

Gilgandra Shire Development Control Plan 2011







Contents

1.	1. Introduction		1
	1.1	Name of the Plan	1
	1.2	When the Development Control Plan came into Effect	1
	1.3	Where this Development Control Plan Applies	1
	1.4	Purpose of the Development Control Plan	1
	1.5	Relationship with other plans and policies	1
	1.6	Definitions	1
	1.7	Savings and transitional provisions	2
2.	Sub	mitting an Application	3
	2.1	Is a development application required?	3
	2.2	Submitting a Development Application	4
3.	Noti	fication	7
	3.1	When is notification required?	7
	3.2	Notification process	7
	3.3	Costs of advertising	8
	3.4	Making Submissions	8
	3.5	What happens when an application has been determined?	8
4.	Site	and Context Analysis	9
	4.1	Requirements for submitting a development application	9
	4.2	Site considerations	9
	4.3	Site analysis plan	10
	4.4	Context related information	10
5.	Sub	division	12
	5.1	General requirements for subdivision	12
	5.2	Residential subdivision	16
	5.3	Industrial subdivision	17
	5.4	Subdivision plan information requirements	17
6.	Rura	al Zones	19
	6.1	Intensive agriculture and rural industries	19
	6.2	Offensive, heavy and hazardous industries and storage	20
	6.3	Extractive industries	20



7.	Res	idential Development	24
	7.1	Rural dwellings	24
	7.2	General residential housing	25
	7.3	Dual occupancy	28
	7.4	Multi dwellings	28
	7.5	Outbuildings	30
	7.6	Moveable dwellings	30
8.	Busi	iness Development	31
	8.1	Where do these sections apply?	31
	8.2	Building setbacks	31
	8.3	Design	31
	8.4	Outdoor lighting	31
	8.5	Post supported verandahs and balconies	31
	8.6	Heights	31
	8.7	Utilities and services	32
	8.8	Traffic and access	32
	8.9	Pedestrian access and mobility	33
	8.10	Signage	33
	8.11	Public domain	33
	8.12	Solar access and overshadowing	33
9.	Ente	erprise Corridor	34
	9.1	Where do these sections apply?	34
	9.2	General	34
	9.3	Buffers	34
	9.4	Siting and streetscape	34
	9.5	Building setback	34
	9.6	Access	35
	9.7	Design	35
	9.8	Safety	36
	9.9	Odour / dust emissions	36
	9.10	Noise and vibrations	36
	9.11	Rainwater tanks	36
	9.12	Chemical substances	36



10.	Indu	strial Development	37
	10.1	Building setbacks	37
	10.2	Design	37
	10.3	Storage areas	37
	10.4	Landscaping requirements	38
	10.5	Car parking	38
	10.6	Access and manoeuvring requirements	38
	10.7	Motor vehicle repair workshops	39
	10.8	Fencing	39
	10.9	Industrial development adjoining a residential development	39
	10.10) Retailing in industrial areas	39
	10.11	1 Lighting	39
	10.12	2 Noise and vibration	40
	10.13	3 Amenity, odour and pollution control	40
11.	Indię	genous Heritage	41
	11.1	Relevant legislation	41
	11.2	General controls	41
12.	Non	- Indigenous Heritage	43
	12.1	Land to which this applies	43
	12.2	Relevant legislation and polices	43
	12.3	Heritage impact statement	43
	12.4	Conservation management plan	44
	12.5	Responsibilities of an owner or applicant	44
	12.6	Demolition of a heritage item	44
	12.7	General controls	45
	12.8	Alterations and additions	45
	12.9	Verandahs and balconies	45
	12.10) Signs	46
	12.1 <i>°</i>	I Development near heritage items	46
	12.12	2 Heritage conservation area	46
	12.13	3 Infill development	46



13.	Bed and Breakfast / Farm Stay Accommodation	48
	13.1 General	48
	13.2 Guest rooms	48
	13.3 Health	48
	13.4 Fire safety	49
	13.5 Car parking	49
	13.6 Food preparation	49
	13.7 Conflicting land uses	49
14.	Car Parking	50
	14.1 Integrated development	50
	14.2 Adoption of other standards and guidelines	50
	14.3 Car parking provisions	51
	14.4 Disabled access	51
	14.5 Industrial areas	52
	14.6 Standards	52
15.	Advertising	56
	15.1 General requirements	56
	15.2 Design and safety	56
	15.3 Illuminated signs	56
	15.4 Fascia signs	56
	15.5 Flush wall signs	57
	15.6 Awning signs	57
	15.7 Roof signs	57
	15.8 For pole and/or pylon signs	58
	15.9 Free standing signboard	58
16.	Child Care Centres	59
	16.1 Development to which this section applies	59
	16.2 Location	59
	16.3 Site layout, building form and appearance	60
	16.4 Indoor and outdoor space	60
	16.5 Vehicle circulation and car parking design	61
	16.6 Acoustic privacy	61



17.	Aerc	odrome	62
	17.1	Obstacle height limitations	62
	17.2	General	62
	17.3	Aircraft noise	62
	17.4	Lighting	62
	17.5	Restricted development near airport	62
18.	Brot	hels (Sex Services)	64
	18.1	Information to be supplied with a Development Application for a	64
	18.2	brothel or restricted premises Location	64
		Design and amenity	64
		Parking	65
		Signage	65
		Health	65
19.	Tele	communication Facilities	66
	19.1	Relevant legislation	66
	19.2	Location	66
	19.3	Co-location	67
	19.4	Visual amenity	67
	19.5	Environmental/health impact	68
	19.6	Public safety	68
20.	Stre	et Trading	69
	20.1	Approval process	69
	20.2	Outdoor dining	69
	20.3	Display of goods	70
21.	Envi	ronmental Hazards	72
	21.1	Flooding	72
	21.2	Land contamination	74
	21.3	Bushfire hazard	77
22.	Was	te Minimisation and Management	79
	22.1	General	79
	22.2	Demolition	79
	22.3	Dwelling houses, dual occupancies, secondary dwellings and integrated housing	79



	22.4	Multi dwe	elling housing and apartment buildings	80
	22.5	Commer	cial, retail and industrial premises	80
23.	On S	Site Sewa	age Management	81
	23.1	Relevant	regulatory documents	81
	23.2	General		81
	23.3	Buffer dis	stances	81
	23.4	Effluent of	disposal for other development	82
	23.5	Application	on to install an on-site sewage management system	82
24.	Utilit	y Service	es, Water and Roads	83
	24.1	Utility ser	rvices	83
	24.2	Water su	pply	83
	24.3	Roads		84
25.	Eros	ion and	Sediment Control	86
	25.1	Erosion a	and sediment control plans	86
	25.2	Erosion p	prevention and sediment control devices	86
26.	Stor	mwater I	Management	88
26.	Stori 26.1	mwater N General	C	88 88
26. 27.	26.1	General	C	
	26.1	General o	controls	88
	26.1 Pres 27.1	General o ervation Developr	controls of Trees or Vegetation	88 90
	26.1 Pres 27.1 27.2	General of ervation Developr Tree rem	controls of Trees or Vegetation ment consent	88 90 90
	26.1 Pres 27.1 27.2	General of ervation Developr Tree rem Exemptio	controls of Trees or Vegetation ment consent loval permit	88 90 90
	26.1 Pres 27.1 27.2 27.3	General ervation Developr Tree rem Exemptio developn	controls of Trees or Vegetation ment consent loval permit on from the need for tree removal permit or	88 90 90 90
27.	26.1 Pres 27.1 27.2 27.3	General of ervation Developr Tree rem Exemption developn Assessm	controls of Trees or Vegetation ment consent noval permit on from the need for tree removal permit or ment consent	88 90 90 90
27.	26.1 Pres 27.1 27.2 27.3 27.4	General of ervation Developr Tree rem Exemption developm Assessmont	controls of Trees or Vegetation ment consent noval permit on from the need for tree removal permit or ment consent	88 90 90 90
27.	26.1 Pres 27.1 27.2 27.3 27.4 Ie Int Table	General of ervation Developr Tree rem Exemption developm Assessmont	controls of Trees or Vegetation ment consent noval permit on from the need for tree removal permit or ment consent ment criteria	88 90 90 90 90 91
27.	26.1 Pres 27.1 27.2 27.3 27.4 Ie Ind Table	General of ervation Developr Tree rem Exemptic developn Assessm dex dex	of Trees or Vegetation ment consent loval permit on from the need for tree removal permit or ment consent ment criteria	88 90 90 90 90 91
27. Tab	26.1 Pres 27.1 27.2 27.3 27.4 Ie Ind Table Table	General of ervation Developr Tree rem Exemptic developn Assessm dex e 7-1 e 14-1 e 23-1	of Trees or Vegetation ment consent loval permit on from the need for tree removal permit or ment consent ment criteria Minimum Front Setbacks Car Parking Standards	88 90 90 90 91 26 52
27. Tab	26.1 Pres 27.1 27.2 27.3 27.4 Ie Ind Table	General of ervation Developr Tree rem Exemptic developn Assessm dex e 7-1 e 14-1 e 23-1	of Trees or Vegetation ment consent loval permit on from the need for tree removal permit or ment consent ment criteria Minimum Front Setbacks Car Parking Standards	88 90 90 90 91 26 52



1. Introduction

1.1 Name of the Plan

This plan is known as Gilgandra Development Control Plan (DCP) 2011

1.2 When the Development Control Plan came into Effect

The DCP was adopted by Council on 21 April 2011 and came into effect on 1 July 2011.

1.3 Where this Development Control Plan Applies

This DCP applies to all land within the Local Government Area (LGA) of Gilgandra.

1.4 Purpose of the Development Control Plan

The purpose of this DCP is to supplement the Gilgandra Local Environmental Plan 2011 (LEP) and provide more detailed provisions to guide development.

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. However, compliance with the provisions of this DCP does not guarantee that development consent will be granted.

Section 79C of the Environmental Planning and Assessment Act, 1979 contains other matters that must be considered in determining a development application.

The Gilgandra Development Control Plan 2011 makes it easier for business and the community to determine the guidelines, objectives and controls that apply to any one site within the LGA.

1.5 Relationship with other plans and policies

This DCP is to be read in conjunction with the LEP and any other relevant Environmental Planning Instrument, such as a State Environmental Planning Policy (SEPP) or Regional Environmental Plan (REP) (deemed SEPP) applying to the land.

Where there is an inconsistency between this DCP and any Environmental Planning Instrument applying to the same land, then the provisions of the Environmental Planning Instrument shall prevail.

This DCP repeals the following DCP's adopted by Gilgandra Shire Council:

- Development Control Plan No. 2A General Development Standards (2004).
- I Development Control Plan No. 2B Guidelines for preparing Property Development Plans (2004).
- Development Control Plan No. 1 Exempt and Complying Development (2004).
- Development Control Plan No. 3 Land Subject to Flooding (2004).

1.6 Definitions

In this DCP, terms have the meaning ascribed in the Environmental Planning and Assessment Act, 1979 and the draft Gilgandra LEP 2011.



1.7 Savings and transitional provisions

This plan does not apply to any Development Application which was lodged with Council but not finally determined before the commencement of this plan. Any application lodged before the commencement of this plan will be assessed in accordance with any previous development control plan, technical policy or other Council policy which applied to the site at the time of application lodgement.



2. Submitting an Application

2.1 Is a development application required?

Development includes the use of land or premises, the change of use of a building, advertising signage, subdivision of land, the erection of a building, the carrying out of a work (e.g. earthworks, landfill) and the demolition of a building.

The first step in undertaking a development is to determine if it is a permissible use and if it requires a Development Application. The table below details the different categories of development and whether a Development Application is required.

Type of Development	Description	Development Consent Required			
Development that does not require development consent					
Exempt Development	Exempt development is development of minimal environmental impact. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP) specifies exempt development under that Policy. The Codes SEPP has state – wide application and commenced on 27 February 2009.	No DA required			
	A copy of the SEPP is available at: http://www.legislation.nsw.gov.au http://www.planning.nsw.gov.au/housingcode				
	Development that requires consent				
'Only With Development Consent'	If a type of development is identified under the heading 'Only With Development Consent' for a particular zone within the Land Use tables of the Gilgandra LEP 2011, a Development Application will need to be lodged and determined by Council.	Yes. DA required			
Complying Development	Certain common and routine developments that do not require a merit assessment as long as it complies with specified, predetermined development standards. Complying development may be certified by either Council or a private certifier. No notification or merit assessment is undertaken for complying development. State Environmental Planning Policy (Exempt and	Yes. A Complying Development Certificate is required			
	Complying Development Codes) 2008 (the Codes SEPP) specifies complying development under that Policy.				
Major Project Development	The Minister has declared that certain developments are of state significance. Developments falling under this category will be rare in Gilgandra.	DA required. (The Minister is the consent authority).			



Type of Development	Description	Development Consent Required		
Development that requires additional issues to be covered as part of the consent process				
Integrated Development	Some proposals not only require development consent from Council but also a permit or licence from a state government agency or other approval authority. In such cases, Council will refer the application to the necessary agency so that there is an integrated assessment of the proposal. If the development is approved, the terms of any additional approvals or licences will be incorporated into the approval. The Council must not impose any conditions which are inconsistent with those indicated by the other approval authority. If the approval authority indicates that it will not grant approval the Council must refuse the development consent.			
Designated Development	Designated development is defined in Schedule 3 Planning and Assessment Regulation 2000. This developments where a more rigorous environment process is necessary. These applications require Environmental Impact Statement (EIS) which mu accordance with the requirements of the Director – Department of Planning.	s schedule lists those tal impact assessment the preparation of an ust be undertaken in		

2.2 Submitting a Development Application

The LEP establishes whether Development Consent, a Construction Certificate or a Complying Development Certificate is required for proposed development or works. The relevant application must be made to obtain consent. Applicants are advised to refer to the LEP, or contact Council's Environmental Services Division to confirm consent requirements.

Application forms are available from Council or on our website www.gilgandra.nsw.gov.au, together with advice on the details, number and type of plans and supporting information required fees and procedures.

2.2.1 Pre-lodgement

Before lodging an application for larger or more complex development, it is strongly recommended that the proponent organise a pre-lodgement meeting with Council Officers to discuss the proposal and obtain feedback on the likely issues that need to be addressed by the application. Council Officers cannot guarantee a favourable outcome for any development application at pre-lodgement stage, and such outcomes can only be determined following completion of the assessment process.

2.2.2 DA forms and other documentation

The minimum information required for all Development Applications:

- a. A completed Development Application form
- b. Fees
- c. Site plan



- d. Survey Plan (in some cases)
- e. Drawings detailing:
 - i. floor plans,
 - ii. elevations,
 - iii. finished levels,
 - iv. parking arrangements,
 - v. landscaping,
 - vi. proposed methods of drainage,
- f. A4 Size plans for notification purposes.

Note that the completed development application form must be accompanied by an owner's written consent.

Depending on the type of development other information may be required. This information is listed under the relevant development control. Please see Council's Environmental Services Division for more information.

- III Additional information that may be required:
 - o Rural Fire Service Bushfire Management plan
 - o Basix Certificate and measures show on plans
 - Flood Prone Land Floor and Ground Levels (AHD)
 - Onsite Sewerage Management system application (2 copies Geotechnical report and Water Balance)
 - o Water Supply Connection Application Form
- E Construction Certificate Details
 - o Plans and Specifications
 - o Engineers Geotechnical Report/slab/footing details
 - o Engineers framework/bracing/tie down details
 - o Stormwater drainage details

For further guidance on DA and CC information required refer to Councils fact sheets.

2.2.3 Statement of Environmental Effects

A Statement of Environmental Effects (SEE) must accompany all development applications. The SEE must demonstrate that the environmental impact of the development has been addressed and set out the steps to be taken to protect or to mitigate harm to the environment. The SEE must demonstrate how the development satisfies the relevant policies in the DCP and justify any non-compliances.

For minor developments (carports, pergolas etc) the applicants must complete Council's SEE form. See Council's Environmental Services Division to confirm requirements.



2.2.4 Applications for modifications to a Development Consent (Section 96 Applications)

An application for a modification to development consent under Section 96 of the Environmental Planning and Assessment Act 1979 must be accompanied by the following information (as a minimum):

- a. A completed application form (including owners consent);
- b. A statement outlining the proposed modification/s and identifying the relevant conditions of consent that are to be amended;
- c. Plans highlighting the proposed modifications (coloured or clouded);
- d. A statement addressing the potential impacts of the proposed modification/s;
- e. Proposed wording of amended conditions.

2.2.5 Lodgement of a review of determination Section 82A Application

A Section 82A review of determination application may be lodged with Council if an applicant is dissatisfied with Council's original decision on the application. A Section 82A application must be lodged with Council within 12 months from the date of the determination of the original application. The Section 82A application must be accompanied by the prescribed fees under the Environmental Planning and Assessment Act 1979

A Section 82A application may make amendments to the proposed development provided it remains substantially the same development as described in the original application. The application will be publicly exhibited in the same manner as the original application but for a maximum period of 14 days. Where the determination of the original application was made by Council, the application will be resubmitted to Council for its determination, pursuant to sub-section 82A(6)(b) of the Environmental Planning and Assessment Act 1979.

2.3 Non Complying Applications

Where a development may be justified although contrary to a requirement/s of this DCP, Council may consider a request to vary its standards or depart from its requirements. Any such request must be made in writing and must include:

- a. A description of the standard or requirement to which a departure is sought;
- b. A clear statement of the reasons why the departure from its requirements or variation to the standard is sought; and
- c. Justification of how the development meets the underlying aims, objectives or intent of the standard or requirement, without adversely impacting on the locality.



3. Notification

Gilgandra Shire Council is committed to assisting the community with concerns that may arise from development applications. This document outlines the procedures for notification and advertising of development applications. This process will ensure that all parties can be confident of an impartial, fair and transparent assessment process.

