement(s) is supportable and in accordance with all relevant objectives of the LEP and DCP.

## **A11 Notification and advertising of Development Applications**

### **A11.1 Introduction**

Section A9 identifies specific development, in the Wellington LEP 2012, that will be publicly exhibited, for comment, before an application for development consent is determined pursuant to the *Environmental Planning and Assessment Act, 1979*.

This Section is Council's notification requirements for development as specified in section 79A (2) of the *EPA Act*.

### **A11.2 Notification requirements**

#### **A11.2.1 Types of notification**

There are two levels of notification, Type A and Type B, reflecting the different type, complexity or possible impacts of the proposed development.

### **Type A notification – ‘Adjoining Land’**

Type A notification is for minor proposals, and notification is aimed at those on “adjoining land”.

Type A notification consists of a letter being sent to “adjoining land” owners and occupiers which contains:

- the address of the proposed site;
- a description of the proposed work/use;
- an A4 size notification plan (where practical) of any proposed building work which depicts its height, external configuration and siting;
- name and contact number of the relevant Development Assessment Officer;
- advice that the plans may be inspected at Council’s office during normal office hours;
- the closing date for written submissions; and
- notification lasts 14 days from the date on the notification letter.

### **Type B notification – ‘Neighbouring Land’**

Type B notification is for more complex proposals, where more extensive notification is carried out and is aimed at “neighbouring land”.

Type B notification consists of:

1. A letter being sent to “adjoining land” and “neighbouring land” owners and occupiers which contains:
  - the address of the proposed site;
  - a description of the proposed work/use;
  - an A4 size notification plan (where practical) of any proposed building work which depicts its height, external configuration and siting;
  - name and contact number of the relevant Development Assessment Officer;
  - advice that the plans may be inspected at Council’s office during normal office hours; and
  - the closing date for written submissions.
2. An advertisement in a local newspaper, and
3. Notification lasts 14 days from the date of the advertisement in the local newspaper.

Council’s Development Assessment Officer maintains discretion to lengthen the notification period if considered necessary.

#### **A11.2.2 What type of notification is applicable?**

Table 1 lists the types of development identified in Council’s LEP 2012 and indicates which level of notification is required. Table 1 applies only to those uses requiring development consent.

Reviews of determination involving new information, reviews of limited consent and modifications to consent (if deemed to have an impact) will require Type A notification (subject to any additional requirements that may be contained in the Act).

**Table 1 – Type of Notification Required**

<b>DEVELOPMENT</b>	<b>NO NOTIFICATION REQUIRED</b>	<b>TYPE A</b>	<b>TYPE B</b>
Abattoir (can be designated development)			✓
Advertisement	✓		
Agriculture (can be designated development)		✓	
Animal Boarding or Training Establishment			✓
Aquaculture (can be designated development)			✓
Dual Occupancy	✓		
Backpackers Accommodation		✓	
Bed and Breakfast Accommodation		✓	
Boarding House		✓	
Brothel			✓
Bulky Goods Premises		✓	
Camping Ground		✓	
Car Park			✓
Caravan Park			✓
Cemetery			✓
Child Care Centre			✓
Clearing Native Vegetation	✓		
Community Facility			✓
Commercial Premises	✓		
Commercial Premises (change of use)	✓		
Demolish, Damage or Move an Item of Environmental Heritage			✓
Demolition (other than a heritage item)	✓		
Depot		✓	
Dwelling House (includes ancillary development such as alterations, additions, pools, outbuildings and front fences)	✓		
Dwelling(s) with Office Premises or Shops	✓		
Ecotourist Facility		✓	
Educational Establishment		✓	

<b>DEVELOPMENT</b>	<b>NO NOTIFICATION REQUIRED</b>	<b>TYPE A</b>	<b>TYPE B</b>
Energy Generation		✓	
Entertainment Establishment			✓
Environmental Facility	✓		
Exhibition Home		✓	
Extractive Industry (can be designated development)			✓
Farm Building	✓		
Farm Forestry	✓		
Farm Stay Accommodation		✓	
Forestry		✓	
Gas Holder		✓	
Guest House		✓	
Hazardous Industry (SEPP 33 requirements)	×	×	×
Hazardous Storage Establishment (SEPP 33 requirements)	×	×	×
Health Consulting Rooms		✓	
Heavy Industry (can be designated development)			✓
Helipad (can be designated development)			✓
Heliport (can be designated development)			✓
Home Based Child Care	✓		
Home Business	✓		
Home Industry	✓		
Home Occupation	✓		
Hospital		✓	
Hostel		✓	
Hotel			✓
Housing for Older People or People with a Disability			✓
Industry (can be designated development)		✓	
Intensive Plant Agriculture (can be designated development)			✓
Intensive Livestock Agriculture (can be designated development)			✓
Institutions			✓
Junkyard			✓

<b>DEVELOPMENT</b>	<b>NO NOTIFICATION REQUIRED</b>	<b>TYPE A</b>	<b>TYPE B</b>
Kiosk	✓		
Light Industry		✓	
Light Industry (change of use)	✓		
Liquid Fuel Depot (can be designated development)			✓
Market			✓
Mine			✓
Medical Centre		✓	
Motel		✓	
Multi Dwelling Housing			✓
Offensive Industry (SEPP 33 requirements)	×	×	×
Offensive Storage Establishment (SEPP 33 requirements)	×	×	×
Place of Public Worship			✓
Plant Hire		✓	
Plant Nursery		✓	
Public Administration Building		✓	
Racecourse			✓
Reception Establishment			✓
Recreational Area		✓	
Recreational Facility- Major			✓
Recreation Facility- Indoor			✓
Recreation Facility- Outdoor			
Registered Club			✓
Research Station		✓	
Roadside Stall	✓		
Rural Industry		✓	
Sawmill (can be designated development)			✓
Secondary Dwelling	✓		
Serviced Apartment		✓	
Service Station		✓	
Sex Service Premises			✓
Shop		✓	
Shop (change of use)	✓		

DEVELOPMENT	NO NOTIFICATION REQUIRED	TYPE A	TYPE B
Stock and Sale Yard		✓	
Strata Subdivision	✓		
Subdivision resulting in 2 lots	✓		
Subdivision resulting in 3 or more lots		✓	
Subdivision resulting in 10 or more lots			✓
Timberyard (can be designated development)			✓
Tourist and Visitor Accommodation			✓
Transport Depot		✓	
Utility Installation		✓	
Vehicle Sales or Hire Premises		✓	
Vehicle Body Repair Workshop		✓	
Vehicle Repair Station		✓	
Veterinary Hospital		✓	
Waste or resource Management Facility (can be designated development)			✓

Note: For definitions of most of the types of development listed in Table 1, refer to the Dictionary at the end of the LEP.

Note: For land uses not specifically defined in Table 1, the notification period becomes that applicable to the land use category most similar in nature and intensity to that proposed.

### **A11.2.3 People in adjoining Council areas**

Some development proposals can adjoin or be opposite land in other Council areas. In this instance, Council's policy is to either:

- send a notification letter to the adjoining Council asking that the Council inform its residents/ratepayers; or
- letter drop the affected occupiers and advise the adjoining Council.

Submissions from residents in adjoining Council areas will be taken into consideration by the appropriate Development Assessment Officer.

### **A11.2.4 Special cases**

There are a number of circumstances where the notification procedure will vary from that defined in this DCP. These provisions are contained in the Environmental Planning and Assessment Act and Regulation and this DCP is complementary to those provisions. These include:

- Designated Development;
- Advertised Development (including State and Regional Development; DAs for prohibited development, nominated integrated development, etc.);
- Development under SEPP 33 (offensive and hazardous industry);



- Temporary use of land;
- Modification of consents under section 96 of the Act;
- Demolition of State heritage items; and
- Category 1 remediation of land under SEPP 55.

In these instances, the Development Assessment Officer is to determine the type and length of notification in accordance with the relevant legislation and/or circumstances.

#### **A11.2.5 Discretion**

##### **Modification of proposals and minor developments**

Council's Development Assessment Officer maintains the right not to notify owners and occupiers of "adjoining land" if in their opinion no significant impact would result from a modification of a proposal (subject to any specific requirements that are contained in the Act). Alternatively, should the assessment officer deem an impact to be significant, where development is not specified to be notified, the appropriate type of notification may occur.

##### **Unauthorised development**

When a development application is received for the completion of unauthorised development, or for a building certificate to sanction unauthorised development that has been completed, the plans are to be notified in accordance with a Type A notification. If the development is of a minor nature and would not have a significant impact on adjoining land, discretion may be used.

##### **Further information required**

Council may not immediately notify a development proposal, if further information or clarification from an applicant is required.

##### **Discretion to advertise Type A development**

If, in the opinion of the Assessment Officer, a development otherwise listed as Type A development is seen to have the potential for significant impacts beyond adjoining development, then Council will treat the proposal as Type B development.

#### **A11.2.6 Notifying others**

In respect of Integrated Development, notification will be given to the appropriate approval body as required by clause 66 of the Environmental Planning and Assessment Regulation 2000.

#### **A11.3 Viewing applications**

All applications that have been notified by way of letter or in the local newspaper are available for inspection at Wellington Council Chambers, corner of Warne and Nanima Crescent, Wellington, NSW.

Applications will be available for inspection during normal Council business hours, 8.30am to 5.00pm Monday to Friday (except public holidays).

#### **A11.3.1 What is available for viewing?**

All plans and information lodged with an application will be available for viewing. Generally, this will include: all plans, the Development Application

form, and in the case of larger developments a Statement of Environmental Effects, shadow diagrams, supplementary reports, etc (if provided).

### **A11.3.2 Availability of extracts from Applications**

The *Environmental Planning and Assessment Act* requires Council to make available certain extracts of applications to those interested. This includes site layout plans, building elevations and roof design plans.

A fee is charged for the copying of forms or plans associated with an application. The list of copying fees is available from Council's fees and charges document.

## **A11.4 Submissions**

### **A11.4.1 Form of submission**

Submissions are letters, petitions or similar written representations from individuals or groups of people regarding a particular application. Submissions can be in support of, or object to, any development application.

It is recommended that written submissions be lodged if you have a concern about an application.

### **A11.4.2 What should submissions contain**

Submissions should contain the following:

- the name and contact address of the person making the submission;
- the address of the property that is the subject of the Development Applications; and
- the reason(s) for the submission.

Submissions at all times should be clearly set out (i.e. state the actual reasons why you are against a proposal and/or provide constructive suggestions for overcoming any concerns).

There is no restriction on the length of or detail in a submission. All submissions will be considered.

Anyone can write and/or lodge a submission. You do not necessarily need to seek professional advice before lodging a submission, although that is an option available.

Should you be preparing a petition, the petition should clearly identify a head petitioner so that we can contact that person. Each page of a petition should also contain the nature of objection of the petition (not just the first page).

### **A11.4.3 Submission period**

Submissions may be made up to and including the last day upon which a person may inspect an application in response to a notification letter issued or an advertisement in a newspaper.

### **A11.4.4 Where to send submissions**

Submissions can be sent to:

The General Manager  
Wellington Council  
PO Box 62  
WELLINGTON NSW 2820

Alternatively submissions can be emailed to:

[mail@wellington.nsw.gov.au](mailto:mail@wellington.nsw.gov.au)

Should you know the name of the Development Assessment Officer for the particular application, you can mark the letter to their attention.

Acknowledgment will be made when Council initially receives submissions. All people or groups and/or head petitioners (ie Not all of those listed on a petition) making submissions will receive also a reply advising of our decision.

#### **A11.4.5 Consideration of submissions**

All submissions received within the nominated time frame will be considered when determining the application. The application will not be determined prior to the expiry of the nominated notification period.

Submissions received after the nominated time frame may be considered if practical. This will depend upon individual circumstances assessed at that time by the Development Assessment Officer.

Where submissions are considered to raise issues of substance that cannot be addressed by conditions of consent the application may be reported to the Council as opposed to being determined under staff delegation.

However, persons making submissions should be aware that details of their submission may be available to other people if an application is received under the Freedom of Information Act, or the Local Government Act. Details of person's names and addresses who make submissions, in most instances, are kept confidential.

The Council is not bound to adopt a suggestion or support an objection when making its determination on the application. The Council's assessment of an application involves considering the merits of all relevant matters.

#### **Submissions and the determination process**

Any person being advised in writing of Council's receipt of their submission will receive information of Council procedures to determine the application.

#### **Address to Council**

In certain circumstances, where an application is being reported to the Council, a submitter may request permission to address the Council at the meeting.

Details of procedures regarding addresses to Council are provided with the notification letter or can be obtained by contacting Planning services.

Everyone who made a submission will be advised in writing of Council's decision after the application is determined.

### **A12 Glossary of Terms**

This section provides definition and meaning to some of the terms used in this DCP. It does not repeat definitions included in the LEP and the LEP should also be consulted for the meaning/definition of terms.

#### **A12.1 Definitions applying to this plan**

*The Act* means the *Environmental Planning and Assessment Act 1979*.

*Adjoining land* means land that is opposite or directly abuts a site where an application for development has been received, or is separated from it only by a pathway, driveway, laneway, or similar thoroughfare.

**Advertised Development** means development, other than Designated Development, that is identified as Advertised Development by the Act and Regulation, an environmental planning instrument or a development control plan.

**Affected person** means a person who owns or lives on “adjoining land” or “neighbouring land” who in Council’s opinion may be affected by the proposed development.

**Applicant** means the person who has lodged a Development Application.

**Application site** means the land on which the development is proposed.

**Complying Development** means development that can be certified. Provision is made for this type of development in section 76A (5) of the Act.

**Designated Development** has a meaning given by section 77A of the Act.

**Development Assessment Officer** means the Council Officer who is responsible for the processing and assessment of a Development Application.

**Exempt Development** means development that does not require Council’s development consent. Provision is made for this type of development in Section 76(2) of the Act.

**Integrated Development** is development (not being Exempt or Complying) that, in order for it to be carried out, requires development consent and one or more approvals set out in Section 91 of the Act.

Local Development means development that has significance of a local nature and can be carried out in either of two ways:

- subject to lodgement of a Development Application with Council and Council’s development consent being issued; or
- by having Complying Development certified.

**Neighbouring land** means any land, other than “adjoining land”, which may be detrimentally affected by the proposed development (and may include properties in a neighbouring Council area).

**Non-conforming** use means a use previously approved or existing prior to the adoption of an environmental planning instrument.

**Notification** means the stated period when the advertising of a Development Application is being undertaken.

**Notification plan** means the A4 plan for notification purposes showing the footprint, levels, height and external configuration of buildings, which accompanies the letter of notification.

**Occupier** means anyone occupying, but not owning, a building or land.

**Owner** means the name of the proprietor as registered in Council’s rating records.

**Owners Corporation** is the group of people representing the owners of strata-titled land.

**State Significant Development** means development specified in an environmental planning instrument where the Minister is the consent authority.

**SEPP** stands for State Environmental Planning Policy.

**Site Analysis** means a plan containing all relevant information on a site and its surrounds.

**Submission** means a letter, petition or similar written representation received from individuals or groups of people regarding a particular application.



# WELLINGTON DEVELOPMENT CONTROL PLAN 2013

## PART ONE – SECTION B ENVIRONMENTAL REQUIREMENTS

## **SECTION B – ENVIRONMENTAL REQUIREMENTS**

### **B1 Soil and water management**

#### **B1.1 Aims**

- To minimise erosion and sedimentation associated with development.
- To maintain or improve, where practical, pre-development water quality during and after development. Where existing water quality is a problem, take the opportunity to improve on site stormwater treatments and erosion control.

#### **B1.2 Objectives**

- Protect construction sites from soil erosion and loss of soil.
- Prevent the degradation of drainage systems, waterways and aquatic environments as a result of erosion and sediment deposition
- Prevent flood damage of individual properties caused by sediment reducing the flow capacity of the stormwater drainage system.

#### **B1.3 Development requirements for small sites**

A basic erosion and sediment control plan is required for minor developments (small sites) where:

- The total surface disturbance is less than 1000m<sup>2</sup> in urban zones.
- The total surface disturbance is less than 5000m<sup>2</sup> in rural zones.

If the site is steep or has highly erodible soils, Council may require a more detailed plan to be submitted.

See Section G.1 for more details

#### **B1.4 Development requirements for large sites**

A formal Soil and Stormwater Management Plan (SSMP) is to be prepared by a qualified person and submitted to Council for sites where major works are proposed and where:

- The total surface disturbance is more than 1001m<sup>2</sup> in urban zones.
- The total surface disturbance is more than 5001m<sup>2</sup> in rural zones.

The SSMP should address: soil erosion, sediment control, and stormwater management, during construction and operation of the development.

See Section G.2 for more details

The design, construction and implementation of the stormwater drainage systems for each development shall:

- Be in accordance with the engineering requirements of the Wellington Blayney Cabonne Alliance “Guideline for Engineering Works”;
- Integrate effectively with other design elements within the precinct such as streets, utility services, open space networks and landscaping and result in their upgrade in accordance with any Council infrastructure strategy.

## **B1.5 Development requirements for earthworks**

This section addresses the requirements for carrying out earthworks, where a building or other development is not included as part of the development application.

Development applications for earthworks should address the following:

- Excavation or fill depth should generally be less than 1.5 metres.
- Retaining walls over 600mm high should be stepped back where possible and offset from the property boundary 500mm.
- Retaining walls, cut or fill should not encroach on easements for services as this can deny access for service maintenance or damage services.
- Preferably, buildings should be designed to incorporate retaining in the building walls.
- Retaining, cut or fill works should be limited to vehicle access in the front setback of allotments.
- Earthworks should not redirect runoff unless fully addressed in a SSMP.



## **B2 Vegetation and fauna protection**

### **B2.1 Aim**

Development in urban areas should ensure native vegetation and fauna are protected and conserved to retain their intrinsic urban values for passive recreation, scenic corridors and wildlife habitat.

### **B2.2 Objectives**

- Development should be designed to retain existing vegetation and fauna habitats.
- Any identifiable corridors or linkages should be preserved and maintained.

### **B2.3 Development requirements for urban zones**

Clause 5.9 of the LEP empowers Council to identify vegetation of importance and require development consent or a permit for its removal. Any vegetation so protected is identified in Part 3 of this plan.

Where urban development is proposed which may have some significant impact on native vegetation or significant exotic trees, Council may call for a report from an arborist or a full vegetation study, if warranted in the opinion of assessment staff. Where possible such vegetation should be conserved and included in open space or parts of allotments where it may be afforded protection.

### **B2.4 Development requirements in rural zones**

The *Native Vegetation Act 2003* is the principle control on the clearing or other disturbance of native vegetation in the rural and environment protection zones of the Shire.

Most clearing of native vegetation in rural and environmental zones in NSW requires the consent of the relevant Catchment Management Authority.

If development consent is sought for development which involves clearing (that does not appear to meet the exemption requirements, as specified in Part 2 of the *Native Vegetation Act 2003*), Council will impose a condition to the effect that the development cannot commence until consent is achieved from the relevant Catchment Management Authority.

Applicants for development where clearing of native vegetation is involved are advised to consult the CMA early to avoid delays in progress in their development.

## **B3 Waste management and recycling**

### **B3.1 Aims**

- To safeguard and improve the quality of public and environmental health within the Wellington LGA.
- To control and minimise waste during the lifecycle of any development.
- To reduce landfill by reusing available resources, ensuring the continued protection of the health and amenity of the urban area.

### **B3.2 Objectives**

- To maximise reuse and recycling of construction materials, household generated waste and industrial/commercial waste.
- To ensure practical building designs and construction techniques, that minimise the generation of waste.
- To regulate and track approvals onsite sewerage management (OSSM) systems.

### **B3.3 Development requirements for small scale developments**

For small scale residential and commercial developments, including both construction and demolition works, a Waste Management Statement should be submitted with the development application.

The statement should detail:

- What volume of waste will be generated
- How waste will be managed onsite
- Identify waste disposal location(s)
- If required, the disposal requirements and location for asbestos waste

### **B3.4 Development requirements for large scale developments**

For larger developments, a Waste Management Plan is required. In addition to the details required for the Waste Management Statement, this plan should:

- Document the management of waste for both the construction and operational life of the development;
- Identify how the generation of waste will be minimised, and
- Identify how recycling and reuse of waste will be maximised

## **B4 On-site waste management systems**

This section applies to all land within the Wellington LGA that is not connected to Council's reticulated sewerage system.

### **B4.1 Aims**

- To safeguard and improve the quality of public and environmental health within the Wellington LGA.

### **B4.2 Objectives**

- To regulate and track approvals of onsite sewerage management (OSSM) systems.

### **B4.3 Development requirements**

An approval issued under Section 68 of the *Local Government Act 1993*, for the installation of an on-site sewerage management system, requires:

- Geotechnical report - prepared by a suitably qualified person. This report should detail soil conditions and suitability for chosen onsite system. The report should provide details of the location, size and construction of the effluent disposal area.

## **B5 Ecologically sustainable development**

### **B5.1 Aim**

All development within the Wellington LGA should strive to achieve ecological sustainability in accordance with the objectives of the *EP&A Act 1979*.

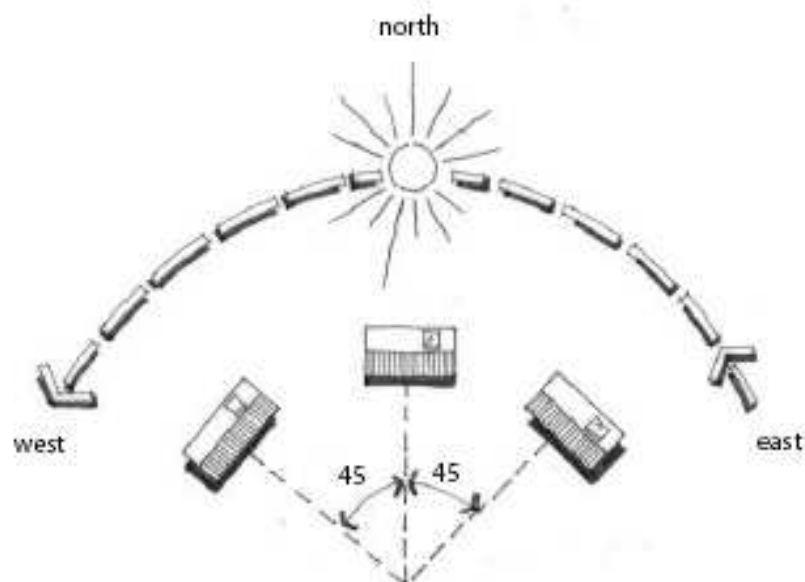
### **B5.2 Objectives**

- To provide a set of ecologically sustainable development guidelines and requirements to assist in the lodgement and assessment of development applications;
- To increase the application of ecologically sustainable development principles;
- To ensure the design and construction of development will minimise any adverse impacts on the environment;
- To reduce the use of resources, pollution and waste resulting from development activity;
- To promote the use of renewable energy sources and materials.

### **B5.3 Energy efficient design in subdivisions**

Subdivision design should address allotment orientation and energy efficiency.

Subdivisions where dwellings are proposed (urban and rural) should be designed to provide allotments that permit future housing to benefit from good solar orientation, generally so that living areas in houses can be oriented towards the north.



#### **Good solar orientation**

The orientation of roads influences the potential to achieve good solar access to lots. Except for rural subdivisions, subdivisions should generally be designed to minimise reliance on private motor vehicles and promote the use of public transport and pedestrian and bicycle linkages.

## **B5.4 Energy efficient design in dwellings**

Dwelling designs should properly consider requirements for energy efficiency and water use. The ability of development to optimise thermal performance, thermal comfort and daylight will contribute to the energy efficiency of the building.

Buildings should:

- Be sited and designed to effectively minimise the dependence on fossil fuel based heating, cooling and lighting, and encourage the use of water saving features and systems.
- Be designed with roof pitch and orientation appropriate for the installation of solar collectors. Living areas should be northward facing.
- Use deciduous trees to allow winter sunlight access to living areas and summer shade to north facing dwelling walls and windows. Planting of appropriate water sensitive vegetation is encouraged.
- Demonstrate how ecologically sustainable design principles and features have been incorporated into the proposed development (particularly for commercial developments).
- In most cases, comply with the NSW Government BASIX requirements. A BASIX certificate must accompany residential development applications, unless otherwise exempted.

## **B6 Potable water and stormwater**

### **B6.1 Aims**

To facilitate water efficiency by reducing demand through water-saving devices for potable water and stormwater.

### **B6.2 Objectives**

- Encourage better management of water resources by collecting and storing rainwater and minimising potable water consumption for utility purposes (such as toilet flushing, gardens or cleaning of driveways).
- Reduce the environmental impact of urban development upon the surrounding water catchments.
- Minimise the discharge of sediment and other pollutants to stormwater drainage systems/natural waterways during construction and operation phases.

### **B6.3 Development requirements**

- Developments are to incorporate the principles of water sensitive urban design. These include minimisation of impervious surfaces, and use of integrated systems that are used for collecting, reusing, flood controlling and applying treatment to stormwater runoff. Internally, incorporation of water minimisation measures that reduce the demand on potable supplies.
- The objectives of water management are to be consistent with BASIX and incorporate at least 40% reduction targets in potable water usage through reduction methods and/or rainwater utilisation. This may be achieved by the installation of a suitable sized rainwater tank.
- All developments are required to demonstrate that they will not have an adverse impact on the stormwater flows/flooding of any adjoining land.
- The development should incorporate fixtures, rated to at least AAA under the National Water Conservation Rating and Labelling Scheme, for taps showerheads and toilet suites.
- Where stormwater discharge to the street frontage and on site stormwater detention is not practical, the DA must include the written agreement from all downstream property owners stating that they have no objection to the discharge of stormwater through their properties to reach Council's drainage system/Council approved receipt point. In addition, if required, downstream property owners do not have an objection to the creation of necessary easements over the pipeline.

## **B7 Protection of the Karst Environment**

### **B7.1 Aims**

To protect sensitive karst landscapes from impacts associated with inappropriate development and to protect development from subsidence risk associated with karst environments.

### **B7.2 Objectives**

To avoid or adequately mitigate adverse impacts of development on:

- The physical structure of existing Karst systems (eg avoid damage to existing limestone formations and structures);
- Water quality and flow in Karst systems (eg limit development that constrains or alters stormwater runoff into Karst systems);
- Habitat value of Karst environments (eg adverse impacts on cave flora and fauna); and
- Scenic, scientific and cultural value of Karst systems (eg cave and other Karst features of value for tourism, caving recreation, scientific study and of cultural importance).

### **B7.3 Land to which this applies**

This clause applies to all rural land identified on the Wellington LEP 2012 Natural Resources - Karst Map.

### **B7.4 Development requirements for low impact developments**

Low impact developments include dwellings, dual occupancies, tourist accommodation, and other developments as determined by Council. The following requirements apply to low impact developments:

- A geotechnical report for both building construction methods and appropriateness of the selected on-site sewerage management system must accompany the development and Section 68 applications.
- Trench style disposal on site sewerage is generally to be avoided in favour of irrigated or shallow transpiration systems.
- If more than 2000m<sup>2</sup> of surface area is proposed for earthworks, a formal soil and water management plan will be needed as part of the DA.

### **B7.5 Development requirements for moderate to high impact developments**

Moderate to high impact developments include cemeteries, extractive industries, intensive livestock agriculture, intensive plant agriculture, mines, rural industries and any other developments as determined by Council.

Council's preference is for most of these forms of development to be located outside of the Karst system. Where such development is proposed in a mapped Karst area, the following requirements should be addressed:

- i. Waste disposal should preferably be outside of the mapped Karst area. If this is not possible, then a detailed waste management strategy should be prepared to restrict waste water from entering the Karst system.

- ii. Interference with the natural run-off patterns of the Karst system is to be minimised. As far as practical, water for development use should be collected off the Karst.
- iii. High impact developments including all Designated and Integrated developments will include a report from a qualified geologist with Karst experience, which describes the immediate Karst environment and suggested measures to minimise impacts.





# WELLINGTON DEVELOPMENT CONTROL PLAN 2013

## PART ONE – SECTION C HAZARD MINIMISATION REQUIREMENTS

## **SECTION C – HAZARD MINIMISATION REQUIREMENTS**

### **C1 Bushfire Hazard**

#### **C1.2 Aim**

To minimise risk to life, property and the environment from bush fire hazard.

#### **C1.3 Objectives**

- Ensure compliance with current Planning for Bush Fire Protection document and Australian Standard: 3959 Construction of Buildings in Bush Fire Prone Areas.
- In all cases the Asset Protection Zone (APZ) is to be located wholly within the allotment to be developed.
- To ensure the design of any new subdivision incorporates adequate bushfire protection/ hazard minimisation controls.

#### **C1.4 Development requirements**

- Use of non-combustible or fire retardant materials.
- Design and layout to provide adequate APZ.
- Provide appropriate access for residents, fire fighters and emergency services.
- Ensure adequate dedicated water supply and pressure for fire fighting purposes.
- Appropriate landscaping to minimise fire spreading to buildings.
- Land formally mapped by Council as bushfire prone will require a more rigorous assessment and may trigger the need for a formal Bushfire Hazard Assessment.

#### **C1.5 Additional development requirements for rural zones**

For rural dwellings:

- Provision of not less than 20,000 litres water reserve, for fire fighting purposes only, to be located within 50 metres of any dwelling. The reserve should be accessible by bushfire tankers.
- Multi-use storage tanks will have the fire reserve of 20,000 litres in the base of the tank with the outlet for other uses above that volume. The base of the tank will have a valve of preferably 75mm diameter and fitted with a standard bushfire coupling.

## **C2 Flood Hazard**

### **C2.1 Aims**

- To reduce the impact of flooding and flood liability on individuals, owners and occupiers of flood prone land.
- To minimise risk to human life and damage to property by controlling development on flood prone land.

### **C2.2 Objectives**

This section should be read in conjunction with the Wellington LEP controls - Part 6.1 and the NSW Floodplain Development Manual 2005.

1. To minimise risk to human life and damage to property by controlling development on flood prone land.
2. To ensure that all land uses and essential services are appropriately sited and designed in recognition of all potential floods and inundation.
3. To ensure that development on the floodplain or waterway does not adversely affect the amenity or ecology of an area.
4. Provide guidelines, for the use and development of land subject to all potential floods in the floodplain or waterway, which reflect the probability of the flood occurring and the potential hazard within different areas.

### **C2.3 Development requirements for building in the flood planning area**

The following controls apply to land within the Wellington Local Government Area as defined in "Flood Planning Maps" and "Natural Resources - Water Map" LEP 2012.

### **C2.4 Development requirements for building in river floodplains**

1. Generally, Council will exclude all new residential development from land mapped as flood prone. Exception may be granted where the land is an existing lot zoned for urban use and in separate ownership prior to 2012. Council must be satisfied that a safe dwelling site can be provided, ensuring compliance with the requirements of point 7 below.
2. Other development only permissible within high flow areas if the development will not change ground levels by more than 300mm (for local drainage purposes) or obstruct flood flows.
3. A flood free dwelling site of natural surface at least 1.5 metres above recorded flood level must exist on each new allotment created. The construction of a flood free dwelling site will be permitted only where it can be demonstrated that such work will not have any adverse effects on floodwaters in the locality.
4. The development will not unduly restrict or increase the level and flow behaviour of floodwaters and stormwater runoff in the vicinity.
5. The development will not exacerbate the consequences of floodwaters flowing on the land with regard to erosion, siltation and destruction of vegetation.

6. Council may approve development where filling of flood-prone land is required. A flood study, completed by a suitable qualified engineer, must accompany the development application. The study should substantiate that the proposed development will not alter flood behaviour.
7. Additional requirements for buildings on flood prone land:
  - a. The floor level of any building located on flood-liable land shall be confirmed by Survey Certificate prepared by a Registered Surveyor. The Survey Certificate shall be lodged prior to proceeding with construction above flood level.
  - b. Where ground level, at any building site, is below Designated Flood level, the structure below flood level shall be constructed from flood-compatible materials and shall be certified by a suitable engineer as being capable of withstanding the floods and conditions likely to occur in the Designated Flood event.
  - c. All building services shall have outlets, switches, junctions, and any features susceptible to flood damage, sited above the flood planning level.
  - d. Where a development site has been filled and the finished ground level is less than 0.5m above Recorded Flood level, minimum floor levels shall apply to all structures erected on the filled area of 1 metre above recorded level for commercial buildings and 1.5 metres for residential.
  - e. Gully traps on all structures shall be a minimum of 0.3m above recorded Flood level.

## **C2.5 Development requirements for building in an unmapped water course**

Controls also apply where development is located in the base of any watercourse or where land is known to be subject to flood and/ or inundation.

If practicable, where residential land includes unmapped watercourses development should be placed outside the likely channel of peak flow.

New subdivisions must demonstrate all dwelling sites are clear of any drainage line.

Where it is not possible in an existing urban lot to accommodate development outside of the drainage line, physical drainage protection measures may be required such as piping the water course and Council may require an engineering report as to likely cross-section flow in 1/100 Annual Recurrence Level events. A floor level may then be required 500 mm above such level.

## **C3 Land contamination**

### **C3.1 Aim**

To safeguard and improve the quality of public and environmental health within the Wellington by ensuring that any land contamination issues are resolved early in the planning process.

### **C3.2 Objectives**

- To ensure proposed land uses will not increase the risk to health or the environment.
- To avoid inappropriate restrictions on land, contaminated or otherwise.

### **C3.3 Development requirements**

Most rural areas of the Shire are not likely to have significant contamination and few hazards are currently known to Council. It is important applicants disclose former known uses of land and the materials in current structures in their applications so the safety of future use can be properly planned.

Development will only be approved on land within the LGA where the consent authority has made an assessment of any contamination that may have resulted from a previous use.

Where contamination is identified:

- Remediation shall be undertaken in accordance with the Managing Land Contamination Planning Guidelines, SEPP 55 – *Remediation of Land and the Contaminated Land Management Act 1997*.

Where new development is proposed:

- Which involves use of hazardous materials (e.g. chemical storage and application), the development application should include details of best practice techniques for environmental protection such as those recommended by the Office of Environment and Heritage.



# WELLINGTON DEVELOPMENT CONTROL PLAN 2013

## PART ONE – SECTION D DEVELOPMENT DESIGN REQUIREMENTS

## SECTION D – DEVELOPMENT DESIGN REQUIREMENTS

### D1 Carparking

This section applies to any development in the Shire where there is a change proposed for the parking or access arrangements of the land.

#### D1.1 Aims

- To provide a relationship between the intensity of use of a development and the number of off-street parking spaces provided on the site to alleviate undue congestion in adjacent streets.
- To provide secure and accessible parking on site to meet the needs of residents and visitors.
- To ensure safe access for vehicles visiting the site, during both construction and operation development phases.

#### D1.2 Objectives

- To ensure all new developments provide, or have access to, adequate parking and loading spaces, for the specified land use.
- Referral of all traffic generating developments to the Roads and Maritime Services for comment.

#### D1.3 Development requirements for urban zones

Council will base any new or additional car parking on the following calculations:

Existing development type	Parking spaces deemed to have already been provided
Commercial development: ground floor	1 space per 25m <sup>2</sup> of gross floor area
Commercial development: above ground floor	1 space per 40m <sup>2</sup> of gross floor area
Residential development: All	2 spaces per separate dwelling

In determining the deemed supplied number defined, Council will require that any existing number of onsite car parking be retained.

Where an application proposes a major redevelopment of 1,000m<sup>2</sup> or greater, Council may will require a detailed traffic and parking study.

In the case of significant heritage conservation works or other particular benefits for the public, Council may consider lesser car parking requirements in any application.

#### D1.3.1 Location of car parking

If off-street parking is required, it should be located on the site of the development, and in places where readily accessible to customer/staff entrances.

In residential and village zones all car parking and manoeuvring areas shall be located behind the building line and suitably screened.

### **D1.3.2 Layout**

- Access to parking areas should be designed to minimise conflict between pedestrians, cyclists and traffic. Council may require road and traffic management works to ensure safe access to parking areas. Where developments front a busy road, access to rear lanes (if available) should be provided.
- The location and width of all driveways shall conform with the requirements of Council. Driveways shall be located to the street with the lowest traffic volume. In particular, driveways shall not be located: opposite a 'T' intersection or closer than 6 metres to an intersecting street as measured from the property boundary.
- The layout of parking areas shall be designed so that parking spaces remain available and accessible, have unrestricted access to a road by way of a corridor provided within the lot boundaries, but not through the building where the design could lead to closure of such access.
- Adequate drainage of surface waters in parking areas shall be provided and disposed of to the Council drainage system.
- Pedestrian flow in car parking areas should be separated from vehicular traffic where possible. Use of lighting should be considered where night use is involved.
- Landscaping design should be an integral part of the layout. In larger car parks landscaped areas should generally be used throughout the car park rather than placed only on the perimeters.
- The minimum height in undercover parking areas should be 2.3 metres. A larger vertical clearance may be required for the provision of delivery vehicles and the like.
- Car and truck turning areas shall be in accordance with the Road and Maritime Services Guidelines.
- Consideration should be given to the use of speed humps or traffic calming devices in larger parking areas. Such humps shall be designed in accordance with Roads and Maritime Services Guidelines.

### **D1.3.3 Construction**

- Parking areas shall be suitably paved with a permanent, all weather surface, considered suitable by Council. Consideration shall be given to the relief of large areas of pavement by alternative surface textures.
- The specifications for construction of any permanent, all weather surfaces are to be approved by Council's Technical Services Department, prior to commencement of works.
- Parking spaces shall be line marked into bays and suitably signposted in a permanent manner to direct vehicles to parking areas. Pavement arrows should be provided to clearly indicate the direction of circulation.
- Wheel stops shall be provided to protect necessary areas from vehicle encroachment, particularly pedestrian and landscaped areas.

### **D1.3.4 Additional controls for dual occupancy and multi-unit housing**

- At least one car space per dwelling is to be covered/ roofed.
- Stacked parking may be considered, but only where more than one car parking space is required per dwelling.



- No car parking is to be provided within the 6m front setback, exception may be granted for stacked parking arrangements.
- Parking areas shall be designed so that all vehicles enter and leave the subject land in a forward direction.
- Landscaping of car parking areas is to blend in with the overall landscape design for the development. Large parking areas must be broken up with the use of soft and hard landscaping features and different landscape treatments.
- Car parking areas are to be well lit and visible to allow for surveillance.
- Bicycle storage facilities are to be provided in a convenient location and be clearly visible and accessible to pedestrian entries to encourage use.
- Parking areas and driveways are to be designed, surfaced and graded to reduce run off and allow stormwater to be controlled on site.

### **D1.3.5 Land use**

- The number of off-street parking spaces to be provided for a particular land use is set out in Carparking Schedules 1 and 2 (See Part 3 Section H).
- All development applications for buildings that attract car parking will contain a calculation plan that maps and shows the area in m<sup>2</sup> of each section of the gross floor area.
- Where it can be demonstrated to Council that in mixed use developments the time of a peak demand for the various facilities do not coincide, Council will consider a reduction from the requirements for the individual uses assessed separately.
- Depending on land use type, parking for delivery/service vehicles, courier vehicles, bicycles, buses, taxis may also be required.
- For mixed use developments the number of car parking spaces should be calculated on the basis of each separate use eg shops with housing above would be calculated on the basis of the number of dwellings and gross floor area.
- Calculations should be rounded upwards to the nearest whole number e.g. if the calculation determines that 2.3 spaces are required then 3 spaces would be necessary.
- Where developments are subject to a parking study, the applicant will be required to undertake a parking study of a similar type of development in a similar location to determine the number of parking spaces required for the proposed development.