3.1 When is notification required?

Council notification is required for all Development Applications, except:

- a. Exempt development as referred to in the State Environmental Planning Policy or any State Code.
- b. Complying Development as referred to in the State Environmental Planning Policy or any State Code
- c. Development of a minor nature that will not adversely affect the amenity of adjoining land or locality.
- d. Modification of development consent under Section 96(1) of the Environmental Planning and Assessment Act 1979 (i.e. modifications involving the proposed correction of a minor error, misdescription or miscalculation only).

Designated, State Significant, Integrated and Advertised development types have specific notification and consultation requirements that are detailed in the Environmental Planning & Assessment Act 1979, above and beyond Council's notification requirements.

3.2 Notification process

This section applies to development determined to require notification. The minimum standard for notification of development applications is as follows:

- a. A letter will be sent to all adjoining property owners and occupiers, and where possible the name of the owner/occupier will be used. Adjoining land means land that abuts or is directly opposite a development site or is separated from it only by a pathway, driveway, road, lane or similar thoroughfare. Adjoining land does not include land separated by a highway, major or arterial road.
- b. In cases where the property is a strata titled building, Council will notify all owners and occupiers.
- c. As a minimum, the letter will include the following advice:
 - identification/description of the relevant parcel of land (lot description and address).
 - a description of the proposed development
 - the place and times the application can be inspected
 - name of applicant
 - the registered number of the application
 - the closing date for submissions
 - a statement that submissions will be disclosed to any person requesting information under the Freedom of Information guidelines
- d. The notification period is a minimum of 14 calendar days.



3.3 Costs of advertising

The applicant is required to pay for the cost of advertising and notification in accordance with Council's adopted fees and charges.

3.4 Making Submissions

3.4.1 How to make a submission

Anyone may make a submission about a development application. A submission may object to a development application or support the application. A submission objecting to a development application must state the grounds of objection.

Submissions must clearly state the relevant development application and the name and address of the person making the submission. To assist Council the submission should where possible:

- a. Quote the application number; and
- b. Provide a daytime telephone contact number.

Submissions made about a development application must be in writing, addressed to the General Manager and must be received by Council by 5.00pm on the last day of the notification/submission period. Submissions will be received by hand, mail, fax or email.

Late submissions may be accepted and considered in extenuating circumstances. The acceptance of late submissions is at the discretion of the Council officer assessing the application and will depend on the stage of the assessment of the application. Council must consider all written submissions before it decides to approve or refuse the development application. Council will formally acknowledge the submissions received on a development application.

3.4.2 Submissions and confidentiality

Any interested person may view or obtain copies of submissions. Reports to Council may identify the address of people who have made submissions. Reports can be viewed by any interested person.

A person who makes a submission has the right to remain anonymous if they choose. However, an anonymous submission may be given less weight (or no weight) in the overall consideration of the application.

Alternatively, a person may make a submission but request the Council to ensure that, in being made available for public inspection, details of their place of living are omitted from their submission. However, this option is only available if a person considers that disclosure would place their personal safety or the personal safety of their family at risk. Such request must be verified by a statutory declaration.

3.5 What happens when an application has been determined?

Written notice will be given of the determination of a development application to each person who made a written submission in relation to that application. This notice will specify when the determination was made and whether the application was refused or approved. The notice to the applicant will specify conditions of approval or reasons for refusal. In the case of petitions submitted to Council, the principal author will be notified of Council's decision. If the principal author is not readily identifiable then the first identifiable signatory will be notified.



4. Site and Context Analysis

The process of Site and Context Analysis is necessary to ensure that development is sensitive to its environment and surrounding neighbourhood.

Process

A Site and Context Analysis involves two (2) phases:

- a. Site Plan must indicate;
 - i) Location of the Development, boundary dimensions, site area (m²) and the north point of the land
 - ii) Finished floor levels above existing ground levels
 - iii) Existing vegetation (including any trees) on the land
 - iv) Location of existing structures, buildings and roads on the land
 - v) Identify the current topography, and specific neighbourhood character
 - vi) Identifying existing services and drainage corridors.
- b. Analysis: based on the relevant site plan information, decisions are made about the existing site conditions, including what to retain through development, such as significant vegetation, views, etc, and/or what site conditions may be compromised through development, eg areas where slope and topography can be altered, vegetation that can be removed and replaced through development. This information is then used to develop strategies and options for development of the site.

For further guidance on information required to be submitted for DA and CC can be found on Council's fact sheets

4.1 Requirements for submitting a development application

a. For advice on the information required to be submitted with a development application, please contact Council. All development applications should consider Site and Context analysis.

The degree of detail required will vary according to the nature, type and scale of the development and its surroundings. The level of detail required should be clarified with Council.

4.2 Site considerations

When assessing the suitability of overall site planning, Council will have regard to the extent that the attributes and constraints of the site have been considered, with particular regard to:

- a. The likely impact on surrounding development, particularly with regard to overshadowing and privacy.
- b. Topographical features such as slope and existing natural vegetation.
- c. Opportunities to maximise the northerly aspect for buildings and private open spaces;
- d. The character of surrounding development, particularly setbacks and subdivision layout;
- e. Opportunities to link into existing open space, pedestrian and cycle networks;



- f. The extent to which driveways and/or parking areas are likely to dominate the appearance of the development;
- g. The visibility, width and design speed of proposed roads and/or driveways; and
- h. Pedestrian access which is visible and safe.

4.3 Site analysis plan

The Site and Context Analysis must comprise detailed plan and can be accompanied by written information. The site analysis must be prepared to scale and should include, but is not limited to, the following elements:

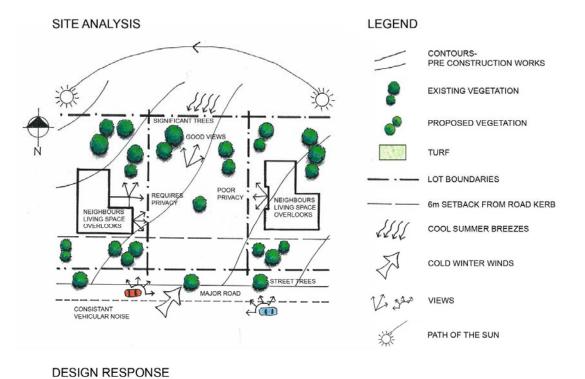
- a. Site related information.
- b. Contours and levels and where in Flood Planning Area specify level to Australian Height Datum (AHD).
- c. Land description including lot dimensions, north point and scale.
- d. The footprint, height and use of existing and proposed buildings on the site.
- e. Significant vegetation and any other existing trees on the site or in close vicinity of the boundaries with adjoining sites.
- f. Site characteristics such as orientation and lot dimensions and climatic features such as wind direction.
- g. Site constraints including flood affected land, overland flow paths, unstable land, contaminated land, areas of fill, heritage and archaeological features of the site.
- h. Services and utilities including location of drainage infrastructure and connection for utility services.
- i. Easements, fences, boundaries and access to the site.
- j. The location of adjoining property driveways.
- k. The location of any sewer main on the site.
- I. Movement corridors including local streets and pedestrian pathways.

m. Any other notable features or characteristics of the site.

4.4 Context related information

 It may be necessary to examine the context of the proposed development site within the street. A context analysis may be required for residential development. The context analysis shall describe the character of existing development in the vicinity of the site in order to understand the streetscape and pattern/form of development.







NOTE: INDICATIVE SKETCHES NOT TO SCALE



5. Subdivision

This section provides comprehensive guidelines for the preparation and submission of development applications for the subdivision of land, where such a land use is permissible under the provisions of the Gilgandra LEP 2011. The aim of this section is to ensure subdivision occurs in a manner that supports the intention of the zone in which it is proposed and achieves good urban structure outcomes.

5.1 General requirements for subdivision

5.1.1 Lot size

a. The minimum subdivision allotment size requirement for a particular parcel of land shall be in accordance with the provisions of the Gilgandra LEP 2011 and the accompanying Lot Size Map, relevant to the subject land.

5.1.2 Topography and landform

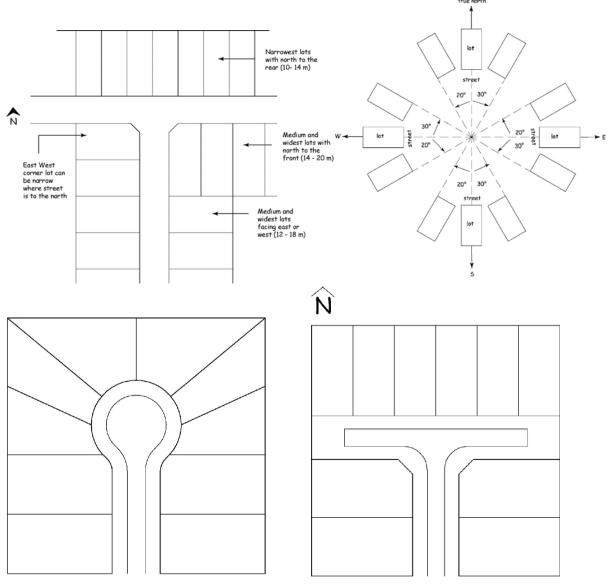
- a. The topography and landform of the site must be taken into consideration as part of the design of the subdivision layout, in order to optimise solar access opportunities and maximise views to key natural features.
- b. The topography and landform of a locality are important place-making elements and hence, roads should be designed to respond to such features.

5.1.3 Solar access

- a. Aspect is a major factor in designing the layout of a subdivision.
- b. Roads running generally east west are preferred since they provide for lots with north-south aspect, which caters for optimum solar access to dwellings and private open space. Lots with a main north-south axis (20°W to 30°E) provide the best flexibility for the siting of future dwellings and also reduce potential overshadowing problems.
- c. Lots with a main east-west axis (ie roads running north-south) should be widened, in order to ensure satisfactory solar access opportunities into living rooms of future dwellings and rear private open space areas and to help prevent overshadowing of dwellings and private open space on adjoining lots.
- d. Lots with a NW SE or NE SW axis are less favourable and may need to be specifically designed or larger than normal to allow for the siting of a dwelling which is not directly parallel to the boundaries.
- e. Lots should be rectangular shaped rather than irregular shaped, wherever practicable, in order to maximise solar access opportunities. Lots on the southern side of any road should have a greater frontage to the road, to allow improved solar orientation for the future dwelling.
- f. Wherever possible, an access way to a rear battle-axe lot should be located on the southern side of an allotment, in order to minimise any potential overshadowing of future adjoining dwellings.







poor solar orientation with awkward shaped lots

Maximises solar orientation

5.1.4 Battleaxe lots

- a. The minimum lot width for a battle-axe allotment shall be 20 metres. The 20 metre minimum lot width requirement for battle axe lots is set at 7.5 metres from the end of the battle axe handle (ie within the main building portion of the site).
- b. A maximum of two (2) battle-axe allotments will be permitted behind an allotment which has direct frontage to a dedicated public road in the proposed subdivision. Under no circumstances will Council favourably consider any subdivision proposal involving a series of battle-axe lots, one behind each other.



- c. All battle-axe allotments must have direct access to a dedicated public road, through the provision of an access handle attached to each battle-axe lot or via a shared access corridor (ie maximum of two (2) lots may share a common access corridor).
- d. The minimum access corridor width for a battle axe allotment shall be 6 metres with a minimum road pavement width of 3 metres for the entire length of the access handle.

5.1.5 Road and access

- a. The design features of local roads should encourage responsible driver behaviour and restrain traffic volumes and speed.
- b. The orientation and placement of the movement system should make best use of:
 - i. opportunities for connectivity,
 - ii. the existing streetscape,
 - iii. the location of existing and proposed activity centres,
 - iv. the natural topography and vegetation,
 - v. opportunities for views and vistas,
 - vi. natural drainage and open space system,
 - vii. The design features of each road should convey its primary function.
- c. The road reserve width should be sufficient to cater for all road functions, including parked vehicles; safe and efficient movement of all users; and the location, construction and maintenance of public utilities.
- d. The alignment and geometry of roads identified for bus routes should allow for efficient movement of buses and provision of accessible transport stops.
- e. The carriageway width of roads identified as bus routes should allow for movement of buses unimpeded by parked cars and safely accommodate cyclists.
- f. Where cul-de-sacs/dead end streets are incorporated into the road design:
 - i. they should serve no more than 10 lots
 - ii. The end of the cul-de-sac should be clearly visible from the cross-street.
- g. Consideration should be given to on-street parking and the design vehicle.

5.1.6 Landscaping

- a. Subdivision involving new road construction shall include street tree planting of suitable species.
- b. Landscape plans shall be provided for all dual use drainage reserves to enhance recreational opportunities and visual amenity without compromising drainage function.

5.1.7 Vegetation

- a. The design shall accommodate the retention of any significant trees and vegetation.
- b. Degraded areas are to be rehabilitated as part of the subdivision.



- c. Watercourses and drainage lines to be retained as part of the subdivision scheme are to be stabilised and revegetated with appropriate native species.
- d. Environmentally sensitive areas are to be preserved and enhanced with appropriate native vegetation where necessary.

5.1.8 Bushfire

a. Any proposed residential subdivision upon land classified as bush fire prone land is an Integrated Development Application under section 91 of the Environmental Planning and Assessment Act 1979 since the formal concurrence is required from the NSW Rural Fire Service, pursuant to section 100B of the Rural Fires Act 1997.

New residential subdivisions in bush fire hazard prone lands will generally need to be designed in accordance with the Planning for Bushfire Protection Guidelines or applicable documents.

5.1.9 Cut, fill and earthworks

- a. Site works are to be planned to allow topsoil to be stripped, stockpiled and reused on the site.
- b. Filling and levelling shall not adversely affect adjoining land.

5.1.10 Services

- a. Essential services are to be provided to each lot where services are provided, including the delivery of:
 - i. a satisfactory supply of water
 - ii. electricity
 - iii. communications
 - iv. the sustainable management of sewage.
- b. Adequate buffers are to be maintained between utilities and houses to protect residential amenity and health.
- c. Council will generally require copies of detailed construction plans, approved by the respective utility provider, to be submitted before a construction certificate will be issued for subdivision work.

5.1.11 Buffers

- a. Buffers are to be provided, when necessary, between the proposed lots and existing noise generators or receivers.
- b. Buffers are to be provided, when necessary, to protect visual amenity.
- c. Landscape plans are to include the appropriate treatment of buffer areas.

5.1.12 Rural residential subdivision

a. Subdivision design should not result in the fragmentation of viable lots utilised for agricultural, intensive agricultural or other rural related activities.



- b. The width to depth ratio of allotments should not exceed 1:4. If lots are too elongated, land uses in rural or rural-residential areas may be restricted (e.g. the shape of long lots may preclude the establishment of farm dams.)
- c. Subdivision design should minimise clearing of vegetation.
- d. Access to the development site should be at a grade less steep than 1 in 5 and minimise the need for earthworks.
- e. Servicing should be carried out along the access corridor and not require clearing of a separate corridor.
- f. Subdivision plans should indicate the level of services to be provided and how those services will be supplied for each lot.
- g. Council requires that a site and context analysis be undertaken for the land and shall include information clarifying the presence of adjacent or nearby agricultural activities and any potential offsite impacts that may have on potential development within the proposed subdivision.

5.2 Residential subdivision

- a. A range and mix of Lot sizes are produced, suiting a variety of needs and with areas and dimensions that:
 - i. Use land efficiently and are adaptable.
 - ii. Protect ecological, scenic, social and heritage features.
 - iii. Address site constraints, such as slope, flooding and bushfire risk, among others.
 - iv. Retain significant features of the site, such as trees or views.
 - v. Result in a street and lot layout arrangement that facilitates energy efficient building, siting and design.
- b. The subdivision layout should be designed to integrate with the surrounding neighbourhoods and natural environment. Road systems should respond and address natural waterways, open space and ecological corridors to complement and enhance existing streetscapes and landscapes, and provide for shared use of public facilities by adjoining communities.
- c. Street lighting systems are to be provided for roads and intersections as well as pedestrian crossing and traffic calming device locations in accordance with AS / NZS 1158 Road Lighting.
- d. Access ways should have a minimum sealed width of 6.0 metres.
- e. Access ways should not serve more than five lots.
- f. Streets are to be designed to allow on street car parking.
- g. Streets and lots are to be located so that residential dwellings are not subjected to unacceptable traffic noise.
- h. Streets are to be designed to cater for service vehicles.
- i. Where site topography prevents discharge of storm water directly to the street gutter or a Council controlled pipe system, inter allotment drainage shall be provided to accept run off from all existing or future impervious areas on the subject land. The design and construction of the inter allotment drainage system should be in accordance with the requirements of Australian Rainfall and Runoff



j. In the case of a major residential subdivision, a staging plan will be required which shows the proposed staging program. Additionally, the Statement of Environmental Effects shall provide a detailed outline of the proposed staging program, including the proposed total number of lots within each relevant stage

5.3 Industrial subdivision

- a. Lots should be generally rectangular in shape.
- b. The design of the subdivision should allow for the largest vehicles anticipated requiring access to the subdivision, which will typically be semi-trailers and B-Double trucks.
- c. Lot size should be such to allow trucks to manoeuvre on-site without reversing onto or off the lot.
- d. Industrial lots shall have a minimum street frontage of 25m and an area not less than that specified in Gilgandra LEP 2011.
- e. The subdivision layout facilitates the integration of industrial development into their surrounds ensuring minimum impact on the amenity of adjacent and nearby areas and providing for reasonable buffers between any existing or potentially incompatible land uses.
- f. Council recognises that lot sizes for the different types of industrial subdivision will vary according to functional purpose. In considering an application for subdivision, Council will have regard to the following factors:
 - i. If the subdivision involves the creation of a significant number of lots then provision should be made for a variety of lot sizes;
 - ii. The size of lots should provide sufficient space to accommodate the industrial operations and buildings envisaged, make allowance for possible future expansion and allow the site to function properly and efficiently in terms of development requirements. These requirements may relate to factors such as safe ingress and egress, vehicular movement within the curtilage of the site, parking, deliveries, storage and bin areas, boundary setback requirements and landscaped areas; and
 - iii. The overall pattern of lot sizes in the locality and the type of industrial activity characteristic of the locality in which the subdivision is located.
- g. Battle-axe lots may be acceptable for light and service industries which are not serviced by larger vehicles. Details such as the shape of the effective lot area, the need for truncation in the lot and the width of the access handle will be determined on a case by case basis.
- Vehicular access from allotments to a public road are capable with complying with the provisions of AS2890.1 Parking Facilities – Off Street Car parking and the RTA's Guidelines for Traffic Generating Development.
- i. Direct vehicular access to major roads from within individual lots is avoided.