### **D1.3.6 Traffic Management Plan**

For specific types of development, Council may request a Traffic Management Plan or Traffic Impact Study. This type of plan ensures the safe movement of vehicular and pedestrian traffic and the protection of workers from passing traffic during construction and operation of development.

### **D1.4 Development requirements for rural zones**

Rural dwelling sites should demonstrate the following:

- Vehicles must be able to access any public road in a forward direction.

- Ready access to the site must be possible for emergency vehicles - in particular bushfire tankers.

## **D2 Subdivision**

While some very minor subdivisions such as boundary adjustments are exempt from the need for development consent, almost all subdivision needs formal DA and progresses through the following steps:

- Preparation of the application normally including a full Statement of Environmental Effects and draft subdivision sketch. Often specialist reports will also be required for matters such as stormwater, road engineering design, vegetation clearing, etc.
- Council assessment. Determination and if approved, preparation of construction certificate(s) for the works and development of those works.
- Application for a Subdivision Certificate once works are completed to Council satisfaction.
- Registration of the plan of subdivision, creation of new titles and land disposition/sale.

### **D2.1 Aims**

- Provide appropriate standards of amenity and servicing to address the uses of the proposed lots permitted in the zone.
- Facilitate lot development that integrates the natural and developed landscape while ensuring the conservation of identified ecological, scenic and cultural values.
- Subdivision design should lay the foundation for good urban form in terms of response to the local environment, accessibility, energy efficiency and respect of the amenity of existing land users.

### **D2.2 Objectives**

- To protect the use of reasonable and practicable farming practices that comply with industry-specific guidelines.
- To ensure that rural development occurs in such a way as to minimise land use conflict.
- To provide residents in rural lifestyle areas located adjacent to primary production areas with acceptable environmental.

### **D2.3 Development requirements for subdivision in urban zones**

This Section applies to all subdivision in zones: R1, R2, R5, B2, B6, IN1, IN2, and SP3. Those controls and Minimum Lot Sizes specified in the Wellington LEP should be justified in any development application.

#### **D2.3.1 Access and servicing**

- Each lot in every subdivision must be provided with an appropriate standard of legal and practical vehicular access and access to an appropriate standard of public utility services and drainage as set out in this plan.
- Legal access shall extend between each lot and a Council controlled public road system or State Highway. Legal access may include Council public roads, rights of carriageway, easements for access or some combination of these.

- Council will only allow the creation of lot(s) relying upon private roads for access where it is demonstrated that the lot(s) enjoy an inalienable right to use those roads in perpetuity.
- Roads created and constructed in subdivisions shall be dedicated to Council as public roads by notation on the plan of subdivision.
- Practical access to each lot must be wholly contained within the legal access.
- Easements for services may be required to allow public utility services.
- Residential subdivisions shall be serviced with electricity and telecommunications reticulation and street lighting, all at full cost to the applicant.
- Electricity substations and telecommunications service multiplexers shall be located within suitable easements and shall not be located within public road reserves.
- Subdivision should be designed to contain new structures and major infrastructure and any asset protection within cleared land.

### D2.3.2 Minimum Lot Size

Council's Local Environmental Plan specifies minimum permissible allotment sizes in sewered R1, R2 and RU5 zones.

In addition to the requirements of the LEP, this Plan sets out minimum lot dimensions for zones R2 and RU5.

	Allotment type	R2 and RU5 zone with sewerage	RU5 without sewerage
<b>Corner allotments</b>	Minimum square width	20m	-
<b>Battle axe allotments</b>	Minimum width at building site (and effluent disposal area if applicable)	20m	30m
	Minimum entry width - single - double plus 2.0m for each lot over 2	3.5m 5.0m	3.5m 5.0m
<b>Other allotments</b>	Minimum width at building line (and effluent disposal area if applicable)	15m	30m
	Minimum depth	25m	40m

Double and multiple battle axe entries shall incorporate reciprocal easements for access and services. Battle axe lots must be designed to allow suitable separation between dwellings to provide reasonable residential amenity, privacy and solar access.

In addition to the above standards, allotments should be designed to promote good solar access. Allotments should cater for the appropriate onsite positioning of dwellings to achieve reasonable solar access.

### D2.3.3 Multiple dwelling developments

Council's Local Environmental Plan permits the subdivision of dual occupancy, multi dwelling housing and residential flat building developments (excluding secondary dwellings) to provide for separate ownership of each dwelling.

In any subdivision of a multiple dwelling development, each lot or strata unit lot must have suitable legal and practical access, separate water, sewerage, drainage, electricity and telecommunications services and car parking spaces.

Subdivisions of multiple dwelling developments may be effected by conventional subdivision, strata title, or community title subdivision.

#### **D2.3.4 Road requirements in residential and village zones**

This section applies to land in zones R1, R2 and RU5.

This section only outlines road design requirements. Full details must be sought from the WBC “Guidelines for Engineering Works”.

Roads in residential subdivision developments must be arranged to provide an adequate standard of access, while maintaining an appropriate residential amenity and accommodating the traffic expected to be generated from the development of the lots in the subdivisions.

Roads shall be arranged in a logical hierarchy, which can be readily interpreted by drivers who are not familiar with the neighbourhood. Road standards will be specified in development consent conditions generally as set out below, but may vary from the following to address local circumstances.

	<b>Reserve Width (minimum)</b>	<b>Alignment (footway-carriageway-footway)</b>	<b>Max. No. of Dwellings Served</b>	<b>Formed footpath</b>	<b>Design speed</b>
<b>Cul-de-sac</b>	15m	3.5m-8m-3.5m layback kerbs	25	One side	40
<b>Local access street</b>	17m	3.5m-10m-3.5m layback kerbs	100	One Side	50
<b>Collector street includes bus route</b>	20m	3.5m-13m-3.5m upright kerbs	300	Two Side	50
<b>Commercial or industrial</b>	20m	3.5m-13m-3.5m upright kerbs	-	-	50

#### **D2.3.5 Public reserve dedications**

The requirement for public reserve dedications will be specified in the conditions of the development consent relating to the proposed subdivision.

Early consultation with Council is encouraged in the planning of subdivisions involving public reserve dedications, so that the reserve areas provide benefit to the occupants of the subdivision and the community in general. Council may not accept the dedication of land that does not provide significant benefit to the subdivision and the community.

Council will require any weed infestations on proposed public reserves to be treated prior to the endorsement of the Subdivision Certificate for that development.

#### **D2.3.6 Hazards**

The design of subdivisions must take account of environmental hazards such as flooding, bushfire, topography, karst and site contamination.

Subdivisions of bushfire prone land to create lots for residential or rural residential purposes are integrated development. The NSW State government

publication “Planning for Bushfire Protection” should be consulted in regard to site suitability and appropriate protection measures.

All proposed Asset Protection Zones should be achieved within the property to be subdivided and be incorporated into affected lots. Asset Protection Zones will not be accepted on neighbouring properties, existing Council Reserves, other public lands or in reserves proposed to be dedicated through the subdivision.

In assessing subdivision proposals, it may be necessary for applicants to provide Council with technical reports from suitably qualified professional persons addressing site hazards. These reports shall be prepared at the cost of the developer.

#### **D2.3.7 Unsewered land**

Any proposals for subdivision of unsewered land will be assessed in accordance with the relevant provisions in this DCP for on-site sewage management (see Section B4). At least one suitable disposal area needs to be provided in every allotment.

Areas of steep slopes, high water table, potential flooding, highly permeable or highly impermeable soils and land close to watercourses or in sensitive Karst areas are generally not suitable for on-site effluent disposal. Specialist reports may be required to demonstrate site suitability.

#### **D2.3.8 Stormwater management**

Subdivisions shall be designed so that stormwater flows for rainfall events of a 100 year average recurrence interval and greater can pass without causing damage to property and infrastructure.

Stormwater flows for events larger than the 5 year ARI for residential development and 10 years for commercial and industrial development are not required to be contained within piped drainage systems. However, the overflow path must be planned, clearly evident on the site and contained within suitable easements, public reserves and road reserves.

Subdivisions in zones R1, R2, RU5, B2, B6, IN1 and IN2 shall be designed and constructed to produce no net increase in peak stormwater flows downstream, generally through the use of on-site stormwater detention facilities, and re-use of stormwater on site.

Inter-allotment drainage systems shall be provided as necessary to enable each allotment to discharge stormwater from roof and paved areas to a Council controlled drainage system or road. Inter-allotment drainage shall be provided from the road drainage system into the allotment at the lowest point by either a 150mm diameter uPVC Class 20 pipe or a galvanised kerb adaptor placed in situ in the kerb line and a 100mm diameter Duragal pipe to the property boundary and terminated with a boundary pit.

Stormwater systems shall be designed, constructed and managed to minimise potential erosion, sedimentation and pollution, and generally following the principles of Water Sensitive Urban Design. Where practical, reuse of stormwater is encouraged.

Further technical requirements on stormwater drainage and erosion control and stormwater management are contained within the “Guidelines for Engineering Works”. The New South Wales Department of Housing publication “Managing Urban Stormwater – Soils and Construction Vol 1” also contains advice about design and operation of these works.

### **D2.3.9 Energy efficient design**

See Section B5 Ecologically sustainable development.

### **D2.3.10 Public transport**

New residential subdivisions should consider the location of existing and any proposed public transport routes. Generally a school bus routes is required to pass within 400 metres of all houses in residential subdivisions. Temporary cul-de-sacs on bus routes in staged residential estates shall have a sufficient diameter to permit buses to turn without reversing.

Subdividers should consult with local bus operators in the initial planning of residential estates.

### **D2.3.11 Neighbourhood design – infill development**

Subdivisions of land in currently developed areas must take account of the pattern of surrounding development, so that the resulting development is compatible with its surroundings. Consideration must be given to issues of privacy, overshadowing, potential noise impacts and servicing.

### **D2.3.12 Subdivisions involving buildings**

Where land containing buildings is subdivided, the subdivision must be designed so that the relationships between buildings and boundaries conform to all relevant provisions of the Building Code of Australia. Particular attention is required to setback distances from boundaries and fire resistance ratings of building elements within three metres of boundaries.

Any existing water services and any existing internal sewer drainage lines are to be wholly within the allotment they are to serve and do not cross boundaries. It will be a condition of consent prior to issue of a Subdivision Certificate.

### **D2.3.13 Community title subdivisions**

Community Titles Subdivisions are subdivisions of land and must conform to the ordinary standards set out in Council's Local Environmental Plan and this plan.

Subdivisions carried out by community title differ from conventional subdivisions in respect to the creation of neighbourhood or community property that is jointly owned by the owners of all the other lots. The neighbourhood or community property may include access ways, services or shared recreational facilities, or other facilities.

Proposals for community title subdivisions should be discussed with Council's planning staff early in the design of the development. Careful attention is required to the planning of open access ways or private access ways, utility servicing including internal water mains to meet fire fighting requirement, access for garbage collection and emergency services, and the management of shared facilities.

Community title developments require ongoing interaction between the lot owners and associated costs beyond that required for normal subdivisions. Therefore these developments require some compelling reason or common interest that could not be achieved in a normal subdivision, in order to maintain the strength of the community in perpetuity. Where these factors do not exist, it may be more appropriate to pursue some more conventional form of development.

#### **D2.3.14 Strata subdivision**

Strata subdivision is an option for multi dwelling housing or dual occupancies in the urban zones. The minimum lot size as defined in the LEP does not apply to strata subdivision of dual occupancies but Council needs to be assured there is full compliance with Section F1.5 of this plan.

#### **D2.3.15 Corner splays**

Splays of minimum five metres along each road shall be dedicated as public road at each road intersection within or adjoining any subdivision, to provide for optimum sight distances at intersections.

#### **D2.3.16 Road naming**

All new public roads in subdivision shall be given an appropriate name with the name clearly stated on the subdivision plan. Proposed road names must be approved by Council prior to the endorsement of a Subdivision Certificate.

All new rights of carriageways or rights of access servicing three or more allotments shall be named as part of the subdivision and referred to as lanes in accordance with Council's road naming policy and its amendments.

Street signs shall be provided by the subdivider.

#### **D2.3.17 Stormwater drainage**

Stormwater drainage works shall be designed and constructed in conformity with the standards contained in the WBC Alliance "Guidelines for Engineering Works".

Inter-allotment drainage systems shall be designed and constructed to minimise the number of allotments using each easement so that maintenance responsibilities are as simple as possible. As a general rule, each inter-allotment drainage easement should serve no more than two allotments, except where no feasible alternative exists.

#### **D2.3.18 Water supply and sewerage**

Where land being subdivided is identified by Council as being within the Development Servicing Plan for Water Supply or identified by Council as being within the Development Servicing Plan for Sewerage all lots shall be provided with access to these services.

The subdivider shall provide the reticulation mains and all works necessary to enable these mains to operate, including reservoirs, trunk mains, pumping stations, telemetry systems and any associated works, all at no cost to Council. All water and sewerage designs, plans and specifications for any proposed water and sewerage works are to be submitted to, and approved by Council. Specific design standards are contained within the "Guidelines for Engineering Works".

Water mains shall generally be laid in public roads, at an offset of 0.7 metres from the back of the kerb and gutter. In any location where a water main must be laid within private land, or public reserves, suitable easements not less than 3.0 metres wide shall be established in favour of Council, additionally the type of pipe material and other conditions will be specified by Council.

Sewerage mains shall generally be laid within the road reserve. Sewerage mains shall be laid in such a position to receive sewage from likely building locations, but without unduly constraining building sites. Sewerage mains shall not be located where future buildings would be likely to require construction over sewerage mains.



Where sewerage mains are located within private lands or public reserves, suitable easements to drain sewage not less than 3.0 metres wide shall be established in favour of Council.

Where sewer rising mains are located within private lands or public reserves, suitable easements to pump sewage not less than 3.0 metres wide shall be established in favour of Council.

Where sewerage mains are located within road reserves, they shall be located at an offset of 1.7 metres from the road reserve boundary.

Other services (such as electricity, telephone, gas, etc.) must not be laid in the same trench as water and sewerage mains.

### **D2.3.19 Maintenance periods**

In order to ensure that subdivision works taken over by Council are free of defects, developers are responsible for the maintenance of the works and the rectification of any defects that may become apparent in the works within six months after the date of completion of all of the works.

The date of issue of a Compliance Certificate evidencing satisfactory completion of all subdivision work for each development consent or separately defined stage is taken to be the date of completion.

Council may require developers to maintain specific elements of the subdivision works (such as sediment control works or stormwater runoff treatment installations) for longer periods so that the community does not incur the expense of maintaining works that form part of developments.

Developers must provide Council with monetary security to ensure satisfactory performance of their responsibilities for these maintenance periods as detailed in the "Engineering Design Guidelines". The amounts and periods will be specified in development consent conditions.

### **D2.3.20 Designers of subdivision works**

All subdivision work shall be designed by persons holding suitable qualifications for the design of works of this type and current professional indemnity insurance. The designer's name shall be clearly stated on each plan sheet.

### **D2.3.21 Works as executed plans**

In order to ensure that Council holds complete records of civil engineering works completed, the developers shall submit Works-As-Executed plans for all public assets for Council's acceptance prior to the endorsement of a Subdivision Certificate (or Occupation Certificate for other developments).

The requirements for Works-As-Executed plans are specified in the "Guidelines for Engineering Works".

## **D2.4 Development requirements for subdivision in rural zones**

### **D2.4.1 Electricity**

Most rural subdivisions will provide reticulated electricity. Council may approve subdivisions with "off grid" power, but a case will need to be argued in the application including proof of significant, above average cost in connecting to the grid.

Where electricity is to be provided, Council will condition the subdivision consent such that, before release of the subdivision certificate, information will

need to be provided to Council as to the satisfaction of the electricity authority with arrangements made by the subdivider to reticulate the lots.

Generally, the electricity authority will want to see that a contract has been entered into with an approved electricity contractor to reticulate the estate to their satisfaction.

#### **D2.4.2 Stormwater and erosion**

Refer to Section B1 for detailed requirements.

#### **D2.4.3 Onsite Waste management**

Refer to Section B4 for detailed requirements.

#### **D2.4.4 Road standards**

In all rural areas, a road hierarchy must be established to ensure that a safe and efficient environment is provided for motorists, cyclists and pedestrians.

New roads shall be designed for the maximum likely traffic volumes at the end of a 20 year design life.

Full details of Council's road standards and requirements are found in section 2.3 of "Guidelines for Engineering Works".

Council has defined 2 standards of local rural public road:

- Rural Local Access - generally for servicing less than 10 lots
- Rural Collector - for developments servicing more than 10 Lots

#### **D2.4.5 Agricultural buffers**

Where dwelling houses or tourist accommodation are proposed to be located in rural areas within proximity of primary production, Council will need to be satisfied that 'normal' farming practices on adjacent land are not inhibited. Development conditions may be required to ameliorate potential conflicts between rural residents and primary producers.

The main conflicts that can occur between residential development and primary producers may involve:

- Spray drift from chemicals used in primary production
- Noise from machinery, animals (e.g. night paddocks)
- Dust from stock and/or machinery
- Odours from farm related waste, silage, etc.
- Visual impact of normal farming activity.

##### **(A) Buffer distances**

The negative impacts on rural dwellings from agriculture and rural industry by way of dust, fumes, odour, spray drift, light and noise is to be minimised and the reasonable expectations of existing farmers protected.

This should be achieved by separating the proposed dwelling from professional agriculture using envelopes in accordance with Table 1 below.

**TABLE 1: Summary of buffer area design criteria**

	Duration Threshold	Min default distance (m)	Min. design distance with buffer element (m)
Chemical spray drift	None	300	40
Intermittent odour	>88 hrs/yr	500	500*
Intermittent noise**	>10 hrs/yr <50 hrs/yr	60 (d)	15 (d)
		1000 (n)	250 (n)
Long term noise **	>50 hrs/yr	500 (d)	120 (d)
		1000# (n)	1000# (n)
Dust, smoke and ash	None	150	40

(Source: Department of Natural Resources, Queensland 1997 "Planning Guidelines - Separating Agricultural and Residential Land Uses")

#### Notations

\* Minimum design distance for an odour buffer area may be reduced on consideration of site factors and nature of odour

\*\* Based on source noise level of 90 dB(A) (LAmax,T) at 7.5 m

d = Noise occurring in day-time (6 a.m.–10 p.m.)

n = Noise occurring in night-time (10 p.m.–6 a.m.)

# = Long-term noise occurring between 10 p.m.–6 a.m. is likely to be considered intrusive and therefore unreasonable. Such noise sources may be ameliorated by a combination of enclosing or muffling the source of the noise, by provision of a buffer area and attention to residential design.

In addition to the above prescribed separation distances, Table 2 lists those separation distances that are considered appropriate:

**Table 2: Separation between rural land use and residential development**

Land Use	Separation Distance
Cattle feedlot (less than 500 head)	300 metres
Intensive dairies (less than 500 head)	300 metres
Piggeries or poultry farms (less than 500 head)	300 metres
Intensive dairies (more than 500 head)	500 metres
Piggeries and poultry farms (500 head or more)	500 metres
Other intensive livestock keeping (500 head or more)	500 metres
Extractive industry or mine	500 metres
Abattoirs	1000 metres

(Source: Department of Natural Resources, Queensland 1997 "Planning Guidelines - Separating Agricultural and Residential Land Uses")

## **(B) Buffer variations**

The required buffers may be reduced if, in the opinion of Council, the development will not be adversely affected by the use of adjoining land. In assessing whether reduced buffers are acceptable in a particular case, Council will consider the following variation criteria:

- the extent, nature and intensity of the adjoining land use;
- the operational characteristics of the adjoining land use;
- Nominate proposed methods of mitigating adverse impact;
- the external effects likely to be generated by the adjoining land use (i.e. dust, fumes, odour, spray drift, light and noise) and their potential to cause conflict;
- the potential of adjoining land to be used for various commercial activities including agriculture, quarries, rural industries etc.;
- any topographical features or vegetation which may act to reduce the likely impacts of an adjoining land use;
- prevailing wind conditions and any other climatic characteristics; and
- any other mitigating circumstances.

Vegetation buffers may be used to reduce the total buffer distance required between dwellings and adjoining land uses. However, caution must be exercised when considering the appropriateness of a vegetation buffer. Vegetation buffers have little effect on noise reduction, take time to establish, require on-going maintenance and are subject to storm and insect damage. Trees only have a limited life span. Therefore, vegetation buffers will not be appropriate in all circumstances.

## **(C) Buffer design**

Research into the behaviour of pesticide spray drift has shown that Buffer Elements in the form of vegetation screens can prove effective barriers to spray drift where they meet the following criteria:

- are a minimum total width of 40m;
- contain random plantings of a variety of tree and shrub species of differing growth habits, at spacings of 5m for a minimum width of 40m;
- include species with long, thin and rough foliage which facilitates the more efficient capture of spray droplets;
- provide a permeable barrier which allows air to pass through the buffer;
- foliage is from the base to the crown;
- include species which are fast growing and hardy;
- have a mature tree height 1.5 times the spray release height or target vegetation height, whichever is higher;
- have mature height and width dimensions which do not detrimentally impact upon adjacent cropped land; and
- include an area of at least 10m clear of vegetation or other flammable material to either side of the vegetated area.

Particular care must be made to ensure that vegetation buffers do not compromise the bushfire safety of existing and future dwellings on either the

subject or adjoining land. Vegetation buffers are therefore to be located such that they will not comprise Asset Protection Zones.

#### **D2.4.6 Weed control**

Development consent must not be granted for development on land in which a noxious weed infestation has been identified, unless a clear noxious weeds certificate is received by Council.

Council will not accept the dedication of land in subdivisions unless recognised weed infestations have been controlled in the area to be dedicated, to Council's satisfaction prior to release of the subdivision certificate.

##### **D2.4.6.1 Weed management in the Development Application process**

Application for a Development Approval to subdivide land in zones RU1, E2, E3, or R5 into lots which can be used for residential purposes must be accompanied by:

- A property weeds assessment
- A plan of management (where a significant infestation of noxious weeds are identified by Council weeds officers) comprising an agreed program of weed control over a specified time period.

The following must be shown in the plan:

- a staged plan for the management of identified noxious weeds;
- proposed method(s) of weed management;
- monitoring; and
- reporting.

The weeds management plan is to be approved by Council before issue the of a development consent for subdivision.

## **D3 Accessibility**

This section of the DCP is applicable to all new public buildings. However, where Council considers it practicable and reasonable, access upgrades to existing buildings will be required for proposals for changes of use or building alterations and additions. In particular, changes to existing public buildings.

Normally any extension to a building for public usage, or to an existing accessible building, would be treated as a “new building” for the purposes of this plan.

Small public access developments will require a statement of how they address these issues provided within the Statement of Environmental Effects.

Larger public access developments will require a formal assessment by a suitably qualified person in relation to Access and Mobility Assessment and Disability Discrimination Act compliance.

Building Class 2, 3, 4, 5, 6 and 9 of the Building Code of Australia are the main type of buildings where assessment is required. Council will refer to the Australian Disability (Access to Buildings) Standard 2010 and to any relevant current Australian design standards.

The Development Guidelines (Access and Mobility) can be accessed online at [http://www.humanrights.gov.au/disability\\_rights/standards/PSguide.html](http://www.humanrights.gov.au/disability_rights/standards/PSguide.html). Council can also provide pre-development application advice regarding access.

### **D3.1 Aims**

- To supplement the requirements of Federal and State legislation relating to access for all people to public facilities.
- To increase public awareness of the need for appropriate access to all public buildings.

### **D3.2 Objectives**

- To achieve the best outcomes for the community from developments, impacts on Access and Mobility

### **D3.3 Development requirements**

#### **D3.3.1 Car parking facilities**

- Parking spaces designated for accessible car parking, Seniors and parents with prams are to be located as near as possible to the main accessible entrance of the building, and be linked by an accessible path of travel, preferably under cover.
- In medium and larger sized developments 2 in 50 car parking spaces are for people using wheelchairs, 3 in 50 car spaces are for seniors and 2 in 50 car parking spaces are for parents with prams.
- Where more than one major entrance exists the designated accessible, Seniors and parents with prams car parking facilities shall be located at the closest point to each accessible public entrance.
- The continuous accessible path of travel shall be clearly signposted.

- The provision of accessible parking shall be signposted at the entrance of the car park, and at each individual parking space.

### **D3.3.2 Continuous accessible path of travel (CAPT)**

- An uninterrupted even path of travel must be provided into, around and within a building, providing access to all required facilities and must be arranged to minimise distances to be travelled between these facilities. This accessible path should not incorporate any step, stairway, turnstile, revolving door, escalator or other impediment, which would prevent it from being safely negotiated by older people, people with disabilities and parents with prams.
- The CAPT must be provided from the street alignment, transport stops, passenger loading, accessible car parking spaces and be the most direct route possible.
- The CAPT must incorporate signage, be well lit and sheltered from the weather wherever possible and incorporate level rest stations with seating (including armrests) if the travel route is long.
- The CAPT must provide for the physical separation of pedestrian traffic from vehicular traffic.

### **D3.3.3 Walkways and Landings**

- To ensure that walkways and landings provide smooth transitions between Sections of different gradients allowing for equitable access to public places. A walkway shall be designed and constructed so as to prevent a user leaving the path accidentally. A strip of contrasting colour or texture or some other acceptable device should be provided along the edges of a walkway to help people with visual impairments.
- Walkways, paths and landings shall not protrude on the public way unless prior agreement has been reached between the applicant and Council.
- Where applicable, walkways, ramps and landings shall be 'filled in' underneath in order to avoid people with vision impairments walking into the underside.
- When the level of the ground adjacent to the walkway or path is likely to present a hazard, kerbs and handrails should be provided.

### **D3.3.4 Ramps, Step Ramps and Landings**

- To ensure that ramps and step ramps are designed correctly to provide sharp transitions between sections of different gradients to allow for access to public places.
- To ensure that landings are provided in appropriate places to function as both resting points and circulation spaces.
- The gradient of the ramp in between landings shall be constant.
- For the purpose of this plan, a step ramp is a small inclined access way, steeper than a ramp to be used in addition to, or instead of, a step.
- Ramps shall be provided with kerbs and handrails on both sides.
- Kerb and step ramps shall be in a position that gives the most direct route into the building.
- The join between the kerb/step ramp and the pavement should be flush without gaps, dips or bumps.

### **D3.3.5 Handrails**

- Handrails are essential for access and mobility, as they provide guidance for people with visual impairments, as well as lateral body support and hand support slides for older people and people with disabilities.
- Handrails must not encroach the minimum width of pathways, ramps, step ramps and stairways. If handrails encroach upon these areas, the widths of these areas should be increased accordingly.
- Handrails with fully circular cross sections are preferred.
- Handrails must be extended horizontally beyond the end of ramps and stairways so as to provide guidance to people who are visually impaired and a balancing aid to people with disabilities.
- Need to be continuous throughout the lengths of ramps and stairs and around or across landings.

### **D3.3.6 Internal Fit Outs**

- Applicants must provide and maintain a continuous accessible path of travel as part of the internal fit out of a building.
- Strongly recommend providing a ramped access to the shop or facility for older people, people with disabilities and prams.
- To ensure access to all members of the community, a continuous accessible path of travel needs to include access from entry points of the premises, circulatory spaces within the premises and to all public facilities.
- Provide circulation space and access into the entrance and around the premises avoid the placing of boxes, packaging materials and merchandise display stands in access ways and common space areas needs to be Merchandise should be within the reach of a person who uses a wheelchair.
- Signage needs to be large, at an appropriate height and in contrasting colours for people with vision impairments.
- Counters and reception areas need to have an accessible section (lowered area) for ease of access for people using wheelchairs or other mobility aids.

### **D3.3.7 Designated Accessible Toilet**

- To ensure that adequate designated accessible toilets catering for people with disabilities are provided in all public commercial buildings.
- To ensure the provision of designated unisex accessible toilets so that a person can be assisted by an attendant of the opposite sex.
- Ensure there is an Accessible Toilet sign with the International Symbol of Access (white on blue background), and separate male and female symbols with braille and tactile elements located on the latch side of the door within reach of a person sitting.
- Ensure if there is a baby change table installed it is recessed or flush with the wall and away from the sink and circulation space.
- Provide effective lighting with a rocker switch and a door that is easy to open and close and lock.



### **D3.3.8**

#### **Fire Safety/Emergency Exits**

- To ensure that consideration is given to additional needs of people with disabilities when designing egress routes and warning systems.
- Ensure emergency door handles are easy to open for people with disabilities.
- Ensure places of refuge provided for people with mobility difficulties on levels above the main entrance.
- Warning systems have both audible and visual warnings and clear signage Preparation of an emergency management plan which identifies strategies to facilitate emergency egress for people with a disability.
- Ensure an emergency management plan is located at and accessible height in a public area in an accessible format (large print, braille, tactile).

## **D4 Landscaping**

### **D4.1 Aim**

- To provide advice, guidelines and controls relating to design, construction and maintenance of landscapes and vegetation associated with development.

### **D4.2 Objectives**

- To ensure that adequate landscaping is provided, in accordance with the type, scale and location of the proposed development.
- To ensure the appropriate siting and design of development, buildings and works to preserve the rural landscape and heritage values of significant cultural or scenic landscape units.
- To encourage the retention of trees and native vegetation of ecological, aesthetic and cultural significance through integration as part of landscaping design, including low maintenance landscaping.
- To conserve the scenic values of the rural landscapes.
- To encourage the planting of species endemic to the local area.

### **D4.3 Development requirements**

Council recognises that some flexibility is needed in the approach to landscaping depending on the scale and impact of the development. As such, three (3) categories of development have been defined with varying requirements.

#### **D4.3.1 Development requirements for minor developments (landscape details)**

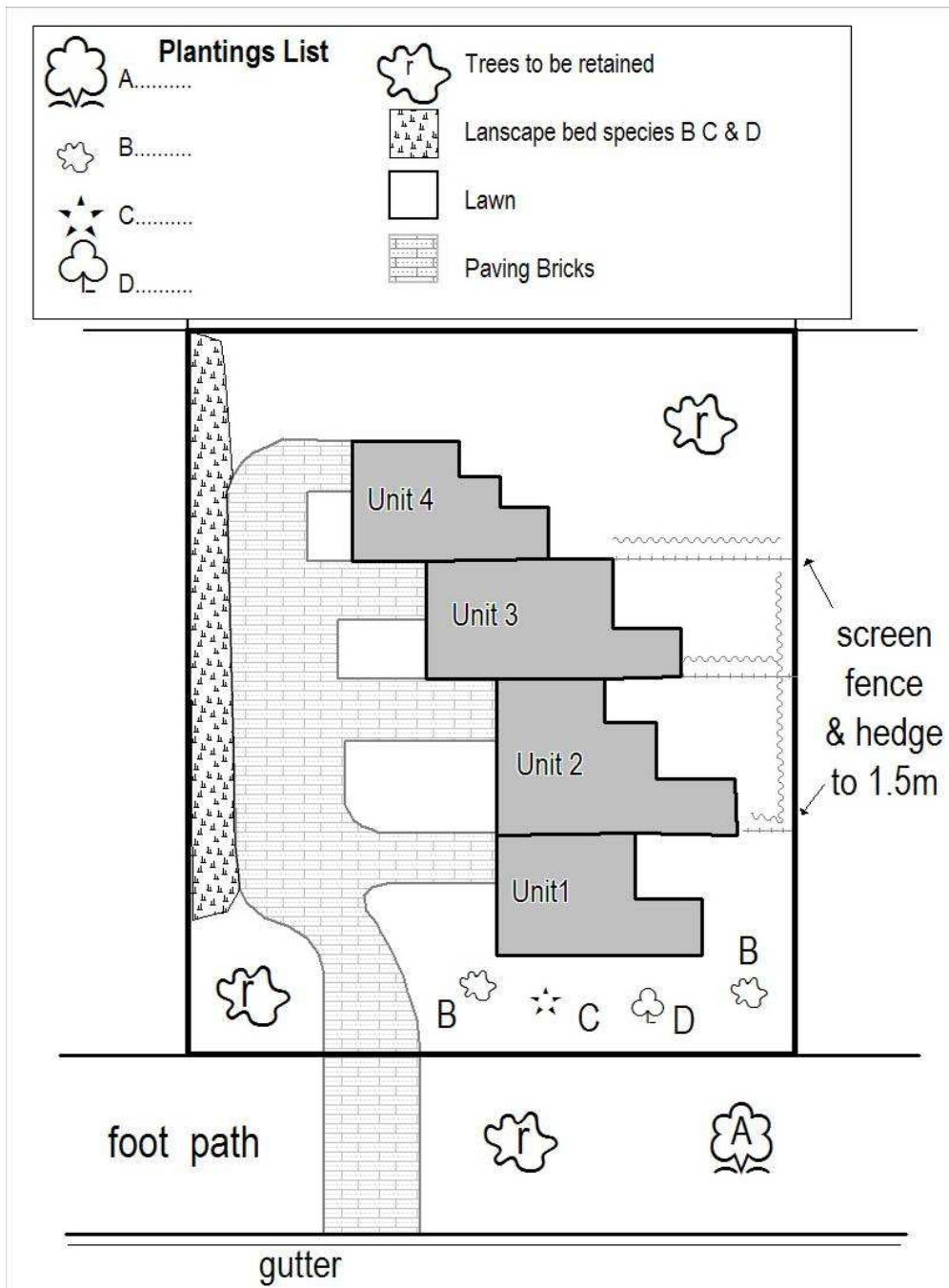
Council encourages applicants to provide some landscape detail on their plans, however this is optional. Identification of existing trees proposed to be removed by the works is required. In this Clause *minor development* includes: New dwellings and extensions to dwellings, change of use of an existing building.

#### **D4.3.2 Development requirements for larger developments (basic landscape plan)**

A basic landscape plan applies to developments including all residential accommodation of more than one dwelling unit, commercial and industrial development, subdivisions of 5-10 lots and rural developments where screening is required.

This scale of plan needs to address the following points and be presented similar to the concept sketch below:

- Outline of the development structures proposed and the property details/boundaries.
- Existing trees (including any proposed to be removed).
- Proposed surfaces - e.g. paved, grass, planting bed.
- Location and type of plantings over 0.5 metres high or wide.



***Elements of a basic landscaping plan***

**D4.3.3 Development requirements for commercial and industrial development (detailed landscape concept plan)**

These plans are required for the following types of development: new commercial, industrial or public building development and subdivisions over 10 lots.

A landscape concept plan usually requires input from a professional landscaper/ nursery service or landscape architect. In addition to a detailed landscape concept drawing of the site, the DA will need to include full detail on:

- The existing vegetation and landform.
- Species, including normal height and spread. (preference should be given to hardy, low maintenance species and include endemic species).

- Proposed methods of planting and establishment to prove the plantings will survive and establish with a reasonable time.
- Maintenance cycles.

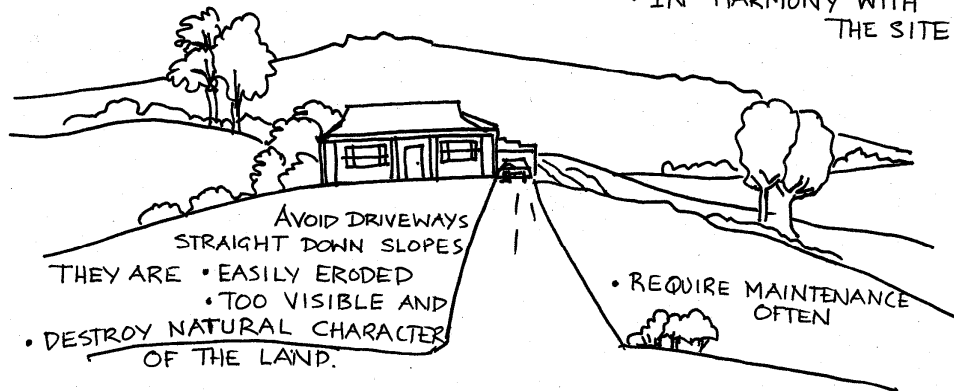
The landscape concept plan should include all the elements of a basic landscape plan plus:

- Scale usually 1:100 or 200, contours sufficient to design drainage, location of existing trees.
- Sufficient detail on neighbouring development to gauge the impact of the landscaping on neighbours.
- Soil type, drainage and moisture conditions.
- Full location of services - both underground and overhead so the landscaping can be implemented without disturbance to services and suitable species are selected for placement near services.

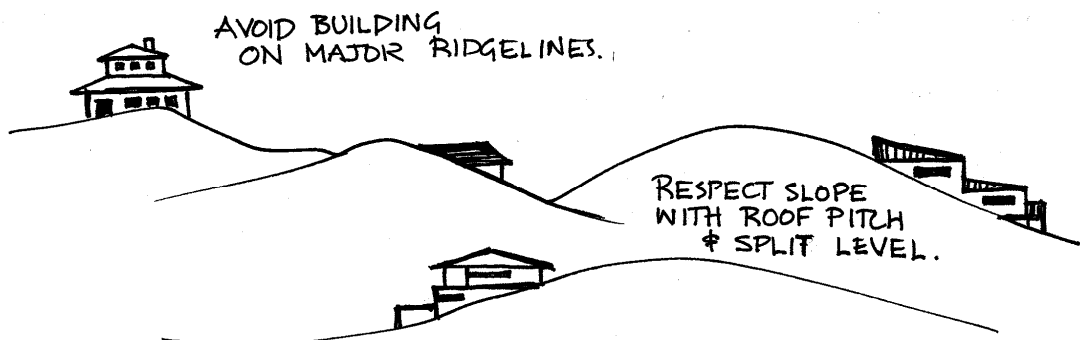
#### **D4.3.4 Development requirements for scenic landscapes and other rural areas**

These requirements apply to development in zones RU1, RU4, E3, and E2 and in some cases (as determined by Council) R5.

- New buildings in the rural landscape should be in a style (design, height, scale, bulk, materials and external colours) sympathetic to the cultural or scenic landscape character.
- Buildings should be constructed of a non-reflective material. Colours to blend in with locality landscape - preferably to be of a darker shade. Zincalume or other highly reflective roofing or wall cladding is to be avoided in prominent areas.
- Visibility of new buildings from regionally or locally significant public view situations should be minimised by planting trees and shrubs between the view sites and the structure and immediately adjacent to the structure. Landscape planting should reflect existing landform and natural vegetation. Buildings can be partly excavated into the natural surface on slopes and/or be split level.
- Roads, driveways and other excavations visible from regionally or locally significant view situations should follow contours and natural vegetation lines and not be at right angles to contours. Excessive cut and fill is to be avoided. See sketch below.
- Consent must not be granted to the erection of a building on a ridgeline if the building would be visible from a regionally or locally significant viewing situation and appears as a skyline structure from that location. (see sketch below).
- Where landscape planting is an important part of the mitigation strategy for any development, Council will impose ongoing performance conditions for the land owner to achieve and maintain the intent of the provision. Site photography will be required by Council for retention and for monitoring of planting growth.