5.4 Subdivision plan information requirements

The Subdivision Plan should include a level of supporting information appropriate to the size of the subdivision proposed. The subdivision application must provide plans containing the following information:



- a. A North point.
- b. A date and drawing number of the plan.
- c. The name of the person / company who prepared the plan.
- d. The real property description of the land.
- e. A site location plan.
- f. A site area and dimensions of existing and proposed lots.
- g. Contours of the site showing topography of the land..
- h. Trees and vegetation to be retained on site and clearly identify areas to be cleared.
- i. Site constraints eg; flooding and bushfire, that may limit the land's subdividable area
- j. A Statement of Environmental Effects which addresses the proposal's relationship with relevant environmental planning instruments (including any relevant State Environmental Planning Policy, State Code, relevant LEP etc) and this DCP.



6. Rural Zones

6.1 Intensive agriculture and rural industries

6.1.1 Intensive agriculture

Council shall process the application in accordance with the requirements of State Environmental Planning Policy No. 30—Intensive Agriculture, including the procedures for public participation.

6.1.2 Application

In determining the application, Council shall consider:

- a. The adequacy of the information provided in the Statement of Environmental Effects or Environmental Impact Statement accompanying the development application.
- b. The potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site.
- c. The potential for the pollution of surface water and ground water.
- d. The potential for the degradation of soils.
- e. The measures proposed to mitigate any potential adverse impacts.
- f. The suitability of the site in the circumstances.
- g. Whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals.

6.1.3 Air quality and pollution control

- a. All pollutants are to be contained within the property boundary to ensure suitable separation between the intensive agriculture activity and adjoining land uses.
- b. To have a well designed farm that allows for sustainable production whilst protecting and conserving the natural environment.

6.1.4 Land use conflicts and amenity

- a. Buffer zones (areas of vegetated land) are to be established between the area of farm activity and other areas such as:
 - i. Watercourses.
 - ii. Wetlands.
 - iii. Drainage lines.
 - iv. Adjoining properties.
 - v. Roads.
- b. Buildings associated with the proposed farm activity including crop protection structures shall be constructed of materials and colours that complement the surrounding landscape.



c. Any structure associated with farm activity (excluding dwelling houses and poultry sheds) are to be setback a minimum of 50m from the front boundary and 100m from the side boundary unless specified otherwise in the noise, dust and odour reports if required.

6.2 Offensive, heavy and hazardous industries and storage

The consent authority may grant consent to Offensive, Heavy and Hazardous Industries and Storage only if the applicant demonstrates to the satisfaction of the consent authority that:

- a. The development is necessary for any one of the following reasons:
 - i. it needs to be in the locality in which it is proposed to be carried out due to the nature, function or service catchment of the development,
 - ii. it comprises a major employment generator, and
- b. There is no other more appropriate site on which the development is permitted with consent development (other than as advertised development) in reasonable proximity,
- c. The development will be generally consistent with the scale and character of existing and future lawful development in the immediate area, and
- d. The development would be consistent with at least one of the objectives of the zone within which it is proposed to be located.

6.3 Extractive industries

The Environmental Impact Statement (EIS) or Statement of Environmental Effects (SEE) completed in accordance with the Environmental Planning and Assessment Act 1979 (and this Section of the DCP) must contain:

- a. Evidence of consultation with relevant community groups and local residents,
- b. Current licences, permits or approvals from all other agencies as required by the activities of the development.

6.3.1 Visual amenity

a. Extractive industries must, where appropriate, provide setbacks capable of minimising the visual impact of extraction and processing sites, particularly when viewed from surrounding private and public places. These setbacks must be established and maintained by the proponent.

6.3.2 Noise and vibration

- a. The acoustic environment of an area is a significant consideration in the introduction of an extractive industry. An impact assessment of the identified noise sources and modelled noise emissions prepared by a suitably qualified person maybe required to be included in the environmental assessment submitted with the development application.
- b. This assessment must also indicate the proposed measures which will assist in maintaining the acoustic amenity of the area. These measures may include but are not limited to the following (which may be imposed by Council):
 - i. effective acoustic buffers to residences and public places not associated with the operation,



- ii. effective noise control measures where noise emissions exceed maximum average background noise level,
- iii. appropriate noise barriers to address equipment noise emissions,
- iv. use of noise attenuated equipment,
- v. limitation of the hours of operation between 8.00 am and 6.00 pm Monday to Friday with no operations to occur on weekends of public holidays (this may be flexible depending on suitable site details),
- vi. Noise emissions from extractive operations should achieve the minimum acoustic criteria and standards set down by the NSW Industrial Noise Policy. As a basis proponents should ensure that the maximum average noise emission level of extraction is no more than 5 dB(A) above the maximum average background noise levels, and
- vii. The proposed controls to be implemented by an extractive industry operation must be detailed in the environmental assessment submitted to Council at the time of development application submission. Those controls approved by Council must then be further detailed in the Management Plan prepared for the site prior to the commencement of operations.
- c. If blasting activities are proposed as part of the activities associated with the development a blasting assessment and report must be produced by an appropriately qualified person. This report must be included as part of the environmental assessment submitted to Council in support of the development application.
- d. If approval is granted by Council a comprehensive Blasting Plan must be developed and included for approval as part of the Environmental Management Plan prepared prior to the commencement of operations. The Blasting Plan must include, but is not limited to the following:
 - i. reason for blasting,
 - ii. number and size of proposed blasts,
 - iii. frequency of proposed blasts,
 - iv. license, experience and contact details of the blasting contractor,
 - v. potential impacts of blasting,
 - vi. potential receptors of blasting impacts,
 - vii. safety controls to be implemented,
 - viii. other permits or approvals required, and
 - ix. notification process of blast events

6.3.3 Air quality and pollution control

a. Air quality associated with an extractive industry must be managed by the proponent. During the preparation of an environmental assessment for a proposed operation, the sources and potential impacts of emissions to the atmosphere must be identified and control measures proposed. This section of the environmental assessment must be prepared as per the current industry standard.



- b. Additionally once these controls have been approved by Council through the development application process, the Management Plan prepared for the operation prior to the commencement of extractive activities must detail the management of air quality (in particular dust emissions).
- c. To address air quality, proponents must implement effective measures capable of controlling air pollution caused by dust, particularly during dry and windy weather conditions and machinery emissions. These controls must also be extended to the transportation of material from the site, requiring the coverage of all loads leaving the operation.
- d. Potential sources of air emissions may include but are not limited to:
 - i. blasting;
 - ii. removal of overburden;
 - iii. site clearing;
 - iv. extraction and haulage;
 - v. stockpiles;
 - vi. mobile earthmoving equipment;
 - vii. loading and transport vehicles;
 - viii. crushing and screening operations.

6.3.4 Water resources

- a. The management of water resources (including ground and surface) within and around the site must be detailed by a comprehensive Water Strategy which must be submitted to Council at the time of development application.
- b. This Strategy may be incorporated into the environmental assessment and must include (but is not limited to) the following:
 - i. the drainage patterns of water before and those expected after the development of the proposal;
 - ii. water quality parameters of the groundwater and surface water located on or adjacent to the site prior to the development of the site;
 - iii. any proposed capture devices such as dams, tanks etc including the associated capacity and use;
 - iv. calculations of the surface water catchment associated with the site and the proposed management of this flow;
 - v. any proposals to extract or discharge surface or ground water;
 - vi. Controls to be implemented to ensure the maximisation of water reuse onsite, maintenance of water quality and the ongoing provision of water resources to users which are located down stream from the proposed extractive industry site.
 - vii. Risks, safeguards and contingency plans for extreme climatic conditions or operational hazards including breach or contamination



viii. Prior to the commencement of operations a Water Management Plan will be required to be completed and submitted to Council for approval which must incorporate the details and undertakings of the Water Strategy

6.3.5 Transport

- a. Details regarding the extraction and transportation of material to and from the proposed site must be included in the environmental assessment lodged with a development application for an extractive industry. This information may include the following:
 - i. a report in relation to a traffic survey and study undertaken by a suitably qualified person regarding any potential impacts of the proposed development;
 - ii. proposed methods of haulage of material within the site;
 - iii. proposed haulage routes of material from the site to markets within and outside the Shire, including a map;
 - iv. specifications of the internal haulage road and access intersection to be established and/ or maintained, including a site plan drawn to scale;
 - v. method of extraction and stockpiling of material;
 - vi. maximum capacity of haulage vehicles;
 - vii. frequency of heavy vehicle movements to and from the site;
 - viii. Proposed safety controls to be implemented;
 - ix. Proposed method and location of a weighbridge or similarly suitable weighing device.
- b. The design and development of access and haulage roads must be consistent with the relevant requirements of the following standards:
 - i. Austroad Guide to Traffic Engineering Practice;
 - ii. RTA Road Design Guide;
 - iii. RTA Guide to Traffic Generating Developments.



7. Residential Development

7.1 Rural dwellings

7.1.1 Where does this section apply?

a. Applies to residential housing within the RU1 Primary Production Zone, R5 Large Lot Residential Zone and E3 Environmental Conservation.

7.1.2 General controls

- a. Colours are to be consistent with the rural character of your local area.
- b. Respect your neighbours and your own future amenity by careful siting of your dwelling:
 - i. build well back from the public roads, especially gravel roads;
 - ii. build below ridgelines to respect the rural views;
 - iii. build well away from nearby intensive rural developments (e.g. abattoirs).

7.1.3 Set backs

- a. Maintain front setback requirements of:
 - i. 15 metres in R5 Large Lot Residential Zone (non classified road); and 50 metres in R5 Large Lot Residential Zone (Classified Road);
 - ii. 30 metres in the RU1 Primary Production Zone (non classified road); and 50 metres in RU1 Primary Production Zone (Classified Road);
- b. Maintain side and rear setback requirements of:
 - iii. 10 metres in R5 Large Lot Residential Zone; and

50 metres in the RU1 Primary Production Zone.

Zone	Minimum frontage setback (m)	Minimum side setback to corner street (m)
R5	15m (non Classified Rd)	10 m
	50m (Classified Rd)	
RU1	30m (non Classified Rd)	50m
	50m (Classified Rd)	
E3	15m (non Classified Rd)	10 m
	50m (Classified Rd)	



7.1.4 Minimum frontage of lots for dwellings

- a. In RU1 Primary Production Zone land a minimum width of 200 m.
- b. In zone R5 Large Lot Residential Zone land a minimum width of 50 m is required except where the land has frontage to a main road where a minimum width of 200 m is required.

7.1.5 Site access

a. All lots must have legal and properly constructed access allowing safe entry to the site for emergency services vehicles in accordance with Australian Standards AS/NZ 2890 and IPWEA Standard Drawings R00050, SEQ R056.

Australian Standards: http://www.standards.org.au/

Standard Drawings: http://www.engicom.com.au/

b. Each dwelling is to be provided with an adequate all weather access to enable satisfactory vehicular passage from the public road into the allotment.

7.2 General residential housing

7.2.1 Where does this section apply?

a. Applies to residential housing within the R1 General Residential and RU5 Village Zone.

7.2.2 Minimum lot size

The minimum size for lots for a dwelling house purpose must not be less than:

- a. mid block lots in sewered areas 700 m²
- b. corner lots in sewered areas 1000m²
- c. all lots in unsewered areas 2000 m²

7.2.3 Building siting

- a. Attractive streetscapes comprised of dwellings with a consistent relationship to the street and each other, and dwelling facades where the garage is not a dominant visual element.
- b. Lot design which facilitates housing fronting onto public open space, to incorporate these spaces into the living environment, facilitate surveillance, and prevent isolation and degradation of these spaces.
- c. Presentation of each façade of a corner building as a main street frontage.
- d. Maximise solar orientation with the main living room(s) able to receive northern sunlight in winter.
- e. Back yards with useable dimensions and areas.
- f. Unobstructed footpaths.

7.2.4 Setbacks

a. Setbacks should relate to the traffic function of the street and to setbacks of adjacent development. <u>Front setback (building line)</u>



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

Table 7-1 Minimum Front Setbacks

Street Type	Minimum frontage setback (m)	Minimum side setback to corner street (m)
Local access street	7.5 m	7.5 m
Classified road	9.0m	9.0 m

Side and rear setback

Council will generally consider applications to vary setbacks on their merits provided that dwelling structures are adequately separated for privacy and overshadowing does not result (including private open space and dwelling structures on adjoining land not in the same ownership).

The wall proposed to be constructed adjacent to the allotment boundary must comply with the National Construction Code fire rating requirements.

In established areas where the setback of an adjacent building is greater than 7.5m, infill development is to be setback:

- i. the same distance as one of the other adjoining buildings, provided the difference between the setbacks of the two adjoining buildings is less than or equal to 2 metres
- ii. the average of the setbacks of the adjoining dwellings if the difference between the setbacks of the adjoining building is greater than 2 metres

Garages are to be setback a minimum of 7.5 metres from the front property boundary to allow vehicles to stand on site.

7.2.5 Building heights

a. Dwellings and multi dwellings are recommended to have a maximum of 2 storeys height limit

7.2.6 Building form

- a. Eaves are to provide sun shading and protect windows and doors and provide aesthetic interest. Except for walls built to the boundary, eaves should have a minimum of 450mm overhang (measured to the fascia board).
- b. All main entries to dwellings are to be at the front / primary street only and not side streets.

7.2.7 Site coverage and private open space

a. The minimum area of 75 m² is to be provided for each dwelling for landscaping site coverage. Landscaping is that part of the lot that does not include buildings, garage/carport, driveways, outbuildings, decks, patios, paved areas, tennis courts and pools.



7.2.8 Landscaping

a. As per the minimum requirements specified in the basix certificate.

7.2.9 Private open space

a. Whenever possible, open space is to be orientated to have a north easterly aspect and living areas are to open out thereon.

7.2.10 Privacy

- a. Direct overlooking of main habitable areas and private open spaces of adjacent dwellings should be minimised through building layout, window and balcony location and design, and the use of screening devices, including landscaping.
- b. Where it is proposed that habitable room windows are overlooking habitable room windows of the neighbouring dwelling, privacy is protected by one or more of the following:
 - i. Window locations being offset from the edge of one window to the edge of the directly adjacent window a sufficient distance to prevent views.
 - ii. Sill heights at a minimum of 1.7 metres above floor level.
 - iii. Fixed translucent, such as frosted or textured glazing is provided for any part of the window below 1.7 metres above floor level.
 - iv. Fixed external screens.
- c. First floor balconies will not be permitted where they overlook living areas of adjacent dwellings.
- d. Bedrooms of one dwelling do not share walls with living rooms or garages of adjacent dwellings.
- e. Shared walls and floors between dwellings are constructed in accordance with the noise transmission and insulation requirements of the National Construction Code.

7.2.11 Driveway access, car parking and garages

 All weather 2WD access is required to the dwelling. Crossover Design to be in accordance with Australian Standards AS/NZS 2890, Standard Drawings R0050 and Council Standard Drawing STD 5205

Australian Standards: http://www.standards.org.au/

Standard Drawings: http://www.engicom.com.au/

7.2.12 Fencing

- a. Front side and rear fencing are to be compatible with the existing streetscape and locality.
- b. Do not obscure views of the building and garden, from the street, with high front fences.
- c. Do not build non masonry front fences higher than 1.2 m.
- d. Maximum height of fences to the front building line is 1.8m and then reduced to 1.2m by way of a sloping fence forward of the building line to the property boundary.
- e. Do not build front fences higher than 1.2 m and shall be of an open style fence consistent with the surrounding streetscape.



7.2.13 Energy efficiency

a. Where applicable, development is to demonstrate compliance with the design principles embodied in the Building Sustainability Index (BASIX). All commitments listed on a BASIX certificate must be marked on all relevant plans and specifications.

7.2.14 Pools

- a. Where visible from a public place or road, details of screening are to be supplied.
- b. Pool pump enclosure to be placed greater than 15 metres from a habitable room in a dwelling on adjoining property or within a sound proof enclosure.

7.3 Dual occupancy

In addition to the above the following also applies to dual occupancy developments:

- a. The proposed dwelling is built with materials sympathetic to existing development.
- b. Corner lot dual occupancies each have a different street frontage and respond to their respective streetscape.
- c. The proposal allows sufficient separation between the existing dwelling and new dwelling to ensure adequate privacy and solar access.
- d. The minimum separation setback between dwellings, including associated garages and the like is 2 metres, unless a common wall is proposed between garage structures.

7.4 Multi dwellings

In addition to Section 7.2 the following also applies to multi dwelling developments.

7.4.1 Design

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

7.4.2 Building heights

a. Building height and mass should not result in unreasonable loss of amenity to adjacent properties, open space or the public domain.

7.4.3 Landscaped area

- a. Minimum landscaped area for a multi unit dwelling development is 25% of the site area.
- b. Landscaping is that part of the lot that does not include buildings, garage/carport, driveways, outbuildings, decks, patios, paved areas, tennis courts and pools.



7.4.4 Private open space

- a. Private open space is to be provided at the rate of:
 - i. 30m² for a one bedroom dwelling.
 - ii. 50m² per two or more bedroom dwelling.
- b. Private open space means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

7.4.5 Minimum dwelling unit floor area

- a. Bedsitters and / or one bedroom units 50 m²
- b. Two bedroom units 70 m²
- c. Three bedroom units 85 m²

7.4.6 Privacy

- a. In multi storey dwellings, living areas shall be located on the ground floor to prevent casual overlooking of private open space areas of surrounding dwellings.
- b. Where balcony or living areas are proposed on 1st floors and above (eg: as part of a residential flat building), they should be located so as to minimise the casual overlooking of private open space areas. Permanent and structural building design measures (eg: solid walls, building orientation, dividing fins, recessed balconies) shall be utilised to direct views away from such areas.
- c. The locations of windows in habitable rooms shall be selected so as to provide for offsetting that avoids direct lines of site between different occupancies. Windows must be offset from the edge of one window to the nearest edge of the other by a distance of at least 0.5 metre ,have sill heights of at least 1.7m above floor level or be separated by a common boundary fence that interrupts the view between the windows.