**The dos and don'ts of rural driveways**



**Building on prominent ridgelines**

## **D5 Crime Prevention Through Environmental Design (CPTED)**

A Crime Risk Assessment is required for:

- residential projects with more than 18 dwellings;
- new or upgraded medium and large commercial, retail or industrial developments;
- clubs and hotels (and other developments associated with the operation of such developments eg late night cafés);
- schools, hospital and aged care developments;
- public facilities including sports, community uses and car parks; and

### **D5.1 Aims**

To encourage, where applicable, the design of safer and more secure developments, in accordance with the principles of CPTED:

- Natural surveillance – design should allow people to see what others are doing as a means to deter the potential for crime.
- Access control – physical and perceived barriers can manage movements to minimise opportunities for crime.
- Territorial reinforcement – increasing the “ownership” of public spaces increases activity levels, encourages people to help prevent crime.
- Space management – public spaces that are attractive and well maintained are more inviting and likely to be well used.

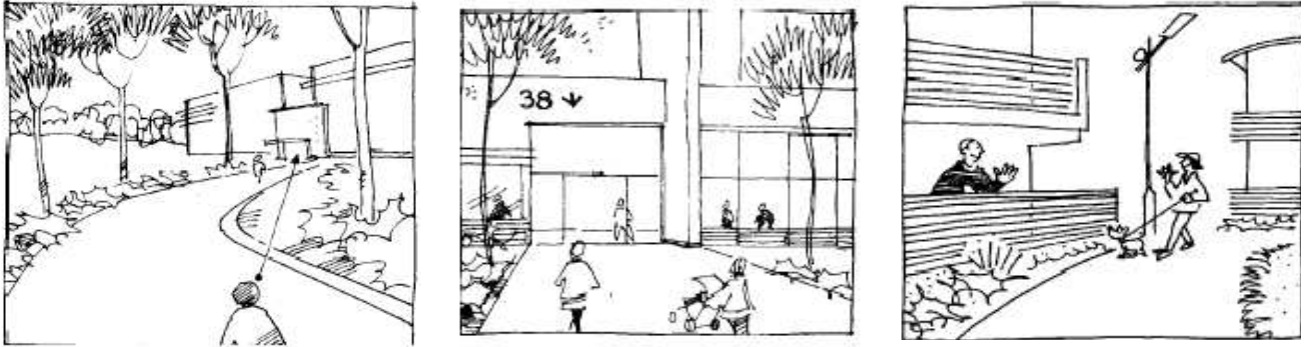
### **D5.2 Objectives**

- Incorporate crime prevention strategies in new developments subject to public access.
- Encourage active, pedestrian oriented environments where developments are designed to integrate into the public domain.
- Maximise opportunities for natural surveillance of public spaces and building or site entrances.

### **D5.3 Development requirements**

- Use good site planning to clearly define public, semi-public and private areas.
- Entries are to be clearly visible and identifiable from the street. For non-residential uses, administration offices or showroom are to be located at the front of the building.
- Clear identification of entry and exit points
- Minimise blank walls along street frontages.
- Avoid areas of potential concealment and ‘blind’ corners.
- Avoid blind corners - allow distant surveillance
- Provide lighting to external entry areas, driveways and car parks. The lighting is to be designed and sited to minimise spill and potential nuisance to adjoining properties.

- Planting and fencing is not to reduce the safety of users or compromise areas of natural surveillance.
- Where a site provides a pedestrian through route, the access path is to be clearly defined and sign posted, appropriately lit, and have satisfactory visibility.
- Locate public toilets and rest areas to promote their use, and maximise public surveillance without creating visual intrusion.



***Avoid blind corners, clearly identify entrances and natural surveillance***

## **D6 Advertising and Signage**

### **D6.1 Aims**

- To ensure all outdoor advertising in Wellington does not cause visual pollution.
- To provide opportunities for appropriate advertising of Shire business.

### **D6.2 Objectives**

- To ensure all advertising signage achieves a high level of design quality, sympathetic to the streetscape and architectural design of buildings.
- To promote advertising signage which complements the use of the building(s).
- To reduce the proliferation of advertising signs, encouraging effective and suitably located signs that provide a legible and clear message.
- To ensure that advertising signs and structures do not cause any hazard to motorists, cyclists and pedestrians.
- To prohibit third party advertising.

### **D6.3 Development requirements**

Currently most advertising signs in Wellington require development consent.

Where advertising signage is planned by a developer as part of a wider building construction, it is preferable the signage detail accompany the building development application. This ensures a comprehensive assessment and avoids the need for further development approval.

All advertising should:

- Comply with State Environmental Planning Policy 64 (Advertising and Signage). Consent duration of 15 years applies.
- Protect valuable streetscapes by locating signs above awning level, having minimal impact on adjoining land uses.
- Internally illuminated or animated signs are inappropriate on a heritage-listed building or within its curtilage.
- Relate in location and dimensions, to the design of the building on which they are placed.
- Be placed in locations similar to adjacent buildings to create a visual theme of easy read signs.
- Not project above parapet lines or obscure views of land forms and buildings of historical significance.
- Improve visual interest by modifying monotonous parapet lines by using decorative and possibly thematic sign silhouettes.
- Be used as false parapets on shops without parapets, but only where neighbouring shops have parapets.
- Be limited in number to promote visibility and to reduce crowding and visual clutter.



### **D6.3.1 Development requirements for urban zones**

- Generally, only one (1) business identification sign per home business is permitted in the R1, R2, and R5 zones.
- In general, any business should aim for fewer signs that display easily read information. Not more than five (5) signs per business are permitted in the B2 and B6 zones. Illuminated signs should generally be located under the awning. Signs should be minimised above awning and no signs above roof or parapet.

### **D6.3.2 Development requirements in rural zones**

- SEPP 64 , Clause 15 significantly restricts advertising signs in rural zones and should be referred to, to resolve the limits of permissible signage.
- In assessing any DA for a sign in a rural zone, Council will need to be satisfied the size of the advertising panel is the minimum that enables reasonable reading from the road where it is to be observed and that the colouring blends with the rural landscape.
- Where the advertising sign would be on transport corridor land as defined in the SEPP 64, the DA for the sign has to be determined by the Minister.

### **D6.4 Prohibited signage**

SEPP 64 prohibits most signage in the following areas:

- Environmentally sensitive area
- Heritage area (excluding railway stations)
- Natural or other conservation area
- Open space
- Waterway
- Residential (but not including a mixed residential and business zone, or similar zones)
- Scenic protection area
- National park
- Nature reserve

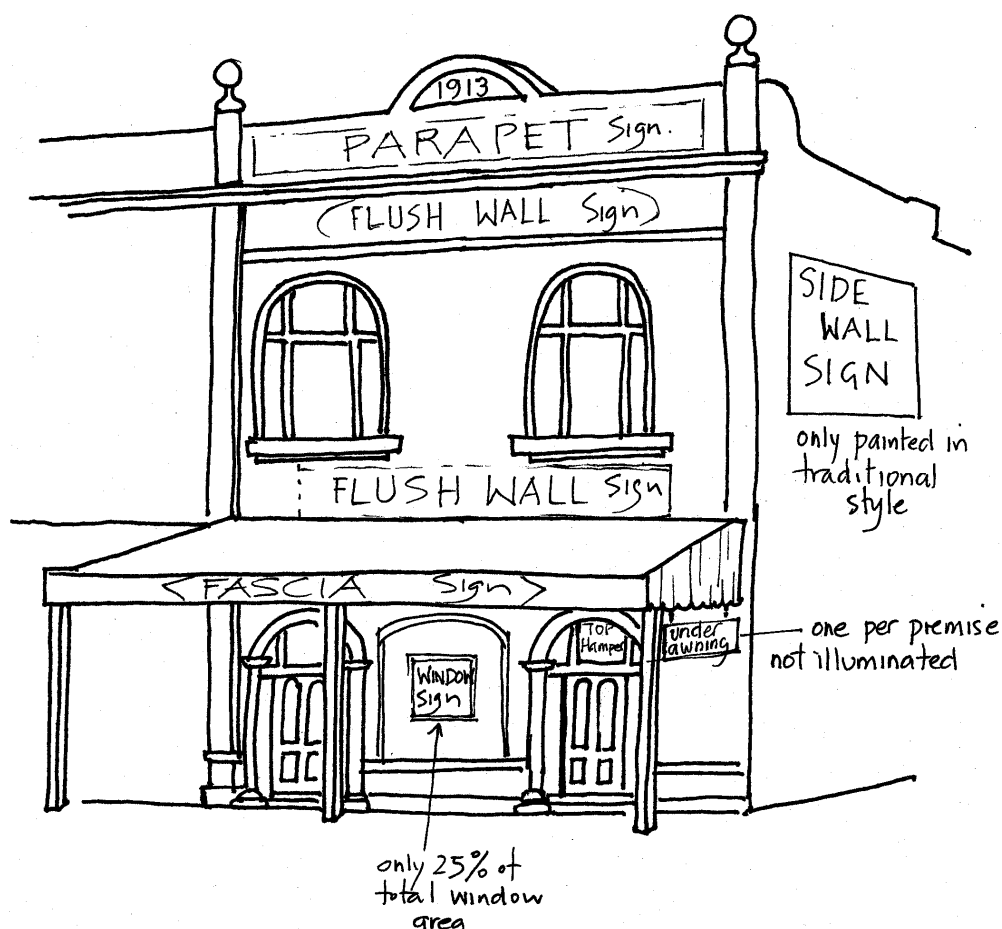
### **D6.5 Signage in areas of Heritage significance/ Heritage Conservation Areas**

These areas are highly valued by the community and worth conserving. They may include individual buildings as listed in Council's Local Environmental Plan or other legislation as well as specific sites, streetscapes or precincts of architectural, historic, scientific or landscape importance.

Signs located in such areas should observe the following requirements:

- Signs should be discrete and complementary to the historical significance of the building, and
- Signs should be placed in locations, which would have traditionally been used for advertising purposes. If no such location exists, the display of a sign is considered inappropriate.

- Signs that project through or are proposed to be erected above a historic parapet or roof-line are considered inappropriate. Side walls offer limited opportunities, but must be carefully considered.
- The number of signs should be restricted to:
  - Up to three (3) sign locations on a building with a veranda and two (2) on a building without a veranda.
  - One (1) hanging under-veranda sign per premises.
- Permanent signs on shop windows are not to cover more than 25% of the window area, between the windowsill and door head.
- Appropriate colour ranges should be chosen for advertising signage. The use of fluorescent and iridescent colours is inappropriate.
- Heritage lettering styles may involve shaded letters, a mix of sizes and styles and ornamental scrolls as relevant to the period of the building. It is important that the style of lettering on the sign reflects the historic period of the building.
- Internally illuminated signs are considered inappropriate. External illumination by floodlight is preferable. Small neon signs hanging inside shop windows can be considered given the merits of the case as they are more in nature to a window display than a streetscape element.
- Repairs to or reinstatement of existing traditional signs is encouraged but needs input from a Heritage architect.



**Acceptable signs on heritage buildings or in heritage conservation areas**

## **D7 Social and Economic impacts**

The *Environmental Planning and Assessment Act 1979* identifies the need to give consideration to social and economic issues.

### **D7.1 Aims**

- To ensure applicants for development properly consider any potential social and economic impacts associated with proposed development.
- To promote equitable social and economic development

### **D7.2 Objectives**

- Achieve community development and well-being through the provision of;
  - Adaptable and affordable housing options and choice;
  - Safety and crime prevention;
  - Facilities that provide social interaction, and
  - Recreation options and transport alternatives.
- Increase and provide improved housing stock and to make more efficient use of existing housing stock;
- Promote improved diversity and economic activity around town centres; and
- Reinforce the principles of inter-generational equity.

### **D7.3 Development requirements – Need for formal social and economic impact assessments**

Council encourages all employment related development to at least provide some supporting information on:

- the economic and employment benefits or costs of the proposal; and
- improved social benefits of the proposal.

For larger residential and commercial developments, a more formal analysis of social and economic factors must be included in the development application.

For brothels, licensed premises and places of public entertainment, additional information may be requested by Council.



# WELLINGTON DEVELOPMENT CONTROL PLAN 2013

## PART ONE – SECTION E HERITAGE CONSERVATION REQUIREMENTS

## SECTION E – HERITAGE CONSERVATION REQUIREMENTS

### E1 Heritage items and Heritage Conservation Areas

This section should be read in conjunction with Section 5.10 and associated “Heritage Maps” of the Wellington LEP.

#### E1.1 Aim

- To encourage sympathetically designed development that will contribute to the conservation Wellington’s heritage assets and quality of the environment.

#### E1.2 Objectives

- To facilitate the implementation of the objectives and provisions relating to heritage conservation contained within the Wellington Local Environmental Plan 2012;
- To ensure that new development is sympathetic to the identified heritage significance;
- To provide guidance for development in relation to heritage items and heritage conservation areas;
- To enable appropriate and expert consideration to be given by applicants and the Council to development relating to heritage assets;
- To provide controls for encouraging contemporary design sympathetic with the identified heritage significance, and
- To provide incentives for owners of properties that are listed as individual heritage items or located in a heritage conservation area.

### E1.3 Heritage: Conservation, Incentives and Statements

#### E1.3.1 Wellington’s Heritage Assets and Conservation

Places and categories of heritage significance within the Local Government Area include:

- *Natural heritage:* fossil sites, geological formations, rivers and other cultural landscape heritage assets such as parks, gardens and rural landscapes.
- *Archaeological heritage:* cemeteries, ruins, foundations of early built fabric;
- *Aboriginal heritage:* Most Aboriginal heritage is not well recorded and some items are confidential to the Aboriginal community.

There is a formal system of recording significant heritage contained in Part 6 of the *National Parks and Wildlife Act 1974*. Under this Act, Aboriginal Places can be defined and individual heritage items protected by registration in the Aboriginal Heritage Inventory and Management System (AHIMS).

Should development be proposed in proximity to an AHIMS registered item or an Aboriginal Place, formal assessment of the impacts and referral of the application may be required. In important cases, formal assessment by an archaeologist and consultation with the local Aboriginal community may be required.

- *Non Aboriginal heritage:* Wellington Council has a comprehensive Heritage Inventory with records of non-Aboriginal heritage items including: convict settlement sites, government sites, rural cultural landscapes and built heritage (churches, schools, war memorials and transport heritage).

### **E1.3.2 Incentives for heritage conservation**

- *Heritage Advisor Service:* Wellington council provides free professional advice and on-site visits from a contract Heritage Advisor, to assist with conservation of heritage buildings.
- *Heritage Funds:* All levels of government at times provide some funding assistance to facilitate conservation of important heritage assets. Council currently provides a proportionate amount of funding under the Wellington Local Heritage Fund.
- *Exemptions to some planning controls:* Clause 5.10 (10) of the LEP empowers the Council to approve conservation incentives for particular prohibited developments, providing the development will benefit the heritage item, or the development will better conserve and promote the heritage item.

Applicants seeking to utilise these provisions will need to include a full heritage management report and expect development consent conditions that may require that the income from the special approved use is assisting the conservation and enhancement of the heritage item and its curtilage.

### **E1.3.3 Heritage Impact Statements (HIS)**

A Heritage Impact Statement (HIS) should be submitted with a development application if development affects/impacts a heritage item, curtilage of a heritage item or heritage conservation area. Depending on the impact, this statement may need to be prepared by a qualified person.

Applicants for development of heritage items or land adjoining heritage items or heritage conservation areas, should consult early with Council staff to see if a HIS will be required.

A HIS should include:

- Site details – a description of the item and its setting/ context including a location plan showing the proposed development, adjoining development and the immediate locality as well as photographs accompanied by an annotated location map;
- Plans – a location plan showing the proposed development and adjoining development, as well as photographs accompanied by an annotated location map. Detailed floor plan and elevations of the proposed development relating to the existing heritage structure.
- Assessment –written assessment of the heritage values and significance of the existing place in the context of its wider setting;
- Strategies – detailed strategies for conservation and management, with conservation principles, timing, costs and other resources required. Ongoing conservation measures, maintenance and monitoring plan (which compliance may be imposed as a condition of consent).
- Recommendations - after considering development options, a list of recommendations for minimising potential impact and increasing conservation of the item.

- Other issues - any other issues or actions that may affect the place or its cultural heritage significance.

Should the HIS indicate that conservation measures for the heritage item on its current site are not practical or feasible, consent may be granted for item relocation or demolition. Every attempt to salvage and reuse materials will be enforced.

## **E1.4 Development requirements for buildings (new or existing) which are not recorded heritage items but are in heritage conservation areas or adjoin heritage items**

### **E1.4.1 Alterations and additions to existing buildings**

Many non-listed buildings in and near heritage items and heritage precincts have interesting architectural and historical associations that contribute to the locality's heritage, aesthetic and social values.

Development in these areas should be sympathetic and any alterations and additions to non-listed buildings should be consistent with the style of the building being altered.

Alterations and additions on or near local heritage items should be sited so that they:

- do not have an adverse impact on the heritage significance of the item; and
- do not have an adverse impact on the views of the item from the street or public domain.

Original façades should be restored where possible, including:

- reinstating earlier verandas, doors, windows etc., using matching materials and details; and
- removing previous layers of alterations that are unsympathetic or detract from the heritage integrity of the place.

### **E1.4.2 New buildings**

New development has the potential to impact on historic buildings and streetscapes by virtue of scale, location, appearance and landscaping.

The objective with new development is for it to harmonise with the existing streetscape and roofscapes and not block views, or compromise the appreciation of significant buildings.

New buildings need not imitate neighbouring heritage items, but rather complement them through massing, scale, setback, orientation, detailing, materials and coursing lines.

New buildings should:

- be appropriate to the character of the streetscape;
- be of a similar or less, height, scale and mass of surrounding buildings;
- not obstruct views (including views along the street) of significant buildings;
- have colours, textures and materials and facades, window styles, roof pitch etc., complimenting the heritage buildings;
- if it is likely to have an adverse impact by virtue of scale, location or appearance, be setback further away from a significant building, and

- visible side elevations should be articulated if greater than 15 metres in length.

New development may:

- "borrow" architectural elements or design from early historic and/or contributory architectural buildings, such as roof pitch, corrugated iron roofing or weatherboard walls;
- interpret traditional design concepts in a modern way, and do not have to copy existing buildings; and
- depending on the scale of work, be preceded by a building and streetscape character analysis, streetscape elevation, and definition of suitable envelope, all of which should be discussed with Council prior to undertaking detailed design.

Where a structure is unable to achieve suitable design standard, it is to be lower and set back from adjacent structures and incorporate suitable screening.

#### **E1.4.3 Garages for new or non-listed heritage buildings**

Garages and carports should generally conform with guidelines for the addition of garages to heritage listed buildings.

Garages should:

- not be visually dominant on the streetscape;
- be designed as a "lesser" element in the composition of a building façade.
- For new dwellings, be set back a minimum of 900mm from the front face of the dwelling;
- Where the garage is proposed to face the street, the roof form of a garage attached to a new dwelling should not to be a continuation of the main roof, but rather be articulated to reduce its scale and bulk.

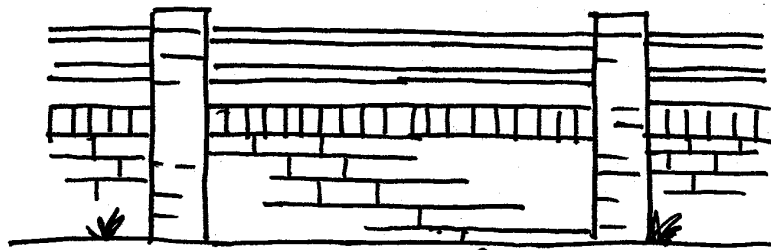
#### **E1.4.4 Fences for new or non-listed heritage buildings**

Fences should reinforce the aesthetic and historic values of individual places, as well as streetscapes.

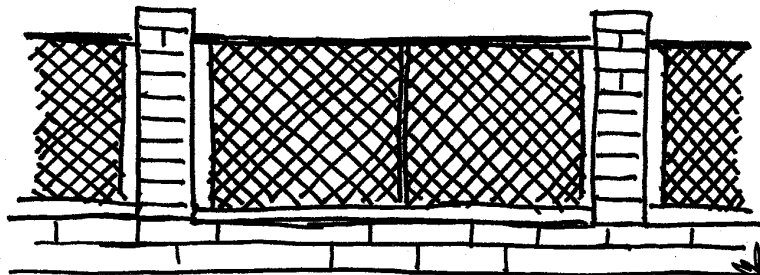
Fences should:

- The style, detail, materials and traditional construction methods of fences should be consistent with the period of the building.
- Front fences should not exceed 1.2m in height.
- Modern style ribbed metal panel fences should not be used forward of the building line or on the street-side elevation of corner blocks.

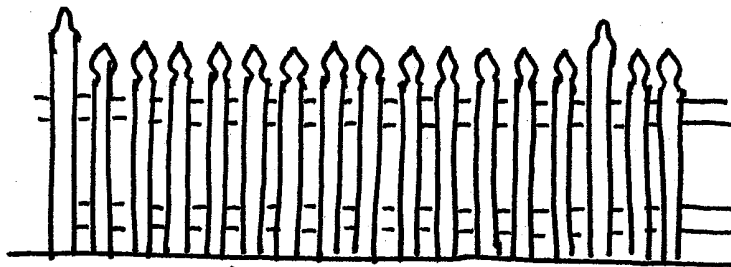




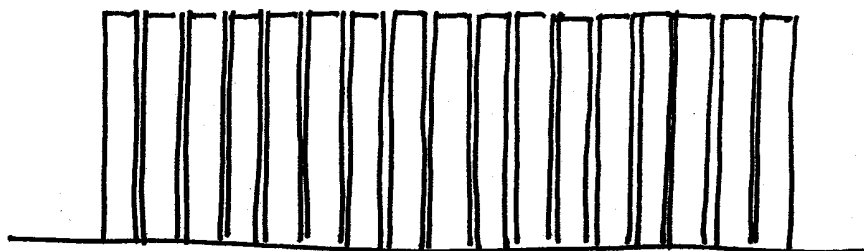
pipe rail and brick fence 1920-1940



brick and wire mesh 1920-1940



picket fence 1880-1920



paling fence 1880-1920

***Examples of traditional period fences***

**E1.5 Development requirements for heritage listed items**

The following controls apply to alterations and additions to heritage listed items identified in Schedule 5 of the Wellington LEP.

Council shall not grant consent to a development application unless it has made an assessment of the impact of the proposal on the heritage significance of the place, including historic, architectural, aesthetic, cultural, social, technological, landscape, archaeological or other features of the place including its setting.

Where significant impact may be affected to a heritage item or heritage Conservation Area, Council may request the applicant to provide a full Heritage Impact Assessment prepared by a suitable qualified person.

The objective of such requirements is to ensure that a building's historic significance, including style, character, scale, roof form and material use and finishes are appropriately managed and are sympathetic and/ or consistent when development is proposed.

### **E1.5.1 Building style and character**

All development should ensure that:

- Maintenance of contributory architectural and design elements of the item or its locality.
- Significant heritage attributes should not be compromised, dominated or detracted from (including style and character, form, detail, finish and setting).
- Additions to buildings should not appear larger or more dominant than the original building when viewed from the public domain.
- Extensions should respect the form, symmetry and location of the existing building.
- Additions and repairs should use traditional materials and techniques.

### **E1.5.2 Alterations and additions to significant elevations**

All development should ensure that:

- Additions forward of the building facade will generally not be supported unless they are of a minor nature, e.g. porches, pergolas and awnings and will not have an adverse impact on the significance of the item or the streetscape.
- Additions to the side of buildings should be set back from the facade by a minimum of 900mm. The front elevation of a listed building (and any other elevation considered significant by Council) should not be substantially altered except for:
  - restoring the facade to its original form, detail and condition;
  - removing previous alterations or additions that are unsympathetic or detract from the heritage significance;
  - minor alterations that are in keeping with the form, style and character of the place; and
  - general maintenance.

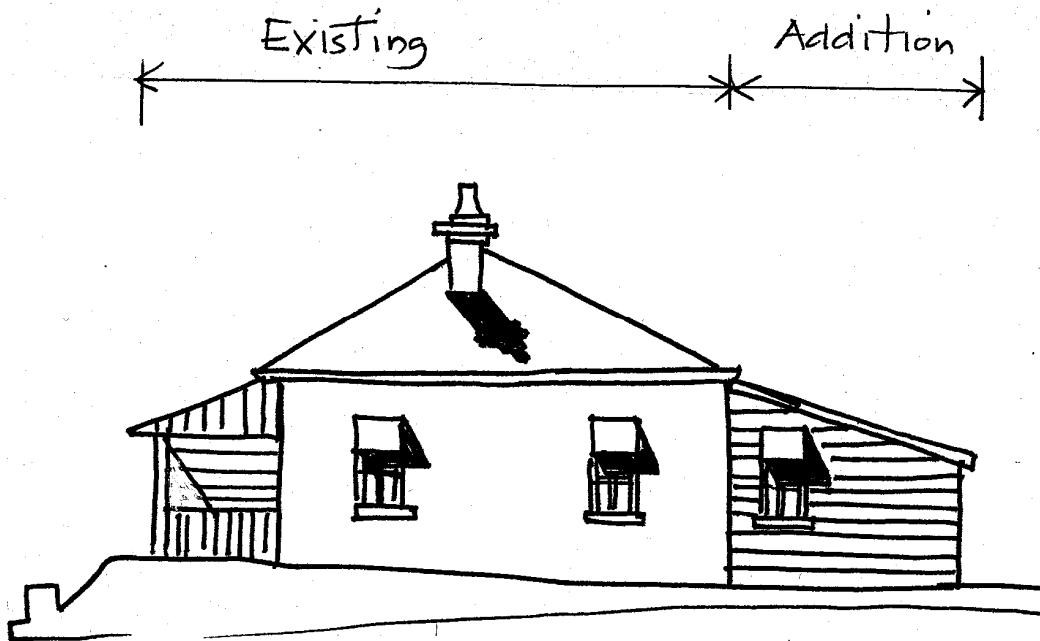
## **E1.6 Scale, Height, and Roof form**

### **E1.6.1 Building scale**

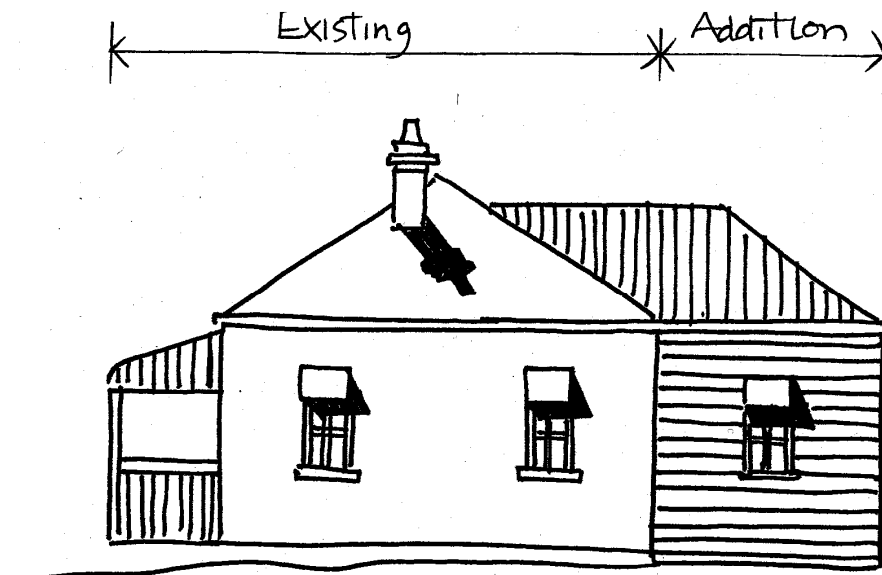
All development should ensure that:

- Extensions should appear to be of a lesser scale than the original.
- The height of extensions should be lower than the primary existing ridgeline.
- The vertical and horizontal scale of walls should be consistent with that of the existing building.

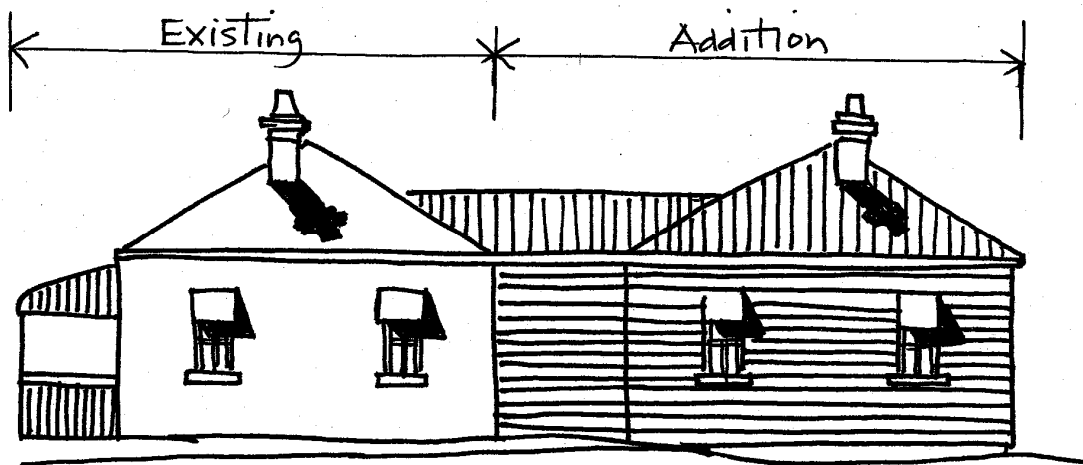
- Large additions or those of a differing scale should adopt the "pavilion" model of additions.
- The primary roof form should remain dominant with new additions set back and having lower ridge height.
- Large additions are often best done as a pavilion that is linked back to the original structure.



***Acceptable minor "lean to" addition***



***The primary roof form should remain dominant with the new additions set back and having lower ridge height.***



***Large additions are often best done as a pavilion that is linked back to the original structure***

### **E1.6.2 Height of additions**

Second storey additions to historic buildings are rarely if ever satisfactory in terms of retaining historic style and proportion. Two-storey additions will only be considered, if abutting an existing two-storey structure and Council is satisfied that the addition will not compromise the heritage significance of the item or the streetscape.

Extensions are to be a maximum of a single storey except where:

- new work will have minimal effect on the streetscape (including extensions sited behind an existing building and not readily visible above the ridge of the building when viewed from the public domain);
  - the extension is to an existing two-storey structure;
  - the extension consists of the creation of an attic within existing roof space;
- or

### **E1.6.3 Roof form, scale and material**

All development should ensure that:

- New roofs are appropriate to the style and period of the house.
- Extensions to existing roofs should not be higher than the original.
- Where possible, new roofs should utilise the existing pitch, form and material of the original roof.
- The pitch of skillions should be adjusted to the circumstances of the new extension.
- The scale of roof extensions should appear to be less than that of the original roof. The scale of large roofs can be reduced by the addition of extra hips and ridges.
- Garage roofs should have lower ridge and eave heights than the parent building.
- Council encourages owners to reinstate historic materials such as timber shingles, short sheets of corrugated galvanised iron and 'ogee' profile gutters particularly where photographic or other evidence indicates these were once used.

- Modern roofing profiles, such as 'Kliplock' and ribbed decking, should not be used where they will be visible from the public domain.
- Skylights should be located within the roof plane and preferably on roofs that are not readily visible from the public domain. Protruding skylights should not be readily visible from the public domain.
- Where possible, solar collectors and modern technological equipment should be located where they will not be readily visible from the public domain.
- Historic chimneys should not be removed unless they are structurally unsound and unable to be restored. Detail of this structural damage is to be provided to Council prior to any removal.

#### **E1.6.4 Garages and carports visible from the street**

Garages and sheds are generally located to the rear of historic properties.

- On listed buildings, fully-enclosed garages should not connect with the dwelling other than through a link.
- Where garages will be visible from the street they should preferably be located toward the rear of the property.
- Enclosed garages shall not be constructed forward of the dwelling.
- Garages and carports shall be of a smaller scale than the dwelling where visible from the street.
- Garage and carport design should be sympathetic to the period of the building, including roof pitch and roof and wall materials and shall not compromise the design or form of the original building.
- Prefabricated garages visible from the street shall have a minimum roof pitch of 25 degrees and shall not use modern profile ribbed metal cladding. Traditional mini-orb and custom-orb cladding are suitable.

### **E1.7 External features**

#### **E1.7.1 Walls**

All development should ensure that:

- Surviving weatherboard walls are maintained in situ.
- Weatherboards should not be replaced by brick veneer. The use of lightweight over-cladding systems over existing walls, such as plastic or metal 'weatherboards' is not appropriate.
- Brick walls should remain in original form (those that have never been painted or rendered should remain un-painted and un-rendered).
- Repairs to brick walls should be made using lime-rich mortar, not cement-rich mortars.
- New bricks should be chosen to blend with the colour and texture of any original brickwork.

#### **E1.7.2 Window and door openings**

All development should ensure that:

- Where appropriate, timber windows should be replaced with new timber windows of similar proportions and design.

- Where visible from the street, the original window and door arrangements within the wall should be retained, especially on the front elevation.
- For additions and alterations, windows and doors should reflect the external proportion and relationship to the wall as the original and be appropriate for the style of the building.
- Contemporary materials such as aluminium framing to windows are not appropriate for heritage buildings, unless in a contemporary styled extension or where the visual impact is traditional.

### **E1.7.3 Verandas**

Verandas are important components of historic buildings and streetscapes and their retention, restoration and reconstruction is encouraged. Reconstruction should be based on evidence and closely follow original proportions.

All development should ensure that:

- Original front verandas are to be retained in all new work.
- The reconstruction of lost verandas, based on evidence of the fabric or early photographs or drawings, is encouraged. If no evidence is available then reconstructions should be based on the original forms of similar buildings elsewhere in the town.
- Verandas should not be enclosed unless based on historical evidence.

### **E1.7.4 Finishes**

Finishes refer to the surface treatment of the building. The finishes are the visible face of the building and play an important part in its perception.

- Retention and maintenance of existing building finishes that contribute to historic character.
- Additions that abut or join onto historically finished buildings should not compromise the integrity of the original finish.
- Additions may be designed in an alternative material or finish.

### **E1.8 Adaptive reuse**

Adaptive reuse of a heritage building means allowing a substantial change in the type of use (e.g. conversion of an industrial heritage building into a residence).

Adaptive reuse can be considered if the proposal addresses the following guidelines:

- Adaptive reuse should only occur if the original use is no longer viable and the building survival will benefit.
- All significant fabric of the heritage item should be conserved.
- The original role of the building should remain apparent in its appearance post redevelopment.
- Where practical, new works should have the potential to be reversible so alternative future uses or a return to the original use are retained as physical options.

## E1.9

### Demolition

The demolition or partial demolition of a heritage listed item (not exempted) requires Council approval.

The demolition of heritage listed dwellings shall not be permitted except in exceptional circumstances, including where:

- Significant health and/or safety risk - The existing condition poses risk and is beyond reasonable economic repair. The application must include a professional structural or health assessment demonstrating that conservation is not a practical option.
- In the opinion of Council, the integrity of the built form and street elevations of an original building has been extensively and irreversibly diminished by unsympathetic alterations and additions.
- Except where a dwelling presents an immediate threat to public safety, the total demolition of an identified building shall not be permitted unless an application for a replacement building has been approved.
- Where in the opinion of Council, neglect of an identified building has contributed to it becoming structurally unsound so as to necessitate total demolition, redevelopment of the site shall not exceed the gross floor area of the identified building. Additions to the replacement structure shall not be permitted within 3 years of its completion.

The partial demolition of original external building fabric of identified dwellings shall only be permitted in the context of permitted alteration or additions.

Alteration to, or demolition of, internal building fabric of identified dwellings may be permitted, provided the external building fabric of the dwelling is not adversely affected.

Where demolition of a heritage item is unavoidable, Council will require the applicant to demonstrate evidence that all possible sound materials are salvaged and made available for reuse in other heritage buildings.



# WELLINGTON DEVELOPMENT CONTROL PLAN 2013

## PART TWO – SECTION F DEVELOPMENT REQUIREMENTS FOR STANDARD DEVELOPMENT TYPES



## **SECTION F – DEVELOPMENT REQUIREMENTS FOR STANDARD DEVELOPMENT TYPES**

### **F1 New residential development in urban zones**

Applications for permissible residential development must address the appropriate clauses of Section C in addition to this section.

The following sections are most relevant:

- Section B1 – Soil and water management
- Section C – Hazard minimisation requirements
- Section B5 – Ecologically sustainable development
- Section E – Heritage - if the land contains a heritage item, is in a heritage conservation area or within 100 metres of either
- Section B4 – Onsite waste management systems- if the land is not sewered.
- Section D4 – Landscaping - for developments of more than one dwelling.

#### **F1.1 Aims**

- To ensure quality “liveable” residential development throughout Wellington and its villages.
- To encourage a diversity of housing choice – especially to target growing needs for seniors accommodation, families and small household sizes.

#### **F1.2 Objectives**

- Encourage site responsive development which reflects the opportunities and constraints of individual sites and preserves or enhances its special qualities.
- Ensure development is consistent and compatible with the established streetscape and character and enhances the amenity of residential areas.
- To ensure the design, siting and height of residential dwelling houses, domestic outbuildings, swimming pools and spas achieve an appropriate level of amenity, privacy and solar access.

#### **F1.3 Other plans and controls that may apply**

The following NSW Government policies may also apply to specific residential development:

- NSW Housing Code;
- State Environmental Planning Policy (Exempt and Complying Development Codes 2008); and
- State Environmental Planning Policy 65 Design Quality of Residential Flat Development.

##### *Exempt Development*

The provisions of this plan do not apply to development that is classified as being exempt under SEPP (Exempt and Complying Development Codes 2008) or a ‘residential flat building’ under SEPP 65.

## **F1.4 Development requirements for single dwellings**

### **F1.4.1 Height**

Council has not specified a maximum building height, but any proposals to exceed 8 metres in height, measured from natural ground level or exceed 2 stories will require a detailed site analysis including potential overshadowing impacts on neighbours.

### **F1.4.2 Setbacks**

Council will consider flexibility in setbacks, however, the following development standards are recommended:

#### *Front setbacks*

- Zones R1 and R2 (new residential areas) – 6 metre front setback
- Zones R1 and R2 and RU5 (existing residential areas) – the average of the setbacks for the two adjoining lots.
- Zone R1 and R2 – corner lots – the secondary frontage setback can be reduced to 3 metres
- Zone R5 – 10 metres from the primary road frontage
- Garages must be setback a minimum of 5.5 metres from the primary or secondary frontage from which vehicle access is proposed, to allow private vehicles to park completely within the site.

#### *Side and rear setbacks*

- Zones R1 and R2 - a minimum of 900mm
- Zone RU5 – more generous setbacks apply, generally not less than 1.5 metres.
- Zone R5 – a minimum of 5 metres
- Where access is to be gained from a lane adjoining a rear boundary, the setback shall be 5.5 metres from the rear boundary for Zone R2 Low Density Residential or RU5 Village.

Note: All walls adjacent common boundaries must be setback and constructed of appropriate material to ensure compliance with the Building Code of Australia fire rating requirements.

### **F1.4.3 Private Open Space**

An area of private open space must be provided on site. The private open space must:

- be a generally flat area, directly accessible from a living space and no less than 20% of the total lot area, with a minimum area of 5 metres x 5 metres (25m<sup>2</sup>);
- preferably have a northerly aspect, and achieve at least 3 hours of direct sunlight on July 21 (the winter solstice); and
- areas used for driveways, car parking, drying yards and service yards are not included as private open space.