7.4.7 Driveways, access

- a. Provision must be made for all vehicles to enter and leave the site in a forward direction.
- b. Any vehicular access involving the use of a laneway shall require, as a minimum, the upgrading of the laneway across the whole frontage of the subject land and to the nearest point of connection with a public road.

7.4.8 Childrens play area

a. A children's play area for residential flat buildings is to be provided for developments that contain five (5) or more dwelling units. Where a children's play area is required it is to have a minimum area of 5% of the total site area with a minimum dimension of five (5) metres.



7.4.9 Clothes drying and letter box facilities

- a. An outdoor screened clothes drying facility is to be available for each unit whether or not mechanical drying facilities are provided.
- b. Letter boxes are to be provided for each unit and provided in a single location adjacent to the street frontage and pedestrian entrance to the property.

7.4.10 Privacy

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

7.4.11 Garbage bins

a. Having regard to the number of dwellings, the layout of the development and the length of the property frontage, a proposed method for garbage collection from the site must be detailed in the application. This may involve the use of a standard residential service for each dwelling or the use of bulk bins for the overall facility.

7.5 Outbuildings

As defined in SEPP (Exempt and Complying) Clause 1.5

- a. Outbuildings proposed to be built to boundary must be supported with information illustrating that the proposed structures will be wholly located within the property boundaries. This can be achieved be providing a survey plans from a registered surveyor.
- b. Maximum height of an outbuilding 3.2m to eave height, peak height to 4.5m, all applications to install outbuildings greater than this will be assessed on it merits clearly outlining the intended use.
- c. Maximum size of any outbuilding shall be 50m².

7.6 Moveable dwellings

- a. Dwellings not to be moved onto site before development consent is issued and no work is to commence on the re-erection of the dwelling until the construction certificate is approved by Council or the Principal Certifying Authority.
- b. The DA must include a report prepared by a structural engineer certifying the soundness of the building and photographic evidence of the dwelling supported by a description of its condition.
- c. Engineer designed footings and tie down details are to be submitted with the construction certificate application.



8. Business Development

8.1 Where do these sections apply?

a. This section applies to all land zoned Zone B2 - Local Centre Zone and RU5 - Village Zone under the Gilgandra LEP 2011.

8.2 Building setbacks

- a. The front of commercial buildings should be aligned to provide a continuous street frontage.
- b. New commercial development should respect the setbacks of other buildings along the streetscape.

8.3 Design

- a. The design of new commercial buildings should reflect and enhance the existing character of local centres.
- b. Any development within the Gilgandra Central Business District needs to consider the Heritage Conservation values (refer to Section 12 of this DCP).
- c. Building materials should be of high quality and harmonise with surrounding development. The use of reflective materials is discouraged.
- d. Large expansive blank walls not permitted unless abutting a building on an adjoining allotment.
- e. Plans must show the location of all external infrastructure (including air conditioning units, plant rooms, ducting) and demonstrate how it will be screened from view from a public place or road.
- f. Buildings should provide for 'activated street frontages' by incorporating active uses at street level including cafes and other retail activities.

8.4 Outdoor lighting

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

8.5 Post supported verandahs and balconies

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

8.6 Heights

a. The height of commercial buildings should be consistent with the character of the area, and include roof parapets where that is a characteristic in the surrounding streetscape.



b. The height of commercial buildings should not result in unreasonable overshadowing or compromise the privacy of adjoining properties.

8.7 Utilities and services

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

8.8 Traffic and access

- a. All vehicles must be able to enter and exit the site in a forward direction.
- b. Design must demonstrate no conflict between pedestrian, customer vehicles and delivery vehicles.
- c. Wearing surfaces for access driveways, parking areas, loading/unloading facilities and associated vehicle manoeuvring areas relative to the design vehicle to the satisfaction of Australian Standards AS/NZS 2890, AS/NZS 2890.2 and AS/NZS 2890.6 and/or Standard Drawings SEQ R0051 and/or Council's Engineer.

Australian Standards: http://www.standards.org.au/

Standard Drawings: http://www.engicom.com.au/

- d. Unsealed vehicle movement areas are generally not acceptable due to environmental management impacts.
- e. Loading bay(s) must be sited to avoid use for other purposes such as customer parking or materials storage and be line marked and signposted.
- f. Site access not permitted:
 - i. Close to traffic signals, intersection or roundabouts with inadequate sight distances;
 - ii. Opposite other large developments without a median island;
 - iii. Where right turning traffic entering the site may obstruct through traffic.
- g. The number of access points from a site to any one street frontage is limited to 1 exit and 1 entry.
- h. The provision of parking spaces for people with disabilities is to be in accordance with AS 1428.1.
- i. Ensure driveways have minimal impact on developments to the street and/or laneway through appropriate design measures.



8.9 Pedestrian access and mobility

- a. New commercial buildings or buildings involving alterations to more than 50% of the building structure are required to include equitable provision of access to and circulation within the premises for people with disabilities in accordance with the provisions of AS1428.1, and the Disability Discrimination Act.
- b. Pedestrian through-site routes must be direct without any concealment opportunities and should be designed to provide clear sightlines from one end to the other.

8.10 Signage

a. Ensure all signage complements, and does not dominate or compete with Gilgandra's architectural style, urban design, character, amenity and streetscape.

8.11 Public domain

- a. Buildings, street furniture and landscaping are to contribute to the definition of the public/private interface and amenity of the locality.
- b. Any large retail centre development may necessitate improvements to the adjoining public domain, particularly footpath areas connecting to the centre.

8.12 Solar access and overshadowing

a. All retail and business developments are to be designed so as to minimise overshadowing impacts and maximise solar access opportunities to any adjoining residential properties and the public domain (public reserves and / or footpaths) in the locality.



9. Enterprise Corridor

9.1 Where do these sections apply?

a. This section applies to all land zoned B6 - Enterprise Corridor under the Gilgandra LEP 2011

9.2 General

- a. The objectives of the B6 Enterprise Corridor zone in the LEP seek to promote employment generating business along the Newell Highway (including business, office, some retail and light industrial uses) and residential uses (but only as part of a mixed use development). Given the diversity of land uses permitted in the zone, there is an increased potential for land use conflict to occur. To reduce this likelihood, future subdivision of the land is to identify precincts of compatible land uses which are likely to be similar on local amenity. The location of the precincts is to also take into consideration existing developments on land within the B6 Enterprise Corridor zone as well as in the locality and their impact on future amenity.
- b. The intent of the zone is to promote commercial and light industrial development that does not detract from the functions of the predominant Central Business Districts of Gilgandra; hence any retail developments that may do this (eg supermarkets) are discouraged. Developments are also encouraged that may be visually attractive in design and landscaping and compatible with the residential uses adjoining these lands.

9.3 Buffers

a. Where a proposed development may adversely impact on the amenity of surrounding development in the locality and a proposed measure for mitigating that impact is a buffer or separation distance, the buffer or separation distance is to be fully accommodated within the property the subject of the proposed development.

9.4 Siting and streetscape

- a. Showroom display areas, ancillary offices, staff amenities and other low-scale building elements should be, wherever practicable, located at the front of the premises.
- b. Open work and storage areas should be located at the rear of the premises or behind the front building line and appropriately screened.
- c. Buildings are to face public spaces (roads and open space areas).
- d. Buildings are not to be hidden by high fences.
- e. Front security fencing is to be integrated with landscaping areas and not visually detract from the streetscape.

9.5 Building setback

Minimum requirements:

a. Front set back – 6 metres



- b. Secondary road frontage 4 metres
- c. Side and rear setback distances are proportionally related to required building materials to satisfy wall fire ratings (refer to the National Construction Code for details).

9.6 Access

a. Access from Newell Highway will be in accordance with RTA requirements. Each application will be assessed on its merits

9.7 Design

- a. Where elevations of buildings will be visible from the Newell Highway:
 - i. Walls to be constructed using brick/ masonry, pre-coloured metal cladding or a combination of a number of these materials. Metal cladding is to be non-reflective. Where wall(s) will be visible from the Newell Highway, their colours are to blend with those of the natural landscape.
 - ii. Roof materials are to be non-reflective. The colour of a roof that will be visible from the Newell Highway is to blend with the natural landscape.
 - iii. The maximum reflectivity of any glazing shall not exceed 20%, in order to minimise any potential glare impacts upon surrounding properties or motorists.
- c. The submission of a schedule of proposed external building materials and finishes shall be provided with the Development Application.
- d. Where blank walls on street frontages are unavoidable for new buildings, the building shall feature decorative wall elements and / or vertical fin elements as well as varying roofline elements, in order to provide visual interest to the building.
- e. The placement of roller shutters, loading docks and other building openings shall wherever possible be provided at the rear or side of the building.
- f. Over-shadowing of and retention of solar access to properties in the R1 General Residential Zone will need to be considered. The siting and design of buildings within the proposed development shall allow for reasonable solar access to adjoining buildings, streets and places.

9.7.1 Advertising signs

- a. Signs should be integrated advertising panels into wall surfaces and/or elevations.
- b. Single occupant sites:
 - i. one free standing advertising structure within the front setback area.
 - ii. one advertising sign placed on the facade of the building, but not higher than the building roofline.
- c. Multiple unit occupant sites:
 - i. one index board constructed within the front setback area, detailing the unit number, tenant and product of each occupant of the site.
 - ii. one advertising sign placed on the facade of each unit, but not higher than the building roofline.



9.8 Safety

- a. The front door to a building should face the road, wherever possible.
- b. Any administration offices or showrooms must be located at the front of the building with windows facing the public road.
- c. The street number of the building must be visible from the street to allow visitors and emergency service vehicles to easily identify the building.

9.9 Odour / dust emissions

a. All land use activity must comply with the relevant pollution control legislation administered by the relevant State Government agency and Council.

9.10 Noise and vibrations

a. Generally, buildings shall be designed to prevent noise from plant associated with the development/installation exceeding 5 dBA on an L_{9 0} basis (ie: no more than 5dBA above the background noise level generated for 90% of the daytime as defined in the Environment Protection Authority and measured at the boundaries of the site).

9.11 Rainwater tanks

- a. A rainwater tank may be provided to supplement water supply and control stormwater runoff.
- b. The rainwater tank supply may be connected to the hot water service (at the applicant's risk), laundry and toilet facilities with a top up connection into the tank. Rainwater tank supply may also be used for landscape irrigation.

9.12 Chemical substances

- a. Chemicals to be stored in accordance with WorkCover requirements and appropriate Australian Standards.
- b. Transportation of chemicals in accordance with WorkCover requirements and appropriate Australian Standards.
- c. Preliminary hazard analysis is required for hazardous industry or activity (refer to State Environmental Planning Policy No. 33 Hazardous and Offensive Development).



10. Industrial Development

10.1 Building setbacks

- a. Front: Minimum front set back is 9 m between the industrial building and street boundary.
- b. Side: In accordance with the National Construction Code.
- c. Rear: In accordance with the National Construction Code.
- d. The setback requirements will be subject to the design of the development and the on site vehicle manoeuvrability required for each development. The specified setback area is to be kept clear and maintained in an accessible manner at all times.

10.2 Design

- a. The external front façade of all industrial buildings fronting public roads shall be sympathetic to the local amenity and to Council's satisfaction.
- b. The maximum reflectivity of any glazing shall not exceed 20%, in order to minimise any potential glare impacts.
- c. Industrial buildings located on corner allotments shall be designed to address both street frontages in terms of façade treatment and articulation of the building and the roofline form. Any building on a corner lot must incorporate architectural corner features to add visual interest to the building.
- d. Showroom display areas, ancillary offices and other low scale elements should be, wherever practicable, located at the front of the building and constructed of glass, decorative finished concrete or face brick materials.
- e. The main entry to the industrial building shall be easily identifiable from the road and directly accessible from the front of the building or driveway in the case of a multi-unit complex.
- f. All industrial building construction shall comply with the requirements of the National Construction Code and in particular provisions for disable persons and essential fire safety measures.
- g. Natural lighting must be incorporated into the design for large-scale factory or warehouse distribution buildings.

10.3 Storage areas

- a. Where any storage area for raw materials or finished goods is proposed to be provided outside the confines of the building, full details of the storage area will be required for development consent.
- b. All outdoor storage areas are to be positioned at the rear or side of buildings with no storage areas being permitted within the front setback area of either the primary street frontage or any secondary street frontage.
- c. The maximum height of goods and materials stored within the storage area shall be restricted to no more than the height of the screening structure. However, Council may permit a variation from this requirement where Council is of the opinion, that:



- i. the location and overall height of the goods and materials will not pose any adverse overshadowing, amenity or visual impact upon any adjoining sensitive land use such as residential development or
- ii. the siting and overall height of the goods and materials will not pose any adverse amenity impact upon the public domain or upon streetscape in the immediate locality.

10.4 Landscaping requirements

a. Landscaping may be integrated with the overall development and should be used to improve the streetscape appearance of industrial development and associated car parking and loading areas.

10.5 Car parking

- a. All car parking required by Council shall be provided 100% on-site.
- b. All developments shall provide a minimum of one (1) disabled car parking space which is clearly marked and located in close proximity to the main entrance to the building. For developments involving 50 or more car parking spaces, at least 2% or part thereof of these spaces shall be dedicated as disabled car parking spaces and located in close proximity to the main entrance to the building.
- c. All car parking areas including access roadways shall be constructed of hard-standing, all weathermaterial with parking bays and manoeuvring areas clearly line marked.

10.6 Access and manoeuvring requirements

- a. Each factory building / unit shall provide a suitable loading bay facility which is designed to accommodate a large rigid truck. However, buildings with a gross floor area of greater than 3,000 square metres shall provide loading dock facilities and manoeuvring areas capable of accommodating both semi-trailers and large rigid trucks.
- b. All loading and unloading activities shall take place wholly within the loading bay, at all times. No loading or unloading activity shall take place within any car parking area, landscaping area, pedestrian footway or any road reserve.
- c. All loading dock facilities must guarantee satisfactory on-site manoeuvring areas for trucks in accordance with the Australian Standard AS 2890.2 Design Vehicular and Turning templates.
- d. All developments must be designed to ensure that the standard truck for each building / unit is able to complete a semi-circular turn on the site, in order to guarantee that all truck movements into / from the site are in a forward direction.
- e. Truck turning circles shall not encroach upon any building, car parking space or landscaped area.
- f. As per the provisions of C2.4 of the National Construction Code, emergency vehicular access must be provided from a public road. In this respect, the internal access road must have an unobstructed 6 metre width with no part of the building being more than 18 metres away from the access road. The minimum 6 metre wide access road shall be reserved for vehicular and pedestrian access only and not built upon or used for any other purpose.



10.7 Motor vehicle repair workshops

- a. All vehicles awaiting servicing, repair and / or collection are to be stored on approved parking bays only and are prohibited from standing or being stored on any designated visitor parking area, public open space area or the public road carriageway or footpath.
- b. Where spray painting is proposed, spray painting booths shall be provided to the requirements of Australian Standard AS 4114.
- c. Spray painting shall be exhaust ventilated so that no odour is noticeable in any adjoining residential area.
- d. Storage bins for scrap body panels and motor parts are to be provided.

10.8 Fencing

- a. All fencing in industrial developments shall be constructed open style metal type fencing with a maximum 2.4 metre height.
- b. The use of chain wire fencing on the front property boundary is not encouraged.
- c. All front entry gates shall be constructed to swing inwards into the site or slide across the frontage, at all times.

10.9 Industrial development adjoining a residential development

- a. The emission of any form of pollutant, including noise and vibration, air, water, dust or odour pollution, is not to affect the amenity of adjoining land/s.
- b. Sources of noise, where practicable, should be sited away from adjoining properties and where necessary, be screened by acoustic treatments.
- c. The proposed development shall not unreasonably cause overshadowing of adjoining properties.
- d. The appearance of the development from adjoining land shall have regard to these areas. It is advised that long blank walls which may adversely affect adjoining land/s will not be favoured.
- e. The development is not to incorporate the use of highly reflective building materials such as zincalume, aluminium and galvanised iron.
- f. Light sources shall be directed away from adjoining residential properties.

10.10 Retailing in industrial areas

a. Any proposed neighbourhood shop must be limited to the retail sale of small daily convenience goods such as foodstuffs, drinks, personal care products, newspapers and the like which provide for the daily needs of people who live or work in the local industrial estate.

10.11 Lighting

a. Electric street lighting systems are to be provided for roads and intersections as well as pedestrian crossing and traffic calming device locations in accordance with AS / NZS 1158 Road Lighting.



10.12 Noise and vibration

- a. Council is the appropriate regulatory authority for noise related activities, such a heavy industries, mining, extractive industry, motor racing tracks and the like under the Protection of the Environment Operations Act 1997. If development sensitive to noise were to be approved on adjacent properties to the noise source, Council will be responsible for regulating any resulting noise impacts. Council recommends applicants utilise the following documents to assist them in making decisions relating to acceptable noise levels for noise generating and noise sensitive developments:
 - i. NSW Industrial Noise Policy,
 - ii. Environmental Criteria for Road Traffic Noise,
 - iii. Noise Guide for Local Government.
- b. Incorporate sound proofing for machinery or activities considered likely to create a noise nuisance during design development.
- c. Locate noisy operational equipment within a noise insulated building away from residential areas.
- d. Design logistically efficient business practises to minimise the use of equipment, movements per site, and number of vehicle movements per site per day.
- e. Where sites adjoin a residential area, limit the number of hours and times at which mechanical plant and equipment is used in conjunction with the measures described above.

10.13 Amenity, odour and pollution control

- a. The operation of any new premises and any machinery or plant to be installed or any process to be used must not cause emissions contrary to the Protection of the Environment Operations Act 1997 and Regulations. Applicants will need to demonstrate that these standards are met. Approvals may also be required from the Department of Environment, Climate Change and Water for some types of development.
- b. Machinery and operations should be designed to minimise the emission of air impurities. This includes minimising vehicular movements to and from the site.
- c. Restricting the hours of operation may reduce any emissions to an acceptable level.
- d. To ensure all potential water pollutants are controlled and dealt with on site. Council may require devices such as:
 - i. effective bunding,
 - ii. retention pits,
 - iii. grease traps,
 - iv. booms and trash racks,
 - v. silt and litter arrester pits,
 - vi. siltation ponds.



11. Indigenous Heritage

Aboriginal sites are a very important part of Australia's cultural heritage. Equally important is the significance these sites have for Aboriginal communities. To Aborigines, the sites provide a direct link with their traditional culture. It is important to preserve as many of them as possible.

11.1 Relevant legislation

- a. National Parks and Wildlife Act 1974: The National Parks and Wildlife Service is responsible for the protection and preservation of all Aboriginal relics in New South Wales. It is illegal to disturb, damage, deface or destroy a relic or Aboriginal Place under the National Parks and Wildlife Act 1974 without a permit from the Director of the National Parks and Wildlife Service. Aboriginal sites in N.S.W. are not the basis for a land-rights claim. The Service and Aborigines are interested in recording and preserving sites, not in interfering with the rights of land holders.
- b. Gilgandra LEP 2011: The significance of Aboriginal archaeological and cultural heritage is also recognised in the Environmental Planning and Assessment Act 1979 and the Gilgandra LEP 2011

11.2 General controls

- a. All prospective applicants are encouraged to undertake a search of the NSW Department of Environment, Climate Change and Water's (DECCW) Aboriginal Heritage Information Management System (AHIMS) database, in order to clarify as to whether the subject site contains any recorded Aboriginal object and / or is a place of cultural heritage significance. However, it should be noted that the AHIMS database may not represent a complete list of all Aboriginal sites or Aboriginal places of cultural heritage significance in a particular locality. The database only lists known recorded sites and hence, a locality may contain a number of undiscovered and / or unreported Aboriginal objects or sites.
- b. All prospective applicants are reminded of the requirements of sections 86 91 of the National Parks and Wildlife Act 1974, and in particular, the requirement that any disturbance (ie excavation or construction work) to a site containing an Aboriginal object or human remains must immediately cease. Further, any person who discovers an Aboriginal object or human remains must immediately contact the Planning and Aboriginal Heritage Metropolitan Branch of DECCW as to the existence of the site.
- c. As a pre-cautionary approach, Council will require an appropriate Aboriginal archaeological and cultural heritage assessment to be undertaken for any new land use activity or development upon the following land (except where that portion of land previously had an Aboriginal archaeological / cultural heritage significance assessment carried out, as part of a previous rezoning or development stage and in which identified that no Aboriginal heritage issues apply to the site):
 - i. Land within 40 metres from top of bank of any watercourse / riparian land (excluding any portion of land subject to past development disturbance).
 - ii. Development area likely to include old-growth native trees up to and more than 130 years old. Old growth native trees that may be older than 140 years old have the potential to preserve Aboriginal scars.



- iii. Land within new 'greenfield' release areas (excluding any portion of land where a detailed Aboriginal archaeological / cultural heritage impact assessment has been undertaken at the rezoning stage or where Development Consent has been previously granted for subdivision or development of that portion of the land).
- iv. All known sites containing either Aboriginal objects and / or places of Aboriginal cultural heritage significance. Note: The NSW DECCW Aboriginal Heritage Information Management System (AHIMS) database provides a list of recorded sites containing Aboriginal objects or Aboriginal places of cultural heritage significance.
- d. The lodgement of an Integrated Development Application is required where development is proposed upon a site identified as containing an Aboriginal archaeological site or place of cultural heritage significance, pursuant to the provisions of Section 91 of the Environmental Planning and Assessment Act 1979, since the separate concurrence approval is required from NSW DECCW under Section 90 of the National Parks & Wildlife Act 1974 for a consent to destroy permit.
- e. Alternatively, an application may be made directly with DECCW for a permit under Section 87 or Section 90 of the National Parks and Wildlife Act 1974, prior to the lodgement of a Development Application. Documentary evidence of any such permit must be provided in support of any Development Application lodged upon a site containing a recorded Aboriginal site.
- f. Where the Aboriginal Archaeological and Cultural Heritage Assessment report concludes that there is no identified impact on any Aboriginal object or place but there is an impact on significant Aboriginal cultural heritage values that are not covered by the National Parks and Wildlife Act 1974, a Development Application may be lodged (if a Section 90 consent to destroy permit is not required).



12. Non - Indigenous Heritage

12.1 Land to which this applies

- a. Items of environmental heritage as listed under Schedule 5 of the Gilgandra Local Environmental Plan 2011 is contained; or
- b. The land is located within one of the Heritage Conservation Areas as contained in Schedule 5 of Gilgandra Local Environmental Plan 2011.

12.2 Relevant legislation and polices

- a. Burra Charter: this establishes the nationally accepted standard for the conservation of places of cultural significance. The Charter advocates a cautionary approach to changing a place, recommending only as much work as necessary to repair, stabilise and to maintain its function.
- b. Environmental Planning and Assessment Act 1979: The Environmental Planning and Assessment (EP & A) Act 1979 requires all Council's to protect and conserve heritage items and heritage conservation areas through their listing in environmental planning instruments such as Gilgandra Local Environmental Plan 2011.
- c. Heritage Act 1977 & Heritage Amendment Act 1998: Heritage is managed through the NSW Heritage Act 1977. The Heritage Amendment Act 1998 came into effect in April 1999 and created a two-tiered system in which local councils are responsible for items of local significance whilst the NSW Heritage Council is responsible for items of State significance.

12.3 Heritage impact statement

- a. Any Development Application lodged for development works upon a site containing a heritage item or within a heritage conservation area must be supported by a Heritage Impact Statement.
- b. A Heritage Impact Statement may also be required for any proposed development within close proximity to or within the visual catchment of a heritage item or heritage conservation area where in the opinion of Council, the proposal may pose some potential impact upon the setting or ongoing conservation of the heritage item or an adjoining heritage conservation area.
- c. The Heritage Impact Statement shall be prepared in accordance with any guidelines issued by the NSW Heritage Office for Heritage Impact Statements.
- d. A Heritage Impact Statement is prepared and lodged that clearly details the impacts on the item in the context of its level of significance and how it complies with the Standards of the investigation and assessment of the NSW Heritage Manual.
- e. The findings and recommendations of any Heritage Impact Statement should be reflected in the design for any proposed alteration or addition to a heritage item or building contained within a heritage conservation area or a building in vicinity of a heritage item or conservation area.



12.4 Conservation management plan

- a. A Conservation Management Plan may be required for any proposed development upon a site containing a heritage item on the State Heritage Register or where major alterations and additions are proposed to a heritage listed building or site.
- b. Where required or requested by Council, a Conservation Management Plan shall be prepared in accordance with any relevant guidelines issued by Council and / or the Heritage Branch of the NSW Department of Planning.

12.5 Responsibilities of an owner or applicant

a. In addition to their usual responsibilities to maintain their properties owners of places with heritage items and of sites in heritage conservation areas need to be aware of why these places have heritage significance. Before deciding on the type and extent of any changes they might want owners should check the level of significance that has been assessed for these places, ie whether they have been classified as having local or State heritage significance, because this will determine whether or not Council has to refer to the State Government for advice. The Gilgandra Shire Community-Based Heritage Study 2008-2009 may assist with the owner or applicant with its significance.

12.6 Demolition of a heritage item

- a. The demolition or relocation of a heritage building is contrary to the intent of heritage listing and hence, will only be considered as a last resort option in circumstances where the building is considered to no longer be of significance or not capable of repair.
- b. Any proposal involving demolition of the external and / or internal fabric of a heritage item will require detailed assessment as to the significance of the affected internal or external fabric of the building as part of the required heritage impact statement. This assessment must be undertaken in accordance with the NSW Heritage Assessment Criteria for ascertaining heritage significance as well as any past heritage studies pertaining to the item. The heritage impact statement must also include a statement as to the reasons why the building is not considered to meet the heritage criteria and why other options such as adaptive re-use are not feasible.
- c. If demolition is required primarily on economic grounds, a statement from a quantity surveyor comparing the cost of demolition against the cost of retention should be submitted.
- d. For any proposal involving demolition of a building due to structural integrity issues, the following matters must be addressed in the heritage impact statement or conservation management plan:
 - i. Comprehensive written and photographic evidence as to the current condition of the building fabric, including the condition of footings, load-bearing walls, building materials, pest infestation, water damage, sub-soil drainage, damage from natural occurrences, and whether it constitutes a danger to the users or occupiers of the building or the public;
 - ii. A statement as to the capability of repair, restoration, stabilisation or reconstruction of the heritage building;
 - iii. A statement outlining what other options have been examined instead of demolition and reasons why these options are not viable; and



12.7 General controls

- a. All features of significance should be conserved or re-instated. Further, if the opportunity presents, inappropriate alterations should be removed and original features reconstructed as well as possible.
- b. As much as possible of the original fabric should be kept. Missing elements may be replaced but only if they are known to have existed.
- c. When there is a choice, seek to improve the appearance and unity of a streetscape. Where there is a variety of buildings in a street or a row of buildings, features of the immediate neighbours should be taken as the reference point for proposed changes.

12.8 Alterations and additions

- a. Scale The scale and form of any building extension should not dominate the existing building, especially when viewed from the most significant elevations. The eave height, roof height, overall width and bay dimensions should not exceed those of the existing item. Where large extensions are proposed consideration should be given to a separate or pavilion style structure connected by way of a covered or enclosed walkway.
- b. Form New extensions should be consistent with the existing building form with respect to roof type and pitch, veranda, façade rhythms, geometry of bay dimensions and the size, proportions and position of windows and other openings. However it should avoid complete imitation of the original, rather be of a simpler, contemporary design.
- c. Any alteration or addition to a heritage item should be designed to compliment the existing period style and character of the heritage item.
- d. Original roofing materials should be retained wherever possible, however if it can be demonstrated that the roofing is in need of replacement then the new roofing material is to match as closely as possible, the colour, texture and profile of the original material.
- e. The materials, finishes and colours used in new extensions should compliment the heritage building, rather than trying to replicate the heritage item.
- f. Colour schemes for heritage buildings should generally be compatible with the particular architectural period of the building.

12.9 Verandahs and balconies

Verandahs and balconies are used widely in Australian houses and early commercial buildings, and are an iconic element of local Gilgandra architecture. Verandahs create patterns of light and shade on facades, and give depth to the building envelope. There are often significant repetitive elements that characterise street elevations.

- a. Existing significant verandahs and balconies should be retained. Reinstatement of verandas and balconies is encouraged although should be based on physical and/or historical evidence.
- b. Removal of later, intrusive verandas and balcony enclosures should be undertaken, based on physical or historic evidence.
- c. Enclosing front balconies and verandahs is not supported, particularly where a building is part of a group, as it detracts from the uniformity or consistency of the original character.



d. Alterations to an existing veranda or balcony enclosure where a property fronts an arterial road may be considered where the change will improve the uncharacteristic or unsympathetic enclosure by restoring details based on physical or historic evidence.

12.10 Signs

- a. The location of signs shall not detract from the significance of the heritage item.
- b. It is preferable that signage not be attached to heritage items except where the item is a commercial building that is designed to accommodate signage, or has a history of signage. In these cases, signage should be located as was originally intended.
- c. Signage types should generally relate to the period of the building and be designed to reflect signage types of that period.
- d. The colour and lettering of any signs should compliment the architectural style and colour of the heritage item.

12.11 Development near heritage items

a. Where development is proposed that adjoins a heritage item identified in the Gilgandra LEP 2011, the building height and setbacks must have regard to and respect the value of that heritage item and its setting.

12.12 Heritage conservation area

Heritage conservation areas are identified because these areas, overall, are significant for a community. Generally, they contain some buildings, works, relics or trees which have been identified as heritage items but it is not necessary for heritage conservation areas to contain any items that are heritage items in their own right.

The purpose of heritage conservation areas is to preserve the physical relationship of features in them that date from similar periods or are associated with certain historical themes and reflect lifestyles related to the periods or themes. In towns, heritage conservation areas are generally characterised by consistency in design features, materials, scale and proportions of individual buildings, whether the buildings are old or new.

New works in a heritage conservation area will be acceptable only if they serve to reinforce the physical character of the area. Works such as buildings that are visually intrusive or otherwise non-contributory to the character of the area will not be acceptable.

12.13 Infill development

- a. New development in heritage conservation areas and heritage streetscapes should be designed to respect neighbouring buildings and the character of the area or streetscape.
- b. The character of an area or streetscape can be uniform or have a mix of architectural styles. An appropriate reference point is usually the style of adjoining buildings.



- c. Infill development should not be a copy or replicate neighbouring heritage buildings. It should be in keeping with the character and appearance of neighbouring buildings and the wider heritage conservation area or heritage streetscape. Infill developments should be simpler in design than adjoining buildings. Modern materials can be used successfully.
- d. Consistent setback patterns are important to maintain visual uniformity.
- e. The massing of a building refers to its form, bulk and arrangement of elements. The new building should not be excessively bulky in relation to adjoining structures.
- f. Materials and Detailing Within a locality of consistent character there is usually a predominant building technique repeated throughout the precinct. Infill design should identify characteristic materials and details and interpret them in new buildings. Colour and tone can then be used as a unifying element.
- g. Roof shape and silhouette are important determinants of form.
- h. Infill development in heritage conservation areas and heritage streetscapes should:
 - i. respond positively to the character of adjoining and nearby buildings and demonstrate sympathetic bulk, mass and scale.
 - ii. achieve appropriate orientation, setbacks, materials and details.



13. Bed and Breakfast / Farm Stay Accommodation

13.1 General

- a. Farm stay buildings shall be arranged in a cluster pattern and located to minimise any intrusion into the rural landscape.
- b. The bed and breakfast and farm stay accommodation must be for short-term, temporary visitors only and not for long-term, permanent accommodation.
- c. The building containing the bed and breakfast and farm stay accommodation shall comply with the provisions of the National Construction Code.
- d. All weather access is available to the premises.
- e. Accommodation must be operated in a manner that has regard to the health and amenity of the surrounding neighbourhood. It is important that in a residential area the noise levels and traffic generation is in keeping with the locality.
- f. A minimum of 5.5 m² of bedroom floor area is required per person. Children under 5 years old are excluded from this calculation.
- g. Toilet and bathroom facilities are required for guests separate from those used by the permanent residents of the house, and without the need to enter another separate bedroom. Bathroom carpet is not permitted.

13.2 Guest rooms

Guest rooms should be designed to:

- a. Provide adequate space and facilities for occupants to store clothes and travel gear.
- b. Allow adequate natural light and ventilation into rooms in accordance with the National Construction Code.
- c. Provide bedding and flooring which are easily cleaned and maintained.
- d. Allow occupants to exit the room quickly and easily in emergencies, having regard to the configuration of beds and exit doors (no key locks for exit doors).

13.3 Health

- a. Premises and furnishings are to be kept clean and free from vermin.
- b. Toilet and bathroom facilities are required for guests separate from those used by the permanent residents of the house, and without the need to enter another separate bedroom. For farm stay accommodation, any cottage capable of individual occupation will be provided with its own toilet and bathroom facilities.
- c. No animals are allowed in a guest room, dining room or kitchen with the exception of guide dogs for the visually impaired which are acceptable within a dining room or guest room only unless the Bed & Breakfast or Farm Stay clearly advertises as being "Pet Friendly"..
- d. Laundry facilities must be available for the use by guests.



13.4 Fire safety

- a. Smoke alarms and lighting to assist evacuation shall be installed in accordance with the deemed to satisfy provisions of the National Construction Code.
- b. The building shall be provided with fire-fighting equipment to safeguard against a fire spreading, by allowing occupants to undertake an initial attack on a fire. Portable fire extinguishers shall be selected and located in accordance with Australian Standard AS 2444. A fire blanket can be located in risk areas such as kitchens.
- c. A building is to be provided with a planned means of evacuation in an emergency. Deadlocks requiring a key action to open a door must not be placed on the internal side of guest rooms or in any path of travel to exit the building.

13.5 Car parking

- a. On site car parking must be provided at the rate of 1 space per bedroom, plus 1 space per manager, plus 1 space per 2 employees.
- b. The car parking shall be designed and constructed in accordance with Australian Standards AS/NZS 2890, AS/NZS 2890.2 and ASNZS 2890.6.

Australian Standards: http://www.standards.org.au/

Standard Drawings: http://www.engicom.com.au/

c. Car parking is to be sited so as to maintain the amenity and character of the locality.

13.6 Food preparation

a. The fit out of the food preparation area is to comply with the Food Act 2003, Food Regulation 2004, Food Standards Code and AS 4674 – Construction and Fitout of Food Premises.

13.7 Conflicting land uses

Where the development site adjoins;

- a. Landuses that may have an adverse impact on the amenity of the future occupants (eg: agricultural operations, forestry operations, dairies, busy roads and railways);
- b. Areas of environmental constraint (eg: Endangered Ecological Communities); and
- c. Areas of bushfire risk.

The Applicant will need to demonstrate that sufficient buffer zones, or mitigating measures, are to be incorporated into the development site to avoid adverse impact.



14. Car Parking

14.1 Integrated development

- a. Under Section 91 of the Environmental Planning and Assessment Act 1979, an Integrated Development Application is required to be lodged where the concurrence of the NSW Roads and Traffic Authority is required under section 138 of the Roads Act 1993.
- b. Under section 138 of the Roads Act 1993 consent is required from the RTA (ie classified roads) and usually Council in other instances for the following:
 - i. Erect a structure or carry out a work in, on or over a public road.
 - ii. Dig up or disturb the surface of a public road.
 - iii. Remove or interfere with a structure, work or tree on a public road.
 - iv. Pump water into a public road from any land adjoining the road.
 - v. Connect a road (whether public or private) to a classified road.
- c. In regards to development affecting Classified Roads, concurrence will be required from the RTA prior to Development Consent being issued by Council.
- d. However, an Integrated Development Application is not required to be lodged where Council is the consent authority and the approval authority under section 138 of the Roads Act. In such cases a Development Application for the proposed development is only required.