### **F1.4.4 Privacy**

Where possible, windows of all habitable rooms are not to be located directly adjacent to the windows or glazed openings of habitable rooms in the adjacent dwelling, such that direct overlooking is possible.

#### **F1.4.5 Vehicle access and parking**

- Garages should be no more than 50% of the dwelling house width.
- Garages should generally not be forward of the front building line.
- Vehicle access to the residential dwelling house must be designed and constructed such that:
  - public utility services and drainage infrastructure are appropriately accommodated;
  - they are sealed or have suitable treatment to Council satisfaction, to minimise any noise and dust generation.
  - Vehicle access must be consistent with the relevant requirements of AS2890.
  - Access for one dwelling house via right of carriageway is to be a minimum of 3.5 metres in width.
  - Shared access for two or more dwelling houses is to be a minimum of 5 metres in width.

#### **F1.4.6 Swimming Pools and Spas**

Any proposed swimming pool or spa should be located behind the front building line. Any decking or coping should be setback further from the boundary, equal to:

- Decking or coping less than 300mm above natural ground level should be setback one (1) metre from the rear and side boundary.
- Decking or coping more than 300mm above natural ground level should be setback three (3) metres from the rear and side boundary.

#### **F1.5 Development requirements for secondary dwellings, dual occupancy and multi dwelling housing**

Secondary dwellings, dual occupancy (attached or detached) are permissible in zones R1, R2, R5, and RU5. Multi dwelling housing is permissible in zones R1, R2, and RU5.

##### **F1.5.1 Site density controls**

- Detached dual occupancy and multi dwelling housing shall generally be on lots of area 1200m<sup>2</sup> or greater with at least 300m<sup>2</sup> for any dwelling.
- Attached dual occupancy shall generally be located on lots of 800m<sup>2</sup> or greater.
- Attached dual occupancies in areas of predominantly low density detached housing should present as a large single dwelling in terms of building form so as to improve visual amenity.
- In unsewered areas, dual occupancy and multi dwelling housing should not be placed on lots of less than 2000m<sup>2</sup> and only where adequate on site disposal can be proven to be feasible.

##### **F1.5.2 Private Open Space**

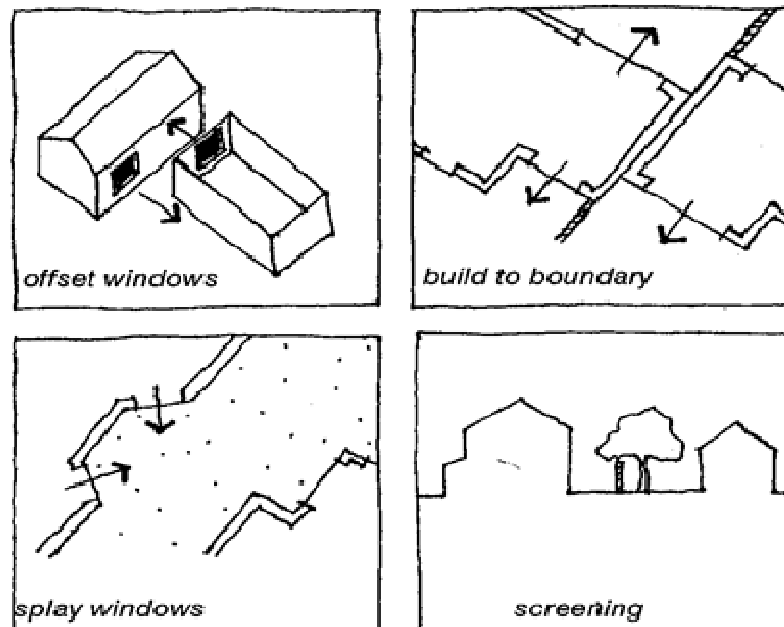
An area of private open space (not including driveways) must be provided on site. The private open space must:

- be a generally flat area, directly accessible from a living space and no less than 10% of the total lot area, with a minimum area of 5 metres x 5 metres (25m<sup>2</sup>);
- have a minimum landscaped area of 35% for each site;
- preferably have a northerly aspect, and achieve at least 3 hours of direct sunlight on July 21 (the winter solstice); and
- areas used for driveways, car parking, drying yards and service yards are not included as private open space.

### F1.5.3 Privacy

Buildings should be sited and designed to achieve visual and acoustic privacy for both the occupants and nearby residents by:

- Ensuring appropriate placement of windows, decks and external recreation space, including pools, having regard to the visual and aural privacy needs of the future occupants and neighbouring dwellings.
- An appropriate level of acoustic separation is to be provided.



**Ensuring adequate privacy for dwellings**

### F1.5.4 Site services

Prior to subdivision of dual occupancy or multi dwelling housing, Council will require evidence of separate sewer, water and stormwater services to each dwelling.

### F1.6 Development requirements for residential associated fencing

- Front fencing shall be a maximum of 1200mm in height when measured from natural ground level.
- Front fencing shall be of low construction compatible with the adjoining residential development.

- Side fencing forward of the building line shall generally be a maximum of 1200mm in height.
- Fencing should maintain consistency of style and materials with that of adjoining allotments.
- Side (behind the building line) and rear fencing shall be a maximum height of 1800mm.
- Additional requirements apply for fencing on sites with a heritage item, in a heritage conservation area or within 100 metres of either. See Section E1.4.4.

**F1.7 Relocation of existing dwellings and placement of new transportable dwellings in urban areas**

Council supports the use of these forms of housing provided there are appropriate controls to protect amenity of the neighbourhood and public services. See Section F3 for more details.

## **F2 New residential development in rural zones**

Rural dwellings can have significant impacts on the landscape and on professional agriculture.

Applications for permissible residential development must address the appropriate clauses of Section D in addition to this section. The following sections are most relevant:

- Section B1 – Soil and water management
- Section C – Hazard minimisation requirements
- Section B5 – Ecologically sustainable development

### **F2.1 Aim**

To ensure that dwellings in rural zones are compatible with rural landscapes and do not reduce the agricultural viability of such land.

### **F2.2 Objectives**

- Encourage dwellings and outbuildings to be located in clusters.
- Encourage energy efficient dwellings.
- Ensure adequate servicing for rural dwellings.
- Ensure adequate buffers and protection of farming rights.
- Respect heritage values, where heritage items are impacted by development.

### **F2.3 Development requirements**

#### **F2.3.1 Building and site design**

- Avoid prime productive lands and ensure the buffer requirements between a dwelling and professional agriculture as specified in Section D2.4.5 are met.
- Avoid prominent hill and ridgeline locations especially where alternative, more suitable locations are available.
- Locate dwellings either within a predetermined building envelope, or in a location that is suitable for construction, being free from contamination, flooding, and capable of accommodating an onsite sewage management system.
- The scale, footprint and height of dwellings is to be such that buildings recede in to the landscape and do not distract from skyline views or views that are part of the visual backdrop of the area.
- Orientate dwellings to maximise the northern aspect of living areas.
- Materials and finishes are to be non-reflective. Low intensity colours (lighter tones) are generally preferred.
- Dwellings should not be seeking to make a “statement” but should aim to recede into the landscape.
- Outbuildings are to be located close to the main dwelling and to the rear when viewed from the nearest road so as to appear as a ‘homestead group’ of buildings.

- Driveways are to follow natural contours where possible. Avoid unreasonably steep and visually intrusive driveways.

### **F2.3.2 Water supply**

Each rural dwelling is to have access to not less than 90,000 litres of rainwater storage. Council may reduce this requirement where it can be demonstrated that the roof catchment is insufficient or that significant bore or dam supply is close to the dwelling and is proposed to be used as an alternative.

### **F2.3.4 Bushfire**

All rural dwellings need to comply with the requirements of Planning for Bushfire Protection as detailed in Section C1.

Each dwelling is to have access to a dedicated storage of not less than 20,000 litres for bushfire protection as detailed in Section C1.

### **F2.3.5 Dual occupancies in rural zones**

Dual occupancies perform a valuable part of housing choice, but are not permitted for separate ownership to the principle rural dwelling. To ensure this requirement is met dual occupancies must:

- be situated on the same legal title as the principal farm dwelling;
- share the same road access, power and communication infrastructure as the principal farm dwelling;
- be located within reasonable proximity to other farm buildings (e.g. within 300m); and
- be appropriately separated from farm boundaries and potentially conflicting land uses (e.g. intensive livestock operations, livestock yards, dairies and the like - see Section D2.4.5).

## **F2.4 Moveable dwellings in rural zones**

Council supports the use of these forms of housing provided there are appropriate controls to protect amenity of the neighbourhood and public services. See Section F3 for more details.

### **F3 Moveable dwellings (Transportable, Manufactured and Relocatable dwellings)**

The use of moveable dwellings can be a cost effective method of developing housing and increasing diversity of choice and affordability.

#### **F3.1 Aims**

- To promote the use of moveable dwellings in suitable locations, where they can be demonstrated to provide affordable housing options, without impacting existing streetscapes.

#### **F3.2 Objectives**

- To facilitate the option of using cost effective dwellings where appropriate.
- To ensure the residential standards and amenity of the neighbourhood are protected by ensuring completion and adequate presentation of transported dwellings.

#### **F3.3 Development requirements**

Council encourages the placement of new transportable and manufactured homes in the urban zones. Relocated dwellings are not preferred in urban zones. All forms of moveable dwellings are permitted in rural zones.

All applications for moveable dwellings must include:

- A Development Application for placement of such dwelling on residential land.
- A Section 68 Approval is required for the placement of the dwelling including details of appropriate construction techniques.
- The front of the dwelling should be orientated toward the primary street frontage.
- A subfloor curtain shall be provided to obscure the footing from public view.
- A landscape sketch is to accompany the development application to ensure appropriate landscaping is established within three (3) months of placement.

In addition to the above standard requirements, any transportable dwelling requires:

- Certification that the dwelling has been constructed in accordance with the BCA is to be provided prior to the transportation of the dwelling. If the dwelling is not 'new' an engineer's certificate is required, noting structural adequacy.

Furthermore, any relocated dwellings require the following information to accompany the development application:

- Include photos and plans of the building to be relocated including a report by a qualified structural engineer as to the integrity of the building and methods of cut, relocation and reassembly.
- Provide certification from a qualified hygienist that the relocated dwelling is free from asbestos, prior to the issue of the Construction Certificate. Any dwelling containing asbestos is not permitted to be relocated within the Wellington Local Government Area without prior development consent.



- Be conditioned to ensure the building is completed promptly to a satisfactory standard. Generally, 18 months will be allowed for completion of the dwelling from time of site placement.
- Include a road haulage plan or statement in the DA that defines the route of haulage within the Shire, identifies any narrow sections or other haulage hazards and includes evidence the electricity authorities have been consulted.
- Council may require a bond to ensure the above requirements are adequately effected and to address any damage to public infrastructure.

#### **F3.4 Temporary residential accommodation**

Subject to this clause, Council may allow temporary accommodation on land to assist the owner establish the permanent accommodation. Requirements for Temporary accommodation:

- There must be a development consent issued for the same parcel of land for a permanent dwelling.
- Access, waste disposal and sewerage disposal facilities must be approved by Council before occupation of the temporary accommodation.
- The period of temporary accommodation cannot exceed 2 years and the applicant must demonstrate progress on the permanent dwelling each year to Council's satisfaction.

In rural areas, a possible alternative to temporary accommodation is to have a development application approved for a dual occupancy and build the smaller dwelling first. Then the use of the smaller dwelling is permanent.

## **F4 Industrial development**

These requirements apply to industrial developments in the IN1 and IN2 zones.

### **F4.1 Aims**

- To encourage the location, and co-location of appropriate industrial business within the Wellington Local Government Area.

### **F4.2 Objectives**

- Promote consistency, architectural quality and design innovation in industrial developments.
- Promote attractive and functional industrial development within quality, designed landscapes.
- Ensure appropriate setbacks between buildings.
- Encourage co-location of industrial land uses.
- Encourage light industry close to residential development, minimising potential impacts.

### **F4.3 Development requirements**

#### **F4.3.1 Development incentives**

Council places considerable importance on attracting appropriate industries to the area.

Incentives may be considered for genuine employment generating businesses expanding or locating to Wellington LGA. Incentives are provided at the discretion of Council and include:

- Deferral or waiving of Council fees and charges (whole or partial).
- Deferral or staging of development requirements e.g. service provision

#### **F4.3.2 Building design**

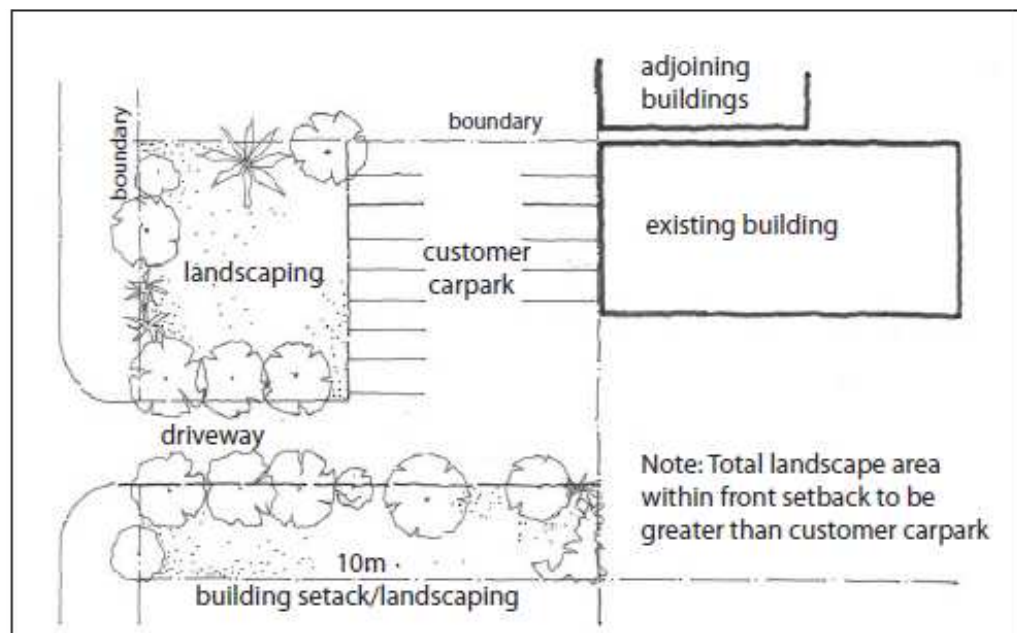
Contemporary architecture and design innovation is encouraged. Industrial developments should be designed to:

- Minimise blank walls and blank facades, especially on front elevations. Articulation of walls, fronting a street, should occur every 25 metres.
- Use non-reflective materials and finishes.
- Combine materials and finishes to achieve innovative design outcomes.
- Full sheet metal fencing is not encouraged forward of the building line. Where fencing is required at the property boundary or in front of the building line, it should be an open style fences, with a maximum of 1.8m in height. Landscaping should complement any front street fencing.
- Provide screening where materials are to be stored within view of a public road. The screening can either be plantings, or a decorative feature wall.
- For larger developments, the preparation of an overall site master plan is encouraged.

#### **F4.3.3 Setbacks**

Setbacks for industrial development:

- Front setbacks are a minimum of 7 metres from the front boundary.
- Side and rear setbacks determined in accordance with the Building Code of Australia.
- The front setback area is to be landscaped. Up to half the setback area may be used for site access and parking provided the landscaping provides satisfactory screening (see diagram below).
- Sites with a secondary frontage are required to provide an appropriate amount of landscaped area to the secondary street frontage.
- Awnings may project into the front setback to a maximum depth of 2 metres. The awning is to be designed as an integrated element of the facade.



**Setbacks and landscaping for industrial developments**  
(Acknowledgement Wagga DCP)

#### F4.3.4 Development near residential uses

Industrial sites that are close to residential areas should be designed to avoid impacts on residential amenity.

These controls apply to sites that adjoin or are opposite to residential zoned land. Industrial developments should be designed to:

- Orient buildings away from the residential land and minimise openings towards the residential boundary, reducing noise transmission. Noise attenuation measures may also be required.
- Provide a 3 metre landscape buffer along any common boundary, adjoining residential development.
- Maintain sunlight to 40% of the private open space area of any adjoining residential property for a minimum period of three hours between 9am and 3pm at the winter solstice.
- A site management plan may be required where extended out of hours activity are likely to occur outside an enclosed building. Limits may be placed on hours of operation

- Night lighting should be directed downward so as to not over illuminate residential developments.
- Generally only light industry will be considered in close proximity to residential zoned land.

#### **F4.3.5 Landscaping**

The general external appearance of industrial development should conform to the requirements of Section D4 of this DCP.

## **F5 Outdoor dining in public areas**

Outdoor eating requires development consent. If it is located on public land, a Local Government Act Approval and annual licence fee under Section 68 may also be required.

### **F5.1 Aims**

- To provide guidelines for implementing and maintaining outdoor dining areas to ensure that adjoining premises and pedestrians are not adversely affected.

### **F5.2 Objectives**

- Encourage outdoor dining in the Town Centres and create opportunities for outdoor eating.
- Balance the needs of pedestrians with outdoor diners without creating a safety hazard.
- Establish the requirements for a consistent standard of operation of outdoor dining areas in public areas.

### **F5.3 Development requirements**

Any application for outdoor dining must satisfy the following:

- Provide a 2 metre wide clear pedestrian passage from outdoor dining structures to the kerb at all times.
- Outdoor dining areas can only operate in conjunction with an existing lawful premise.
- Maintenance of a public risk insurance policy (minimum sum insured against - \$20 million).
- The consumption of alcohol is prohibited unless licences under the Liquor Act are granted and the issue is assessed in the development application.
- Site to operate in accordance with the requirements of the Food Act 1989 and associated Regulation.
- Tables and chairs are to be located adjacent to the premise. Chosen furniture should be suitable for outdoor use and sympathetic to the streetscape.
- Furniture to be stored within the premises in a tidy manner when the outdoor dining area is not in operation.

## **F6 Tourism development in rural zones**

These provisions specifically deal with bed and breakfasts, farm stay accommodation and eco-tourism accommodation.

The criteria established in this section are not exhaustive, and Council may also require additional information to address issues under section 79C of the *Environmental Planning and Assessment Act 1979*. It is recommended that you discuss your proposal with Council staff at an early stage to identify any other issues that are not specifically covered in this section of the DCP.

Applications for permissible tourist development must address the following sections in addition to this section:

- Section B1 – Soil and water management
- Section C – Hazard minimisation requirements
- Section B5 – Ecologically sustainable development
- Section D3 – Accessibility.
- Section D6 –Advertising - if you are contemplating a sign.

### **F6.1 Aims**

- To provide assistance for people interested in establishing tourist style accommodation for the public.

### **F6.2 Objectives**

- To ensure that bed and breakfasts, farm stay accommodation, eco-tourism accommodation and caravan parks respond appropriately to their context and do not result in adverse impacts to occupants or to the use and enjoyment of adjoining land.
- To ensure that tourist facilities and accommodation provide services and facilities to meet the demands of the development, including access and car parking.
- To ensure that all persons have access to accommodation, including those persons with a disability.
- Ensure that food storage and meal preparation areas and processes are conducive to the preparation and consumption of food which is safe for guests.

### **F6.3 Development requirements**

#### **F6.3.1 General requirements**

- Provide agricultural buffers in accordance with Section D2.4.5 of this DCP.
- Tourist development should be designed and sited having regard to existing or potential agricultural uses on adjoining properties.
- For caravan parks, no amenity buildings shall be closer than 10 metres from any boundary or unless it is satisfactorily screened.
- For caravan parks, no sites or camp sites may be closer than 3 metres from the park boundary and is to be satisfactory screened.