14.2 Adoption of other standards and guidelines

- a. For the purposes of this chapter of the DCP, the provisions of the following Australian Standards are adopted (except where amended by specific development controls):
 - i. AS 2890.1 Part 1: "Parking Facilities: Off-street Car Parking" (2004)
 - ii. AS 2890.2 Part 2: "Parking Facilities: Off-street Commercial Vehicle Facilities" (2002)
 - iii. AS 2890.3 Part 3: "Bicycle Parking Facilities" (1993)
 - iv. AS 2890.5 Part 5: "On-street parking" (1993)
 - v. AS 2890.6 Part 6: "Disabled parking".

The following documents may also be used as best practice guidelines where specific development controls are not contained in this DCP or the relevant Australian Standard.

- i. RTA: "Guide to Traffic Generating Developments" December 2002, Issue 2.2;
- ii. AUSTROADS: "Guide to Traffic Engineering Practice; and
- iii. National Construction Code

Note: Where the above mentioned standards and guidelines are superseded by updated versions, the version current at the date of lodgement of the Development Application shall apply to the development.



14.3 Car parking provisions

- a. The car parking, motorcycle and bicycle requirements for specific land uses / developments are contained Table 14-1.
- b. For land uses not specifically listed, the car parking must be provided as per the most similar use of equivalent intensity, or otherwise in accordance with the requirements of the Council and/or RTA (whichever is the greater).
- c. Where a combination of uses is intended, the total parking requirements shall be the sum of the requirements for the various uses. This may be reduced at the Council's discretion in cases where the proponent can demonstrate that the lesser amount will satisfy the expected demand.
- d. All car parking, motorcycle and bicycle requirements must be fully provided on-site.
- e. Vehicle access points and parking areas are to be:
 - i. easily accessible and recognisable to motorists
 - ii. undisruptive to pedestrian flow and safety
 - iii. located to minimise traffic hazards and the potential for vehicles to queue on public roads
 - iv. located to minimise the loss of on street car parking, and to minimise the number of access points.
- e. Car parking and service/delivery areas are to be located so that they do not visually dominate either the development or the public domain surrounding the development.
- f. Parking and service/delivery areas and vehicular access points are to be located to minimise conflict between pedestrians and vehicles and to minimise impact on residential amenity.
- g. Car parking spaces are to be designed to ensure ease of access, egress and manoeuvring on-site. The standards of AS 2890 are to be complied with.
- h. Driveways are to be designed to avoid a long and straight appearance by using landscaping and variations in alignment.
- i. Pedestrian safety and permeability is to be a primary consideration in the design of car parking. Aisle designs shall include obvious surface treatments, signage and other markers to ensure motorists and pedestrians understand the likely movements of both parties within car parking areas.
- j. Pedestrian movements should be separated from vehicular traffic as much as physically possible. Where possible pedestrian thoroughfares within the parking area should be provided. Such areas are to be suitably integrated with the landscaping proposals for the parking area.

14.4 Disabled access

- a. Disabled access and parking facilities are to be provided in accordance with AS 2890.1, National Construction Code and the Commonwealth Disability Discrimination Act 1992.
- b. Each disabled person's parking space must have a minimum dimension of 3.2 metres by 5.5 metres. The disabled car parking spaces shall be clearly marked and signposted and located adjacent to the entrance exit with a minimum 2.5 metre head clearance in accordance with AS 2890.1.
- c. The number of accessible car parking spaces to be provided as prescribed by The National Construction Code.



14.5 Industrial areas

a. Any Development Application received by Council must clearly describe the anticipated vehicle types that will access the development and demonstrate, with reference to AS 2890.2-2002, that adequate manoeuvring areas exist to allow for all components of the development to function efficiently and independently.

14.6 Standards

Table 14-1 Car Parking Standards

Land Use	Minimum Parking Spaces Required (GFA refers to gross floor area)
Agricultural produce industry	1 per employee
Aerodrome	At Council's discretion
Amusement centre	1 per 40m2 GFA
Animal boarding or training establishment	At Council's discretion
Backpackers accommodation	At Council's discretion
Bed and breakfast accommodation	1 per guest room
Boarding house	1 per 3 beds plus 1 per operator
Bulky goods premises	1 per 50m² GFA
Business premises	1 per 40m² GFA
Caravan park/camp site	1 per site plus 1 per 10 sites for visitors
Car rental	1 per 5 rental vehicles on-site plus 1 per employee
Cellar door premises	1 per 50m² GFA
Cemetery	At Council's discretion
Child care centre	1 per employee plus 1 per 10 children plus set down and pickup points for cars
Community facility	1 per 5 seats or per 10m ² of GFA, whichever is the greater
Correctional centre	At Council's discretion
Crematorium	At Council's discretion
Dual occupancy	1 per 1 and 2 bedroom dwelling house2 per 3 bedroom dwelling house
Dwelling house	1 per 1 and 2 bedroom dwelling house2 per 3 bedroom dwelling house



Education establishment a. preschools, infants and primary school	a. 1 per staff member b. 1 per staff member plus 1 per 10 Year 12 students
b. secondary schools and tertiary institutions	
Electricity generating works	1 per employee
Entertainment facility	At Council's discretion
Farm Stay Accommodation	1 per guest room
Food and drink premises	1 per 5 seats or 1 per 10m ² GFA, whichever is the greater, plus 1 per 2 employees (or 1 space per 40m ² GFA for development in the B2 Local Centre zone)
Freight transport facility	1 per employee
Function centre	1 per 5 seats or 1 per 4m ² GFA, whichever is the greater.
Funeral chapel	At Council's discretion
Funeral home	At Council's discretion
Group home	1 per 1 and 2 bedroom dwelling house
	2 per 3 bedroom dwelling house
Health consulting rooms	3 per surgery, consultation or treatment room
Health services facility	3 per surgery, consultation or treatment room
Highway service centre	1 per 5 customer seats or 1 per 10m ² GFA (whichever is the greater) plus 1 per 2 employees
Home-based child care or family day care home	1 per employee
Home business	1 per employee not resident at the site
Home industry	1 per employee not resident at the site
Home occupation	Nil
Home occupation (sex services)	1 per person offering sex services, in addition to the number required for the residential accommodation
Hospital	1 per 4 beds plus 1 per 2 employees
Hostel	At Council's discretion
Hotel or motel accommodation	1 per unit plus 1 per 2 employees
Industry (hazardous, heavy, light, offensive & retail outlets)	1 per 100m ² GFA (minimum 2 spaces per single occupation)
Kiosk	1 per employee
Landscape and garden supplies	1 per 2 employees, plus 1 per 100m ² display area
Liquid fuel depot	I per employee plus tanker parking



Market	2.5 per stall for customers plus 1 per stall operator
Medical centre	3 per surgery, consultation room or treatment room or 1 per $25m^2$ GFA (whichever is the greater)
Mixed use development	As required for each land use within the development
Mortuary	At Council's discretion
Moveable dwelling	1 per 1 and 2 bedroom dwelling
	2 per 3 bedroom dwelling
	1 per dwelling if the dwelling is temporary and is not present on the site for more than 6 in every 12 months
Multi dwelling housing	1 car space per 1 or 2 bedroom dwelling.
	2 car spaces per 3 or more bedroom dwelling.
	1 designated visitor space per 1-4 dwellings.
	2 designated visitor spaces per 5-8 dwellings.
	More than 8 dwellings - 2 designated visitor spaces plus 1 visitor space for every 3 or part thereof additional dwellings.
Neighbourhood shop	1 per 20m ² GFA plus 1 per 3 employees
Office premises	1 per 40m ² GFA
Place of public worship	1 per 5 seats or per 10m ² GFA, whichever is the greater
Pub	1 space per 40m ² GFA
Registered club	1 per 5 seats or 1 per 10m ² GFA, whichever is the greater, plus 1 per 2 employees
Residential accommodation	1 per unit plus 1 per 2 employees
Residential care facility	1 per unit plus 1 per 2 employees
Residential flat building	1 car space per 1 or 2 bedroom dwelling.
	2 car spaces per 3 or more bedroom dwelling.
	2 designated visitor space per 1-4 dwellings.
	3 designated visitor spaces per 5-8 dwellings.
	More than 8 dwellings - 3 designated visitor spaces plus 1 visitor space for every 3 or part thereof additional dwellings.
Restaurant	1 per 5 seats or 1 per 10m² GFA, whichever is the greater, plus 1 per 2 employees
Restricted premises	1 per 40m² GFA
Retail premises	
(a) <3000m² GFA	(a) 1 per 40m² GFA
(b) >3000m² GFA	(b) 1 per 30m² GFA
Rural industry	At Council's discretion
Rural supplies	1 per 40m² GFA



Rural workers dwelling	1 per 1 and 2 bedroom dwelling2 per 3 bedroom dwelling
	1 per 1 and 2 bedroom dwelling
Seniors housing	2 per 3 bedroom dwelling
Sex services premises	1 per 40m ² GFA
Service station	4 per service bay plus 1 per $200m^2$ site area, and 1 per $20m^2GFA$ of convenience store area
Shops/shopping centres	
(a) <3000m² GFA	(a) 1 per 40m² GFA
(b) >3000m² GFA	(b) 1 per 30m² GFA
Shop top housing	I per 1 and 2 bedroom dwelling
	2 per 3 bedroom dwelling
Stock and sale yard	At Council's discretion
Take away food or drink premises	1 per 40m² GFA
Timber and building supplies	1 per 2 employees, plus 1 per 100m ² display area
Tourist and visitor accommodation	1 per unit plus 1 per 2 employees
Transport depot	1 per employee
Truck depot	1 per employee
Vehicle body repair shop	4 per service bay plus 1 per 200m ² outdoor active use area
Vehicle repair station	4 per service bay plus 1 per 200m ² outdoor active use area
Veterinary hospital	3 per surgery
Warehouse or distribution centre	1 per 300m² GFA
Wholesale supplies	1 per 100m ² GFA



15. Advertising

This section of the DCP should be read in conjunction with the provisions of State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64), any relevant State Code and the Gilgandra LEP. This section of the DCP supplements the provisions of SEPP 64 and hence, all proposed advertising signs and structures must be designed in accordance with the requirements of SEPP 64 in addition to the controls outlined in this chapter.

15.1 General requirements

a. All advertising signs and structures must relate directly to the lawful approved or exempt land use being conducted on the land to which the advertising sign or structure is to be displayed. Where development consent is required for the use of the land, any prior Development Application for advertising signage will be requested to be formally withdrawn by the applicant or otherwise the application is likely to be refused on this basis.

15.2 Design and safety

- a. Any advertising sign or structure should reflect the architectural style of the building.
- b. Signs should not obscure decorative forms or moulding and should observe a reasonable separation distance from the lines of windows, doors, parapets, piers and the like.
- c. Signs should be of a size and proportion which complement the scale of the existing building as well as surrounding buildings and signs. Signs should not significantly affect the presentation of the existing façade of the building.
- d. An advertising sign or structure must not endanger public safety or cause nuisance or a hazard by reason of its location, construction or design by either:
 - i. Emitting excessive glare or reflection from internal or external illumination or surface materials;
 - ii. Obscuring the view of motorists or pedestrians;
 - iii. Screening potentially hazardous road features;
 - iv. Signage containing designs or messages which may either confuse or distract motorists.

15.3 Illuminated signs

- a. The lighting intensity and hours of illumination must not unreasonably impact on any residential properties adjoining the sign or that is within its locality.
- b. The lighting intensity of a sign must be capable of modification or control after installation.
- c. Illuminated signs must minimise the spill effects or escape of light beyond the subject sign and must not compromise safety for pedestrians, vehicles or aircraft.

15.4 Fascia signs

- a. A maximum of one (1) fascia sign per building awning.
- b. Fascia signs must form part of the awning and must not project above or below the awning fascia.



- c. Fascia signs must not be illuminated.
- d. Fascia signs must be restricted to the name and general nature of the approved business carried out in the building or premises to which the fascia awning is attached. Product identification on awning fascias is not permitted.
- e. Where a building comprises a number of separate businesses, the fascia sign should identify the name of the building only.

15.5 Flush wall signs

- a. A maximum of one (1) flush wall sign per building elevation will be permitted.
- b. Any wall advertisement must be integrated with the design of the building on which it is to be displayed and for a building having:
 - i. An above ground elevation of 200 square metres or more the advertisement must not exceed 10% of the above ground elevation;
 - ii. An above ground elevation of more than 100 square metres but less than 200 square metres the advertisement must not exceed 20 square metres; and
 - iii. An above ground elevation of 100 square metres or less the advertisement does not exceed 20% of the above ground elevation.
- c. Flush wall signs must be attached flush to the wall and must not protrude more than 300mm from the wall.
- d. Flush wall signs must not protrude above the parapet or eaves.
- e. Flush wall signs must not cover mechanical ventilation vents.
- f. The advertisement must not extend over any window or other external opening.
- g. The advertisement must not obscure significant architectural elements of the building.
- h. Any wall advertisement must not include any building or business identification signage on the same building elevation

15.6 Awning signs

- a. A maximum of one (1) under awning sign is permitted per building awning. A corner building with a wrap around awning is permitted a maximum of two (2) under awning signs.
- b. Under awning signs must be attached to the underside of an awning and erected in a horizontal position at right angle to the building.
- c. A minimum clearance of 2.6 metres is required between the underside of the sign and the footpath below.
- d. Under awning signs must be setback at least 600mm from the footpath edge to the road carriageway.
- e. The under awning sign must not project beyond the awning.

15.7 Roof signs

a. On or above the roof of a building but not a veranda;



- b. Fixed to the wall of the building and part of the sign projects vertically above the wall;
- c. Fixed to a structure (not a building) and part of the sign is more than 7 metres from the ground.

15.8 For pole and/or pylon signs

- a. A maximum of one (1) pole or pylon sign per site is permitted.
- b. A minimum clearance of 2.6 metres is required from the underside of the pole or pylon sign and the ground level.
- c. The maximum height of a pole sign is 10 metres.
- d. The maximum advertising area for a pole or pylon sign upon a site located within a business zone is 10m^{2.}
- e. The maximum advertising area for a pole or pylon sign upon land within a rural zone is 3m².
- f. All structural elements are to be designed by structural engineer

15.9 Free standing signboard

All signs to be in accordance with Council's Local Approval Policy



16. Child Care Centres

This section aims to provide detailed guidance to people wishing to prepare an application to develop a child care centre within the Gilgandra Shire.

At the time of preparing this Part, licensing and regulation of child care services is managed by State Government under the Children's and Young Persons (Care and Protection) Act 1998, and the Children's Services Regulation 2004 which should be read in conjunction with Council's requirements. Other informative resources are available from the Department of Community Services at <u>www.community.nsw.gov.au</u>. This DCP does not reiterate DoCS requirements in any detail as they may be subject to change from time to time

The National Construction Code (Child Care Centres are classified as 9b buildings) and Australian Standards 1428.3 should also be referred to. Where child care centres conduct food preparation on their premises, the activity is subject to the provisions of the NSW Food Act. The business is also obliged to notify the details of the business to the NSW Food Authority. This Section supplements those standards so that the childcare centres fit with the context of Gilgandra and any potential impacts are minimised. This detail is provided in the components listed below.

16.1 Development to which this section applies

This section does not generally apply to home based child care services, although many of the standards for centre-based services in this section may be useful for those wishing to establish such a service. Applicants for home based services should refer to the Gilgandra LEP to determine the consent requirements.

16.2 Location

Preferred sites for a child care centre are sites:

- a. Where safe and convenient vehicular access can be provided;
- b. Where safe and convenient pedestrian access can be provided;
- c. Where there is less exposure to neighbouring dwellings and other noise sensitive uses (for example, corner sites);
- d. That are of a size and shape that provides for efficient building forms, generous access/ circulation spaces and extensive play areas;
- e. Is located adjacent to community focal points, including shopping centres, community facilities, (such as libraries and churches), useable parkland, schools or sporting grounds, or is co-located within education facilities, work sites, employment generating areas, on collector roads.
- f. Child care centres on the following sites are discouraged:
 - i. Sites comprising battle-axe allotments and sites with access to a road with limited access and turning capability;
 - ii. Steep sites that inhibit convenient access for persons with a disability or reduce the usability of outdoor play areas;



- iii. Where land contaminants, air or noise pollution or other risks or hazards are present on the site or in the immediate vicinity;
- iv. Child care centres are not to be located within proximity of a brothel.
- v. Long, narrow sites; and
- vi. Sites in locations where the development will not unreasonably impact on residential amenity.
- g. Where sites are located within low density residential areas, preference is given to smaller scale development (under 50 child care places).
- h. Locations of the child care centre is away from roads with high traffic volumes, to minimize potential for adverse impacts including unacceptable air quality, traffic, noise and vibration issues.
- i. The site is not to be subject to undue overlooking from surrounding existing and approved proposed uses to ensure privacy and security for users of the centre.
- j. The location is to take into consideration any other environmental health hazard or risk relevant to the site and/or existing buildings within the site or the surrounding area.
- k. All buildings and outdoor play areas are located outside any high voltage electricity supply easements, buffer distances of telecommunication towers, or any other similar utility devices.

16.3 Site layout, building form and appearance

a. In established residential areas, development proposals for new buildings must have due regard to aspects such as scale, height, bulk, form, density and appearance to ensure that development is appropriate to its surroundings and will maintain and enhance the streetscape character and the general amenities of the locality.

16.4 Indoor and outdoor space

- a. The minimum amount of indoor unencumbered space and outdoor unencumbered space to be provided per child care place shall comply with the requirements of the Regulation.
- b. Outdoor space.
 - i. Ensure that 50% of all outdoor open space is shaded during the hours of 10am to 3pm. Shading may be provided by trees, awnings, or similar structures.
 - ii. Locate seating and outdoor play equipment in shaded areas
 - iii. Ensure outdoor space receives a minimum of 2 hours direct sunlight per day.
 - iv. Use plant species in landscaping that are not harmful to children or the environment
- c. Indoor space
 - i. Clear and unobstructed lines of sight to all areas within the child care centre for views of staff and children at all times, especially in toilets, nappy change areas and sleeping areas;
 - ii. Use of safety glass and safety markers on glass at child and adult height is required;
 - iii. The use of energy efficient appliances



16.5 Vehicle circulation and car parking design

- a. Minimum on site parking shall be provided in accordance with Section 14 of this DCP.
- b. Access and facilities for the disabled are to be provided in accordance with Australian Standard 1428.1 and 1428.3 (Design for Access and Mobility. Part 3: Requirements for children and adolescents with physical disabilities).
- c. Car parking areas for set down and pick-up are located to be visible from the road and to maintain the amenity of the street and adjacent properties.
- d. Design of the car park surface and borders should incorporate adequate facility for people with prams or mobility aids.
- e. Parking area dimensions and parking layout shall comply with Australian standard 2890.1 2004 User Class 3 (being 2.6 metres wide).
- f. Carparks should be provided with separate entrance and exit driveways (adequately signposted) and separated by a distance that ensures safe, reasonable operation of the car park.

16.6 Acoustic privacy

- a. Orienting the building and outdoor play spaces having regard to impacts on neighbours (for example, locating play areas away from neighbouring bedrooms).
- b. Maximising the separation between the active outdoor play area (as opposed to passive activities such as sand pits, painting, storytelling etc) and the façade of any neighbouring premises.
- c. Ensuring openable windows at the child care centre and external play areas do not have a direct line of sight to neighbouring sensitive uses.
- d. Where necessary, selected noise treatments such as acoustic cladding, windows and flooring or the provision of acoustic fencing or landscaping to shield nearby premises from the noise should not impact adversely upon the amenity of surrounding properties or the streetscape and character of the locality.
- e. Where feasible, appropriate noise mitigation treatments shall be implemented to minimise noise being generated by arrivals and departures, including traffic noise. These treatments could include the careful positioning of arrival and departure access points away from residential property boundaries, the appropriate placement of buildings constructed on site to shield the noise or the provision of acoustic fencing or landscaping.
- f. All external pedestrian gates shall be fitted with appropriate door closers to provide a slow and regulated closing of the gate to prevent the generation of impact sound.



17. Aerodrome

All applicants will need to refer to the Gilgandra LEP 2011 for further requirements for development within the flight path.

17.1 Obstacle height limitations

Refer to the Gilgandra LEP 2011 for the Obstacle Limitation Surface Map (OLS) and controls.

The Obstacle Limitation Surface Map indicates the maximum height that buildings and other structures must not exceed to ensure the safe operation of the Gilgandra Aerodrome. It should be recognised that trees are also a potential obstruction and therefore controls over landscaping will also apply, where relevant.

17.2 General

The Council must not grant consent for the carrying out of development on land near the Airport unless it has made an assessment of:

- a. The effect of aircraft noise on the development,
- b. The Obstacle Limitation Surface Map in the Gilgandra LEP 2011,
- c. The impact of aircraft using the aerodrome on that development,
- d. The effect of the lighting associated with carrying out the development on local night-time flying operations and;
- e. Any bird hazard likely to be generated by carrying out the development in respect of the aerodrome.

17.3 Aircraft noise

- a. As the lots are adjacent to an existing airport, internal noise attenuation is to be incorporated into any quiet uses such as offices of the buildings. This is the responsibility of each individual building owner.
- b. Activities associated with uses on each lot must not create offensive noise as defined in the Australian Standard AS 2021 (Acoustics - Aircraft Noise Intrusion, Building, Siting and Construction). The design of buildings in order to achieve appropriate noise attenuation is the responsibility of each individual owner.

17.4 Lighting

a. Development shall not result in a concentrated light source emanating from land within the approach sectors, being visible to aircraft on approach to or departing from the runway, being light of such intensity likely to cause distraction.

17.5 Restricted development near airport

The following type of development in the vicinity of the airport requires careful consideration in terms of the operation of the airport:



- a. Structures to a height that adversely affects the operation of the Airport; or
- b. A dam or reservoir, or
- c. The handling or storage of grain, or
- d. The disposal of refuse, or
- e. A sewage treatment plant or effluent ponds, or
- f. An abattoir, or
- g. A stock yard complex, or
- h. The provision or enhancement of a habitat likely to attract birds which may be a hazard to aircraft, or
- i. Any other land use which as a result of the creation or disposal of waste foodstuffs could, in the opinion of the Council, constitute an attraction to birds.



18. Brothels (Sex Services)

18.1 Information to be supplied with a Development Application for a brothel or restricted premises

A Statement of Environmental Effects accompanying a development application among other things shall particularly provide:

Written Information

- number of employees;
- Inumber of rooms in the premises;
- hours of operation; and
- I a statement addressing the social, economic and environmental impacts of the development.

Plan Information

- Iocation plan showing proximity to churches, schools, community facilities, hospitals and playing fields within a 1 km radius of the site;
- site plan and floor plan (including the use of each room);
- I entrances to and exits from the site;
- Iocations, number and layout of parking;
- I advertising signs (size, number, colour, illumination and content); and
- I details of the existing and proposed external lighting.

18.2 Location

Sex services, restricted premises and adult entertainment premises must not be sited:

- a. in a shopfront situation in a shopping street and where the location is likely to conflict with and have a significant adverse effect on surrounding uses.
- b. any of their points of public access are located near or within direct view of a church, school, hospital, playing field, bus stop or any place frequented by children for recreational or cultural activities.

18.3 Design and amenity

- a. The external appearance of sex services premises, restricted premises and adult entertainment premises must respect the architectural character of the streetscape and not be a prominent feature in the street.
- b. All entrances and exits to sex services premises, restricted premises and adult entertainment premises should be designed to facilitate the privacy of staff and visitors without compromising personal safety (through avoiding the use of isolated back lanes and poorly lit areas). Shared access to the premises is not permitted.
- c. The interior of sex services premises, restricted premises and adult entertainment premises must not be visible from any place in the public domain.



- d. Sex services premises, restricted premises and adult entertainment premises must not display sex related products, sex workers, or performers, or nude or semi-dressed staff from windows, doors or outside of the premises.
- e. The operation of the brothel shall not interfere with the amenity of the neighbourhood.
- f. The operation of the brothel shall not cause a disturbance in the neighbourhood when taking into account other brothels operating in the neighbourhood

18.4 Parking

- a. On-site parking shall be provided in accordance with the standards set out in Section 14 of this DCP.
- b. Parking areas must also be well lit and sign posted.

18.5 Signage

- a. All signage associated with a brothel is to be designed so that its shape, size, content and illumination does not interfere with the amenity of the neighbourhood.
- b. The sign shall not display words or images, which are in the opinion of the consent authority sexually explicit, lewd or otherwise offensive.
- c. The sign does not exceed 3 metres x 0.3 metres in size and identifies only the name of the person who conducts the business or the registered name of the business;
- d. A maximum of one (1) external sign per premises is permitted and shall indicate only the name of the business operated and/or the address. However, additional signage for parking and traffic management may be provided.

18.6 Health

a. All applications to which this section of the DCP relates shall comply with the requirements of the Public Health Act 1991 and the requirements of the New South Wales Health Department.



19. Telecommunication Facilities

19.1 Relevant legislation

- a. Telecommunications Act 1997: The Commonwealth Telecommunications Act 1997 establishes a regime for carriers' rights and responsibilities when inspecting, maintaining or installing telecommunications facilities. This policy clarifies the expectations of Council on carriers who operate under the Act.
- b. Radiocommunications Act 1992: The Radiocommunications Act 1992 regulates radiocommunications transmitters. It provides for the licensing of radiocommunications equipment and applies mandatory standards to its use. This policy clarifies the expectations of Council on carriers who operate under the Act.
- c. Telecommunications Code of Practice 1997: The Telecommunications Code of Practice 1997 establishes obligations on carriers in land access situations such as when inspecting land, installing low-impact facilities and maintaining facilities. It also requires carriers to comply with recognised industry codes and standards. This policy clarifies and standardises the expectations of Council in respect to land-access situations.
- d. Telecommunications (Low-impact) Facilities Determination 1997: The Telecommunications (Low-impact) Facilities Determination 1997 exempts telecommunications infrastructure classified as "low-impact" from compliance with state and local government regulations. This classification relates primarily to visual appearance and size, rather than emissions. This policy applies to facilities that are not low-impact facilities. While the policy does not have the authority to override the Telecommunications (Low-impact) Facilities Determination 1997, it nevertheless provides advice to carriers about the expectations of Council and requests their voluntary co-operation.
- e. Industry Code for the Deployment of Mobile Phone Network Infrastructure: The Industry Code for the Deployment of Mobile Phone Network Infrastructure (Australian Communications Industry Forum 2004) derives its authority from the Telecommunications Act 1997 and applies only to telecommunications carriers and their infrastructure. It does not apply to other broadcasters, councils or other agencies. It requires carriers to apply a precautionary approach to site selection and the design and operation of infrastructure; to consult with councils and communities regarding siting; to provide information to the public and to implement a complaints handling procedure. It applies to both low impact and not low-impact facilities. This policy broadens the scope of the Australian Communications Industry Forum's Code by applying consistently not only to carriers and their agents, but also to builders and operators of all electromagnetic radiation emitting infrastructure, including those operating under the Radiocommunications Act 1992.

19.2 Location

- a. The applicant should demonstrate that, in selecting a site, it has adopted a precautionary approach and accounted for the principles of ecologically sustainable development in regards to minimising electromagnetic radiation (EMR) exposures consistent with the Code for the Deployment of Mobile Phone Network Infrastructure Australian Communications Industry Forum 2004). Preferred land uses include:
 - i. Industrial areas;



- ii. Rural areas; and
- iii. Low-use open space.
- b. The applicant should demonstrate particular consideration of likely community sensitive locations. Community sensitive locations may include areas:
 - i. Where occupants are located for long periods of time (eg residences);
 - ii. That are frequented by children (eg schools, child care centres); and
 - iii. Where there are people with particular health concerns (eg hospitals, aged care centres).
- c. A facility should not be located in an area where in the opinion of Council the landform, vegetation or features of a proposed location have special aesthetic, architectural, ecological or conservational value, or where such features will not adequately screen or reduce the impact of the facility.

19.3 Co-location

- a. Co-location is the practice of locating a number of different telecommunication facilities often owned by different carriers on one (1) facility or structure.
- b. The potential for sharing and co-location is to be given a high priority. The sharing of existing antennas, via the use of combiners, should be pursued in the first instance, wherever possible. Existing towers and poles or other appropriate structures should be investigated for appropriateness for the sharing of antennas.
- c. Efforts made to co-locate are to be demonstrated by the carrier in the development application.
- d. The carriers' network master plan for the subject infrastructure type should be included to identify opportunities for co-location or sharing of facilities within or between carriers.

19.4 Visual amenity

- a. Carriers are to design antennas and supporting infrastructure in such a way as to minimise or reduce the visual and cumulative visual impact from the public domain and adjacent areas.
- b. Within the local context, the infrastructure design must take account of:
 - i. Colour;
 - ii. Texture;
 - iii. Form;
 - iv. Bulk and scale.
- c. Infrastructure must:
 - i. Be well-designed;
 - ii. Be integrated with the existing building structure unless otherwise justified in writing to Council.
- d. Have concealed cables where practical and appropriate; and
- e. Be unobtrusive where possible.
- f. Suitable landscaping is to be provided for screening and to soften the appearance of relevant facilities.



- g. The site must be restored following construction of the infrastructure.
- h. Infrastructure must be removed when no longer being used.

19.5 Environmental/health impact

Telecommunication carriers will be required to demonstrate that the development will not cause a level of electromagnetic radiation as measured cumulatively across all sources of more than the relevant Australian exposure standard at ground level within 300m of the proposed transmitting facility.

19.6 Public safety

The development application shall include details on measures taken to ensure public safety for antennas with respect to their structural and electrical safety.



20. Street Trading

20.1 Approval process

Street Trading shall be in accordance with Councils Street Trading policy. Application forms can be obtained from Council.

For proposals that do not comply with Council's Street Trading policy will need development consent.

If DA is required the following criteria applies:

- a. In the event that formal development consent is ultimately granted for the proposed outdoor (footway) restaurant pursuant to the provisions of the Environmental Planning & Assessment Act 1979, a condition of the consent will be imposed requiring the separate lodgement of an application with Council in accordance with the requirements of Section 125(a) of the Roads Act 1993. If the outdoor restaurant is proposed upon a classified road, the formal concurrence from the NSW Roads & Traffic Authority will also be required as part of the Roads Act application.
- b. All costs associated with the lodgement of the Development Application and the separate application for licensing under the Roads Act shall be met by the intended licensee.

20.2 Outdoor dining

- a. To ensure that outdoor restaurant activities are restricted to designated road reserve (footway) areas only where safe and accessible paths of travels are maintained for all pedestrians and in particular the frail aged, persons with prams, persons with a visual or mobility impairment and children who require safe, continuous and logical access along footpaths.
- b. Outdoor restaurants should be generally restricted to directly in front of the premises to which the outdoor restaurant relates to. In certain circumstances, Council may permit an outdoor restaurant not directly in front of the premises to which it relates where the adjoining land use is not a food or beverage related business and where in the opinion of Council, the proposed location will not pose any significant adverse amenity impacts upon adjoining land uses or for the use of the remaining footway area, within the immediate vicinity of the proposed outdoor dining area.
- c. Avoid locating outdoor dining or display areas near housing where noise and odours may reduce residential amenity.
- d. Outdoor seating arrangements shall not obstruct access to public infrastructure or utilities such as fire hydrants, access holes, inspection chambers, telephone and electricity underground cables, water service pipes and the like.
- e. The business operator is responsible for ensuring patrons maintain their outdoor furniture within the boundaries of the licence area. The licence holder is to ensure that all staff routinely supervise patrons, in order to ensure that all tables and chairs are contained wholly within the confines of the licensed area, at all times.
- f. The advertising sign will only be permitted within the approved licence boundaries of the outdoor dining area
- g. Outdoor furniture or structures shall not be permanently fastened to the footway without the formal approval of Council.



- h. Umbrellas and other shade structures are to be positioned wholly within the outdoor dining area and shall not encroach upon the airspace of the remaining pedestrian footway so to prevent any potential cause of injury to pedestrians.
- i. Umbrellas must not overhang any road carriageway and must have a minimum clearance height of 2.1 metres.
- j. Heating devices are to be positioned wholly within the defined outdoor dining area and satisfactorily secured to prevent any injury to patrons or pedestrians.
- k. The hours of operation of the outdoor dining area or outdoor trading activity will be restricted by Council to the hours of operation of the main business to which the outdoor activity relates. Council may further restrict the hours of operation of any outdoor dining area where in the opinion of Council, there is a potential for adverse noise or amenity impacts on surrounding sensitive land uses such as residential dwellings in the immediate locality.
- I. The day to day management of the outdoor dining area is the responsibility of the licensed operator.
- m. The outdoor dining area (chairs, tables and other fixtures) must be maintained in a clean and tidy condition, at all times.
- n. Only 'assistance animals' in accordance with the Disability Discrimination Act 1992 will be allowed within any outdoor dining area.
- o. The management and staff of any outdoor dining area are also responsible for the immediate removal and cleaning up of any broken glass, spills (especially oil or fat spills) or the like from the footpath.
- p. The licensee must cause no damage to the pavement of the footpath by the installation and / or removal of fittings otherwise the repair costs will be borne by the licensee.
- q. The licensee shall pay the Council's legal costs and disbursements of the negotiation, preparation, execution and stamping of any lease that may be required and shall pay all stamp duty.
- r. The licensee shall indemnify the Council from and against all damage costs, actions, claims and demands made by persons using the on street dining area.
- s. The licensee must carry public risk insurance in the joint names of the Lessee and the Council not less than \$10,000,000.00 for any one event.
- t. The licensee shall not sub let or assign any part of the on street dining area without the prior written consent of Council.
- u. The Council may terminate the licence without notice if the on street dining area ceases to be used in conjunction with the adjacent restaurant or food premises or if the licensee is in any breach of the licence.

20.3 Display of goods

- a. Display stands must not be a permanent structure
- b. The footpath display area is to remain visible from the premises, at all times.
- c. All merchandise is to be appropriately secured to minimise loss during wind gusts. Additionally, display stands must be appropriately anchored or secured to ensure stability during wind gusts.



- d. Display stands are to be fitted with a stabiliser foot or locking wheels/rollers. On sloping sites a tether may be required.
- e. The display of merchandise and other material should be orderly to minimise any potential adverse visual impact upon the streetscape. No shopping trolleys or shopping baskets shall be used on the footpath for merchandise display purposes.
- f. Display areas shall not obstruct access to public infrastructure or utilities such as fire hydrants, access holes, inspection chambers, telephone and electricity underground cables, water service pipes and the like.
- g. No protruding or sharp objects are to be displayed upon the footpath.
- h. Any food products must be displayed in appropriate display containers at a minimum 750mm height above the footpath level and in accordance with relevant food hygiene requirements.
- i. All display areas are to be set back to maintain unobstructed vehicular sight lines in accordance with Part 5 of the Aus Roads Guide to Traffic Engineering Practice.
- j. Display areas are not permitted adjacent to any bus stop, taxi stand or any disabled parking space within the adjoining road reserve.



21. Environmental Hazards

21.1 Flooding

21.1.1 Where does this section apply?

Council has adopted the 1% AEP Flood (a 1 in 100 year event) as its Flood Planning Level. Land below the Flood Planning Level is referred to as "flood affected land".

This section applies to land affected by flooding and land affected by or potentially affected by riverine processes to which Gilgandra Local Environmental Plan 2011 applies. It normally applies where the development is on flood prone land; however there are instances, such as provision of safe access to flood refuges for subdivisions, where even though the development is on flood free land, this Chapter still applies.