### **F6.3.2 Car parking and access**

- Provide on-site car parking facilities at one space per cabin/suite. An area for overflow parking should also be considered if cabins or the like have more than one bedroom.
- Provide a single access point to a Council maintained road.
- Design and construct the internal access roads in accordance with relevant AUSPEC criteria based on predicted traffic flows sourced from the RMS Guidelines for Traffic Generating Development, or in accordance with civil engineer certified design. Areas that are designated bushfire prone will need to ensure that the access complies with the NSW Rural Fire Services publication, Planning for Bushfire Protection 2006.
- Access to accommodation facilities is to be flood free, and suitable for its intended use to accommodate a two-wheel drive vehicle in all weather conditions.

### **F6.3.3 Facilities and services**

- Where connection to Council's reticulated sewer system is unavailable, the accommodation shall provide an appropriately designed and sized on-site wastewater treatment system to comply with the provisions of Section B.4 of this DCP.
- Where connection to Council's reticulated water system is unavailable, the accommodation shall provide an appropriately designed and sized water supply and treatment system. Reference to compliance with the NSW Health guidelines for water quality will be required where on-site water supply is to service the development.
- Provision must be made for disabled people in all new accommodation forms. Council encourages provision of access for persons with a disability for all existing accommodation which is proposed to be upgraded or expanded and which is currently not provided with suitable facilities. (e.g. reasonable compliance with Australian Disability (Access to Buildings) Standard 2010).

### **F6.3.4 Health requirements**

- Any kitchen used for the preparation or storage of guest's food is to comply with the requirements of the Food Act and the National Food Standards Code 3.2.2 and 3.2.3.
- Garbage storage areas for collection are to be located remotely from other site facilities, be well screened from public view and not sited in close proximity to any kitchen facilities.

## **F7 Business development in rural zones**

Council recognises that some parts of the rural zones are appropriate for a range of rural based businesses.

Council is supportive of attracting appropriate business to the Shire and may consider incentives to assist secure employment generating businesses such as:

- Deferral or waiving of some Council charges and fees.
- Deferral or staging of requirements to provide services, etc.
- In cases of significant employment benefit Council may consider contributing to supporting infrastructure “off-site”.

Generally, the Environmental Protection Zones are inappropriate areas for business activity with most uses beyond extensive agriculture prohibited.

Applications for permissible business development must address the appropriate clauses of Section D in addition to this section.

### **F7.1 Aims**

- To encourage, where considered appropriate, rural business development.

### **F7.2 Objectives**

- To locate businesses where hazards (including bushfire, flood and karst) can be avoided or minimised.
- To ensure adequate servicing is provided to sites for business.

### **F7.3 Development requirements**

#### **F7.3.1 Rural industries**

Rural industries are permitted in the following zones: RU1 and RU4. Development for rural industries should:

- Have direct access to sealed public roads with access standard complying with RMS standard for Heavy Rigid Trucks.
- Avoid areas of scenic amenity.
- Demonstrate a good capacity for waste management.
- Generally, level to gently sloping well drained land with soil types conducive to the activity.

#### **F7.3.2 Other Industries**

Most business activities not related to agriculture are prohibited in the rural and environmental protection zones. Consult the LEP to resolve which activities are permissible.

Home businesses and home industries are permissible in most rural zones and the E3 zone. This scale of business can be exempt development if it can address all the exemption criteria of the SEPP (Exempt and Complying Development Codes). But where the exemption criteria cannot all be met, development consent must be sought from Council.



### **F7.3.3 Intensive agriculture**

The LEP allows intensive livestock agriculture and intensive plant agriculture in the RU1 zone and intensive plant agriculture in the RU4 Zone.

Existing residential development is to be protected by buffers as defined in section D2.4.4, with such buffers being within the development site.

Intensive agricultural development will generally be sited in excess of 200 metres from any flood plain or perennial stream and 50 metres of any drainage line not controlled by the development drainage system.



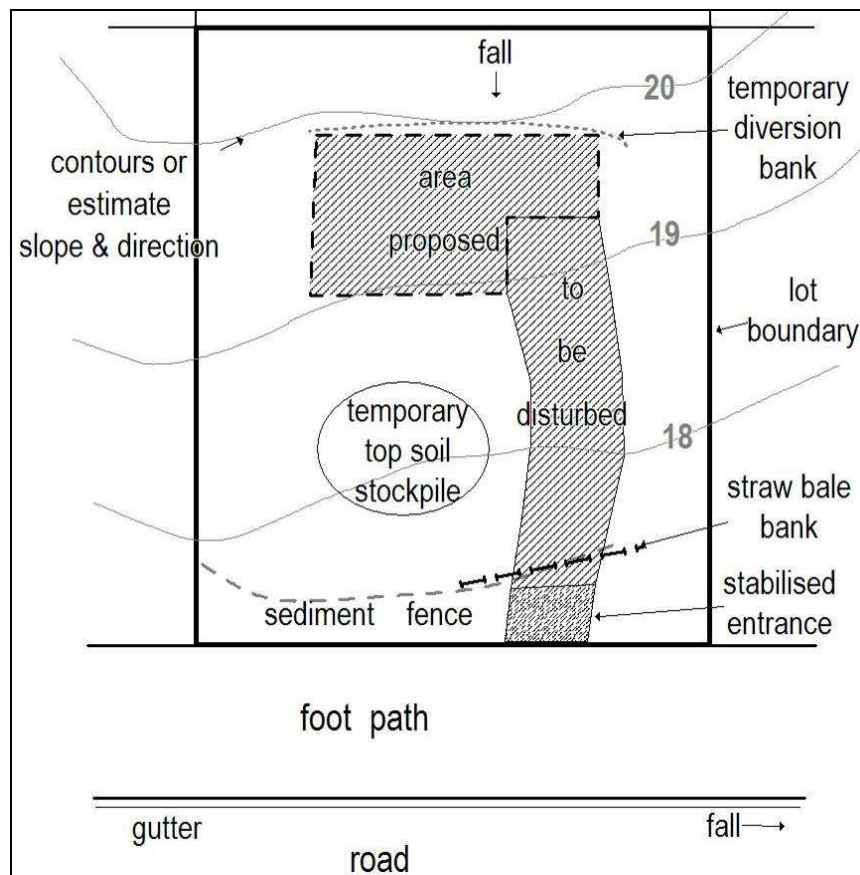
# WELLINGTON DEVELOPMENT CONTROL PLAN 2013

## PART THREE – SECTIONS G - K ADVISORY NOTES AND GUIDES

## G Erosion and Sediment Control Plans

### G1 Basic Plan

A basic erosion and sediment control plan should detail the following:



A basic plan should address the following points:

- All sediment control measures are to be installed prior to commencement of work on the site. The measures are to be maintained in workable condition until construction and site stabilisation (landscaping) measures are completed.
- Vehicle entrance admittance onto the site shall be via a single identified site access. This access is to be stabilised by blue metal, gravel or similar materials during wet conditions. This will prevent erosion by concentrated run-off and minimise tracking of mud from the site on to the road.
- Temporary fencing is to be installed along the boundary adjoining roadways to prevent vehicles by-passing the designated driveway access.
- Locate stockpiles so that the material is wholly within the property boundary and not in a position where it can be washed into the gutter or roadway.
- Coverage of stockpiles should be provided to prevent loss by wind erosion, unless the material is too coarse to be wind-blown (e.g. coarse sand).

- Sediment fencing must be provided down slope of all stock piles. Where the catchment exceeds 2 hectares, a diversion bank/fence must be constructed immediately upslope of all stockpiles.
- Disturbed areas are to be stabilised. Disturbed areas should be treated with seeded topsoil or turf as quickly as practically possible, after completion of site works.

## **G2 Detailed Soil and Stormwater Management Plan (SSMP)**

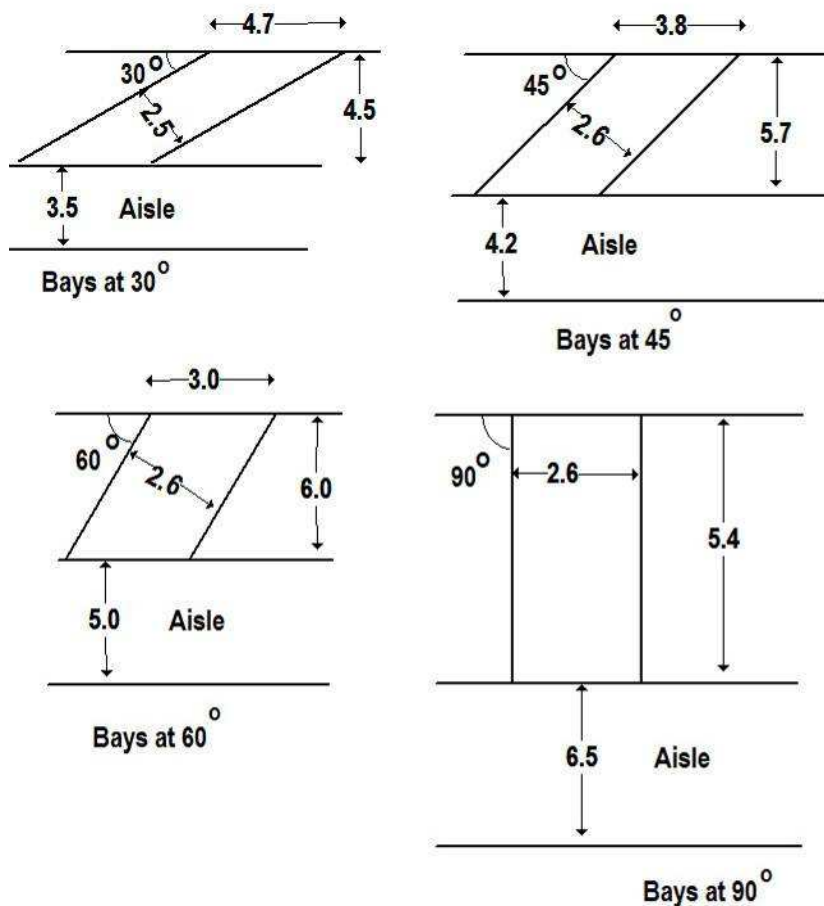
The SSMP should be similar to the basic erosion control plan, with the following additional details included:

- locality of the site, north indication and scale;
- existing contours with catchment boundaries;
- description and location of vegetation;
- staging of works to minimise disturbance;
- movement of water onto, through and off the site;
- location of specific controls;
- maintenance of the controls;
- rehabilitation/maintenance of the works area; and
- location of topsoil stockpile to be reused on site.

## H Carparking requirements

### H1 Carparking design standards

Parking spaces should be designed in accordance with Australian Standard 2890.1 and 2890.2 except for the dimensions of car parking spaces, where Council seeks more generous dimensions as specified in the sketch below.



Car parking for disabled persons shall be provided for all developments where disabled access to the building is required. Parking spaces for disabled persons should have a minimum dimension of 5.4m by 3.2m and be located as close as practicable to the main entrance of the building.

A minimum of one disabled access parking space is to be provided per development.

The minimum vertical clearance for car parking areas is 2.3m. A larger vertical clearance may be required for the provisions of delivery vehicles and the like.

Any car parking matters not considered in this section shall be provided in accordance with "Policies, Guidelines and Procedures for Traffic Generating Development" from the Roads and Maritime Services of New South Wales.

### H2 Schedule of car parking requirements in business and industrial zones

Schedule 1 defines parking standards for a number of uses, which are the most frequently encountered. Council reserves the right to define a requirement for uses not referred to in the Schedule according to the merits of the specific case.

Schedule 1 only applies to development in existing business and industrial zones, Council will use this Schedule as a guide for commercial development in other zones.

Definitions of land uses and terms are contained in the dictionary of Council's Local Environmental Plan.

### Schedule 1: Car parking requirements in business and industrial zones

Land use		Car Parking Requirements
<b>Bed and breakfast accommodation</b>		1 parking space per guest bedroom plus 1 resident parking
<b>Boarding house / Group home</b>		1 parking space per bedroom / dwelling 1 bicycle storage space per bedroom
<b>Bulky goods premises</b>		1 parking space per 50m <sup>2</sup> gross floor area
<b>Caravan Park</b>		1 parking space per van site 1 visitor parking space per 10 sites
<b>Child care centre</b>		1 parking space per every 8 children in attendance Provision of a safe set-down and pick-up area is to be provided. If this is provided on site consideration must be given to the safe ingress and regress as well as manoeuvring of vehicles on the site.
<b>Commercial development – including business, office and retail premises</b>	<b>Car spaces</b>	1 parking space per 25m <sup>2</sup> gross floor area ground floor, 1 parking space per 40m <sup>2</sup> gross floor area above ground floor except for retail which shall be 1 space for 25m <sup>2</sup>
	<b>Bicycle parking in major commercial development*</b>	1 space per 200sqm of gross floor area * applies to new development or redevelopment of an existing building involving more than 1000m <sup>2</sup> of total floor space
<b>Community facilities</b>		Treat on merits – normally there should be spaces for 1/5 of the patron capacity of the facility.
<b>Dwellings</b>		1 parking space per dwelling of 3 bedrooms or less  2 parking spaces per dwelling of four or more bedrooms
<b>Educational establishment</b>		Schools – 1 parking space per 20 students in year 12, plus 1 parking space per 30 students for visitors, plus one parking space per 20 students for staff parking Tertiary institutions – 1 parking space per employee, plus 1 parking space per 10 students, plus 1 parking space per 10 seats in assembly hall
<b>Health consulting rooms / medical centre</b>		3 parking spaces per professional consulting room
<b>Hospital</b>		1 parking space per 3 beds, plus emergency vehicle parking

Land use		Car Parking Requirements
Hotel or motel accommodation	Accommodation	1 parking space per unit plus 1 parking space per 10 units for employees
	Restaurant	1 parking space per 25m <sup>2</sup> gross floor area
	Function room	1 parking space per 5 seats
Industry	General	1 space per 100m <sup>2</sup> gross floor area with a minimum of 3 spaces per premise
	Multiple occupancy	A minimum of 3 parking spaces, otherwise 1 parking space per 50m <sup>2</sup> gross floor area or 1 parking space per 2 employees, the greater figure shall be provided
Information and education facility		Assessed on merit. As a minimum 1 space per staff member
Landscape and garden supplies		Assess on merits
Place of public entertainment / community facility / function centre/ place of public worship etc.		1 parking space per 4m <sup>2</sup> of assembly area or 1 parking space per 10 seats, whichever is greater
Pub		As per Clubs, plus accommodation – 1 space per unit
Registered club		<p>1 parking space per 10m<sup>2</sup> of public area for auditoriums/function room/beer garden  1 parking space per 30m<sup>2</sup> gross floor area for Dining.  1 parking space per 4m<sup>2</sup> public area of a Bar/Lounge  1 parking space per 4m<sup>2</sup> public area for Gaming (net of fixtures)</p> <p>Notes:  * Provision should be made for emergency vehicles i.e. ambulance, police, fire, to gain ready access to club.  * Provision should be included for courtesy bus parking.  * Assessment of car parking requirements for registered clubs and related licensed premises will be open to a merit review by Council and discount below code where pooling of uses within the club or licensed premises can be shown and where the premises proposes to provide a formal and regular bus service for patrons to Council's satisfaction.</p>
Restaurants		1 parking space per 25m <sup>2</sup> gross floor area
Rural industry		Assess on merits
Seniors housing		Minimum car parking provisions shall be in accordance with State Environmental Planning Policy (Seniors Living).
Service stations	Spare parts & convenience retail	1 parking space per 25m <sup>2</sup> gross floor area
	Restaurants & Fast food	1 parking space per 10m <sup>2</sup> gross floor area

Land use	Car Parking Requirements
Take away food and drink premises	1 parking space per 10m <sup>2</sup> of service area (public), plus 1 parking space per 25m <sup>2</sup> gross floor area of seated restaurant.

### H3 Schedule of car parking requirements for residential development

Note: See Schedule 1 for car and bicycle parking requirements for dwellings in B2 zones.

#### Schedule 2: Car and bicycle parking requirements for residential development

Land use	Car / Bicycle Parking Requirement
Secondary dwellings	No additional parking required
Dual occupancy / Multi dwelling housing	2 parking spaces per dwelling
<b>Residential flat buildings</b>	
1 bedroom	1 parking space per dwelling plus 1 visitor space per for every 4 dwellings or part thereof
2 – 3 bedrooms	2 parking spaces per dwelling plus 1 visitor space per for every 4 dwellings or part thereof
4 bedrooms	3 parking spaces per dwelling plus 1 visitor space per for every 4 dwellings or part thereof
4+ bedrooms	1 additional parking space per 4 dwellings plus 1 visitor parking space per for every 4 dwellings or part thereof
Bicycle storage	1 per 3 dwellings



## I New uses for existing buildings – Change of use

Continued economic and social use of existing buildings is both important for the economy of regional towns and for the conservation of the existing building stock.

As such Council encourages appropriate use of existing buildings and applications for changes of use where the new use suits the building, zone objectives and neighbourhood.

Many changes of use for existing buildings do not require any development approval. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 at Subdivision 10A, lists the use changes and requirements that apply for the use change to be exempt from the need for development consent.

The exemption provisions are complex and people proposing to change the use of a building should consult Council planning staff to see if a DA is required and if the new use is permissible in the zone.

Where a Development Application is required, the following checklist should be used to refine the matters to be included in the application:

### **Describe your change of use**

- Carefully describe the existing and proposed uses.
- Advise if the floor area used will change.
- Advise if you will be erecting or painting new advertising signs.
- Advise if you will be making physical alterations to the building.

### **Potential issues**

- *Is the Building a Listed heritage item?*

If yes, Section E will need to be complied with to the extent the use proposes any physical change to the Building.

- *If no, is the building in or within 100 metres of a heritage conservation area?*

If yes, then Section E needs to be addressed, as relevant.

If no is the answer to all the above or there is no physical work on the building then there is no heritage assessment needed for the change of use.

- *Are new advertising signs proposed?*

If yes Section D6 will need to be complied with to the extent of addressing the types of sign proposed. Additional considerations apply to signs on heritage items or in heritage conservation areas.

- *Will the new use increase the floor area over the former approved use?*

If yes then issues such as car parking (Section D1) and Accessibility (Section D3) may need to be addressed.

## **J Small scale subdivision**

Much subdivision in the Shire is of small scale and often with minor impacts. A less complex DA is needed for small scale subdivision but consultation with a registered surveyor is still advisable. Small scale subdivision should meet the following requirements:

- No new roads required and direct access to a developed Council road.
- Not more than 3 lots in total.
- No extension of a Council sewer or water main.

Development applications that meet these requirements should include the following:

A plan containing the following:

- location, boundary dimensions, site area and north point;
- details of the existing and proposed subdivision pattern (including the number of lots, dimensions, areas and location of roads);
- extent of existing native vegetation on the land;
- location and uses of existing buildings on the land;
- existing levels of the land (contours from available mapping or site survey);
- location and uses of buildings on sites adjoining the land (where likely to be affected by the development);
- existing sewer and water mains (serviced areas only);
- access point and standard to Council road for each lot;
- on-site sewage management area in accordance with Section B4 (only in non-sewered areas);
- location of waterways with appropriate setback widths from any Riparian Corridor; and
- location of lands with a slope greater than 18 degrees.

Rural small scale subdivision should as a minimum address the following clauses:

- Section B1 – Stormwater and erosion - if site works are required.
- Section C1 – Bushfire - if the land is mapped by Council as bushfire prone.
- Part 1 Section D2.4.5 – Agricultural buffers - rural lots where existing agricultural uses are within the buffer specified in Table 2.
- Weeds - rural lots where noxious weeds are present on the land to be subdivided.

Urban small scale subdivision should as a minimum address Section D2.3, to the extent relevant to the proposal.