Flood affected land as shown on the Gilgandra LEP 2011- Flood Planning Maps is defined as the most current information available to Council and may be derived and interpreted from a combination of the following:

- a. Gilgandra Flood Studies identifying the 1% flood undertaken in accordance with the Floodplain Development Manual, prepared by the NSW Government (as applicable at the time the Study was conducted).
- b. Modelling undertaken for specific sites which identifies the 1% AEP flood.
- c. Historic flood inundation records held by Council as the highest known flood.
- d. Information contained within an environmental planning instrument or policy.
- e. Specific flood mapping for the site.

If deemed necessary, the Council will require you to provide a minimum floor level for a building that is based on 500mm freeboard level above the 1% AEP flood or storm event, if that information is available.

21.1.2 General development controls

- a. No building or work (including land filling, fencing, excavation) shall be permitted on flood affected land where in the opinion of Council, such building or work will obstruct the movement of floodwater or cause significant concentration or diversion of floodwaters.
- b. The DA must demonstrate the building or structure can withstand the force of flowing floodwaters, including debris and buoyancy forces as appropriate. A report from a structural engineer demonstrating/certifying that the proposed structure can withstand the force of floodwaters is required. Class 10 Structures up to 50m² which includes Carports, Garages, Gardens sheds and the likes will be assessed on merits and may not require supporting information from a structural engineer.
- c. A survey plan prepared by a registered surveyor showing existing ground levels, finished ground levels, finished floor levels, flood levels and location of existing/proposed buildings is required.



- d. Floor levels to be equal to or greater than the 1% AEP flood level plus 500mm freeboard. Where this is not practical due to compatibility with the height of adjacent buildings, or compatibility with the floor level of existing buildings, or the need for access for persons with disabilities, a lower floor level may be considered. In these circumstances, the floor level is to be as high as practical, and, when undertaking alternations or additions, no lower than the existing floor level.
- e. All structures to have flood compatible building components below the 1% AEP flood level plus freeboard.

21.1.3 On site effluent disposal

a. Onsite sewer management facilities must be sited and designed to withstand flooding conditions (including consideration of structural adequacy, avoidance of inundation, and flushing/leaking into flowing flood waters). Details to be considered as part of the development application.

21.1.4 Residential

- a. Generally, residential development shall be located on the site so that buildings are confined to that part of the site having least flood risk, minimising the potential risk to life and property from flooding.
- b. A certificate by a registered surveyor showing finished floor level shall be provided to Council prior to floor being constructed. The certificate shall verify the finished ground and floor levels conform to approved design levels as approved by Council.
- c. Additions to existing buildings will be only be permitted, with limitations, as follows:
 - i. where the floor level of the proposed addition is located below the flood standard the maximum increase in floor area is not to exceed 50% of the floor area of the existing dwelling; or
 - ii. Where additions are below the 500 mm "freeboard" Council must be satisfied that the addition will not increase risk to inhabitants in the event of a flood.

21.1.5 Commercial /industrial development

- a. Development should incorporate measures to seal or flood proof buildings, to avoid the use of fittings susceptible to flood damage, or to store the contents of buildings above the 1% AEP flood level.
- b. The floor level of all habitable areas of proposed development shall be at least 0.5m above the 1% AEP flood level except in the case of change of use of an existing building.
- c. Provision shall be made for the safe storage and/or timely removal of goods, materials, plant and equipment in the event of a flood.

21.1.6 Subdivision

- Residential subdivision will not be permitted where any lot to be created will be fully inundated by a 1% AEP flood event and the creation of such lot will create the potential for increased intensity of development on flood liable land.
- b. Where possible, flood free vehicle access to a public road should be provided for all lots created by subdivision.



21.1.7 Non residential rural buildings

- a. Not permitted in 'High Hazard Floodways' as defined by the 1996 Gilgandra Flood Study.
- b. Floor areas shall be located above the 1% ARI flood level.

21.1.8 Caravan parks

The applicant must produce a detailed analysis of the proposed site layout to demonstrate that in the event of a flood, safe evacuation is possible and assets are protected from damage due to flood inundation.

21.1.9 Land filling

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

21.2 Land contamination

Contaminated land has the same meaning as in the Environmental Planning and Assessment Act 1979. This section takes into account the provisions of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55), the Contaminated Land Management Act 1997 and the joint NSW Department of Urban Affairs & Planning & Environment Protection Authority publication titled Managing Land Contamination: Planning Guidelines SEPP 55 Remediation of Land (August 1998). Development proposals for land that is or has previously been used for a purpose which is likely to have contaminated the site must address the requirements of State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land. References are made to this SEPP in the following provisions and should be referred to for further information and clarification.

21.2.1 Development applications

a. Prior to the submission of a development application an assessment is to be made by the applicant under Clause 7 of SEPP No. 55 as to whether the subject land is contaminated. The site history and in particular past and current uses need to be considered as a potential indicator of contamination.



Note: The following guidelines prepared by NSW Environmental Protection Authority, where relevant, must be used in preparing preliminary assessments and all levels of contaminated site reports:

- i. Contaminated Sites: Sampling Design Guidelines, 1995b
- ii. Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites, 1997a
- iii. Contaminated Sites: Guidelines for Assessing Service Station Sites, 1994
- iv. Contaminated Sites: Guidelines for the NSW Site Auditor Scheme, 1998
- b. Council under Clause 7 (1) of SEPP No. 55 must not consent to development unless it has considered whether land is contaminated, and if the land is contaminated is suitable for the proposed purpose or is satisfied that the land will be appropriately remediated. Where land is proposed to be subject to remediation, adequate documentation is to be submitted to Council supporting the categorisation.
- c. Development of contaminated land or potentially contaminated land will need to determine:
 - i. the extent to which land is contaminated (including both soil and groundwater contamination);
 - ii. whether the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out;
 - iii. whether the land requires remediation to make the land suitable for the intended use prior to that development being carried out; and
 - iv. if the land has been previously investigated or remediated, development cannot be carried out until Council has considered the nature, distribution and levels of residues remaining on the land and Council has determined that the land is suitable for the intended use.

21.2.2 Stages for investigation of known or potentially contaminated sites & remediation of identified contaminated sites

a. There are 4 main stages in the assessment of contamination associated with the development contaminated land, as detailed by the Managing Land Contamination: Planning Guidelines SEPP 55.

At each stage it is the applicant's responsibility to provide the necessary documentation to Council and to fund the work required to prepare such documents. If Council is unsatisfied with the procedure or findings of a report it may choose to obtain an independent review of the investigation and reports completed, which would also be at the cost of the applicant or property owner.

The stages are as follows:

- i. Stage 1 Preliminary Investigation This stage involves an investigation and reporting of the site history and is typically based on readily available information such as historical record of land use, aerial photographs and consultations with previous occupants and relevant authorities. At this stage some initial sampling and analysis may need to be undertaken by a suitably qualified environmental consultant and in accordance with the ANZECC/NH&MRC guidelines.
- ii. Stage 2 Detailed Investigation Should the initial investigations indicate that further assessment is required or if in the opinion of Council it fails to clearly demonstrate that the land is suitable for its proposed use, a detailed assessment and evaluation is to be submitted. The detailed investigation stage is required to provide information regarding the extent and degree of contamination. This detailed evaluation stage involves formal sampling by a suitably qualified environmental consultant



in accordance with the ANZECC/NH&MRC guidelines. Typically, a site specific work plan is developed during this stage, based on previous investigations.

- iii. Stage 3 Site Remediation The remediation of the site must be managed through the completion of a Plan of Remediation or Remediation Action Plan (RAP). This RAP must detail the proposed method of remediation, the reason for remediation and final goals of remediation. The basis of site remediation is to select a socially acceptable and cost effective management strategy which mitigates threats to, and provides protection for public health and the environment as well as allowing flexibility in the future use of the land. This process is facilitated by selecting appropriate criteria which is recognised as being a suitable level of contamination for the proposed land use. Once a clean-up technique or management strategy has been chosen and used, validation of the clean-up must take place to ensure that the measures taken are adequate for the protection of local amenity, public health and the environment
- iv. Stage 4 Validation and Monitoring The purpose of validation is to confirm that the remediation process has achieved the objectives and goals of the Remediation Action Plan (RAP) and has remediated the land to a level suitable to the proposed land use. The validation of a site must be undertaken and reported on by a suitably qualified consultant who has managed the site investigation and remediation process. The consultant should follow the relevant EPA guidelines when validating a site. Ongoing monitoring of contaminated sites may also be required to ensure that any identified pollutants are not permitted to migrate from the site. Any proposal for ongoing monitoring must be detailed in the RAP completed for the remediation of the site or the final validation report, and must also include a legal agreement from the property owner that this monitoring will be undertaken.
- b. Council requires the submission of a preliminary investigation report (including site history information and documentation of known or potential sources of contamination) at the following stages:
 - i. Rezoning Applications with initial Rezoning Application to Council; and
 - ii. Development Applications where a change of land use is proposed or where the subject or immediately adjacent land is suspected of contamination (consideration will be given to contamination at the DA stage).
- c. Subsequent stages of the SEPP 55 Guidelines and/ or Council's policy will not apply in cases where:
 - i. A preliminary investigation report clearly and unequivocally demonstrates, in the opinion of Council, that the contamination of the subject land and its surrounds has not occurred and/ or;
 - ii. The subject land has previously been remediated to an appropriate standard acceptable to Council for the proposed land use.
- d. Where a detailed site evaluation indicates that the level of contamination on a particular site is high, Council may require the applicant, developer and/or landowner (or future landowners) to provide indemnification to Council that he/she or they, will at all times, comply with any conditions of development approval relating to the remediation, control, monitoring, inspection, reporting and maintenance of the land contamination. This may be in its applicable state at the time of development approval or in a residual state following remediation works, as the case may be. Such indemnification will be prepared at the applicants cost.



21.2.3 Activities that may cause contamination

Note: It is not sufficient to rely solely on this list to determine whether a site is likely to be contaminated or not. The list is a guide only.

a. Some activities that may cause contamination: acid/alkali plant and formulation

agricultural/horticultural activities	Imetal treatment
li∎airports	Emining and extractive industries
Isbestos production and disposal	Ibil production and storage
Echemicals manufacture and formulation	Epaint formulation and manufacture
Indefence works	Epesticide manufacture and formulation
Indrum re-conditioning works	I power stations
Edry cleaning establishments	📰 railway yards
Electrical manufacturing (transformers)	Iscrap yards
Electroplating and heat treatment premises	Eservice stations
Eengine works	heep and cattle dips
Interpretation and the second	Esmelting and refining
jii gas works	Etanning and associated trades
III ron and steel works	waste storage and treatment
III and fill sites	wood preservation

Source: Department of Urban Affairs & Planning & Environment Protection Authority August 1998 Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land Appendix 1.

21.3 Bushfire hazard

This section of the DCP should be read in conjunction with the Gilgandra Local Environmental Plan 2011 (ie including the Bush Fire Prone Maps), the NSW Rural Fire Service publication "Planning for Bush Fire Protection 2006" and the Australian Standard AS3959 – 1999 Construction of Buildings in Bush Fire Prone Areas.

Additionally, any Development Application involving the erection of a detached dwelling-house, alterations and additions to an existing dwelling-house within bush fire prone land must also address the requirements contained in the NSW Rural Fire Service publication titled "Building in Bush Fire Prone Areas Single Dwelling Applicants Kit".

21.3.1 Bushfire prone land maps

To identify bushfire prone areas, refer to the latest Bushfire Prone Land Map. Bush fire prone mapping is designed to flag a property has potential to be threatened by bush fire and to initiate an assessment under the Planning for Bush Fire Protection 2006 guidelines to determine whether land management and building construction measures need to be adopted to help safeguard a development from bush fire.



21.3.2 General

- a. Applicants seeking consent for subdivision and development on bushfire prone land shall ensure that the requirements of Planning for Bushfire Protection, NSW Rural Fire Service 2006 has been satisfied.
- b. Applications for consent shall contain sufficient information to demonstrate how these requirements have been satisfied.
- c. Council may consult with the Commissioner of the NSW Rural Fire Service concerning measures to be taken with respect to subdivision or development to protect persons, property and the environment from any danger that may arise from a bushfire.

21.3.3 Fire resistant plant species & landscaping

- a. No plant is fire proof and retention of existing trees is preferred. However, some plants have features that minimise the spread of bushfires and should be considered when designing garden areas. The following are useful hints:
 - i. Maintain a clear area of lawn adjacent to the building/s and/or structure/s.
 - ii. Tree canopies should not be continuous.
 - iii. Provide a windbreak in the direction from which fire is likely to approach.
 - iv. Use smooth bark trees in preference to rough or ribbon bark trees that provide a fuel ladder into the crown.
 - v. When choosing plants, be sure not to introduce weed species into an area. Fire events may provide the opportunity for weed species to spread and may contribute fuel to an area of otherwise lower fuel load.
 - vi. Aside from bushfire risk, non-endemic species may infiltrate areas of significant habitat and modify the biodiversity of an area.

21.3.4 Bush fire risk management (hazard reduction).

a. Development consent is not required for clearing for the purpose of bushfire risk management that is in accordance with a current hazard reduction certificate issued by the Rural Fire Service or other Certifying Authority.

22. Waste Minimisation and Management

This section of the Gilgandra Development Control Plan has been developed to assist individuals and organisations manage waste materials and to produce Waste Management Plans for submission and approval by Council.

The objectives of this section are to maximise reuse and recycling of building/construction materials, limit household and industrial/commercial waste and ensure appropriate management and disposal of waste materials. Waste disposal to landfill should be viewed as a last resort after all other options have been exhausted.

22.1 General

All applications for development, including demolition, construction and the ongoing use of a site/premises, must be accompanied by a Statement of Environmental Effects (SEE). This Statement is to include details of how waste will be managed.

22.2 Demolition

- a. Applicants should pursue adaptive reuse opportunities of buildings/structures.
- b. Allocate an area for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, and access and handling requirements).
- c. Clearly 'signpost' the purpose and content of the bins and storage areas.
- d. Implement measures to prevent damage by the elements, odour and health risks and windborne litter.
- e. Minimise site disturbance, limiting unnecessary excavation.
- f. Any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and any other relevant legislation.
- g. Waste is only transported to a place that can lawfully be used as a waste facility.
- e. Implement measures to prevent damage by the elements, odour and health risks, and windborne litter.
- f. Minimise site disturbance and limit unnecessary excavation.
- g. Ensure that all waste is transported to a place that can lawfully be used as a waste facility.
- h. Retain all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities such as council, DECC or NSW WorkCover Authority.

22.3 Dwelling houses, dual occupancies, secondary dwellings and integrated housing

a. Dwelling should be provided with an area capable of accommodating Council's standard garbage and recycling bins.



- b. Bins are to be stored behind the building line and screened from view from the public domain at all times not associated with waste collection.
- c. Waste containers are to be stored in a suitable location so as to avoid vandalism, nuisance and adverse visual impacts.
- d. Where possible, the waste/recycling storage area should be located in the rear yard and minimise the distance of travel to the collection point.

22.4 Multi dwelling housing and apartment buildings

- a. Every dwelling should have a waste cupboard or alternative temporary storage area of sufficient size to hold a single day's waste and to enable source separation of garbage and recyclables.
- b. Any communal waste storage area shall be located in a position which is accessible by all residents for the depositing of waste and for the relocation of bins to the collection position.
- c. Any communal area of waste collection and/ or storage must be capable of accommodating Council's required number of garbage and recycling bins for each individual dwelling and for the development as a whole.
- d. The storage facility must be well lit and easily accessible from the main pedestrian access points within the development, in order to improve safety for residents.
- e. Each bin and bin type must be readily accessible and manoeuvrable in and out of the proposed storage area.
- f. The storage area shall be free of all obstructions so as not to restrict movement and servicing of the bins or containers.

22.5 Commercial, retail and industrial premises

- a. All commercial and retail buildings or complexes must be designed so as to accommodate garbage and recyclable collection and storage areas.
- b. The size and design of this area should be calculated on the basis of waste generation rates and proposed bin sizes and be situated to allow for easy unimpeded access of collection vehicles. Calculations prepared for the sizing of waste collection and storage areas must be included in the Waste Management Plan submitted to Council for approval.
- c. The location and dimensions of the waste storage and collection area must be included as part of the application and design plans prepared for the development which is to be submitted to Council at the time of development application.
- d. Waste management facilities must be suitably enclosed, covered and maintained so as to prevent polluted wastewater run-off entering the stormwater system.
- e. Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners must be aware of their obligations in regards to these matters.
- f. Special Waste: Where special waste material is likely to be generated, such as chemicals or medical waste, special arrangements are required. Contact should be made with Council and the DECCW.



23. On Site Sewage Management

23.1 Relevant regulatory documents

Council will have regard to design guidelines and standards contained within the following documents in making an ultimate assessment of site suitability for any proposed on-site sewage management system.

- a. The Local Government Act 1993: The Local Government Act section 68 Table item C5 requires that the approval of Gilgandra Shire Council is to be obtained prior to the installation, construction or alteration of a wastewater treatment system.
- b. Environmental Health and Protection Guidelines On-site Sewage Management for Single Households, NSW Government (1998) or as updated.
- c. AS/NZ 1546.1:1998 (or as updated) On-site domestic wastewater treatment units, Part 1 Septic tanks.
- d. AS/NZ 1546.2:2001 (or as updated) On-site domestic wastewater treatment units, Part 2 Waterless composting toilets.
- e. AS/NZ 1546.3:2001 (or as updated) On-site domestic wastewater treatment units, Part 3, Aerated wastewater treatment systems.
- f. AS/NZ 1547:2000 (or as updated) On Site Sewage Domestic Wastewater Management.
- g. AS/NZS 3500.5:2000 (or as updated) National Plumbing and Drainage Domestic Installations.

23.2 General

- a. Any proposed wastewater treatment systems must be accredited by the NSW Department of Health (where applicable).
- b. Geotechnical Soil report.
- c. Approval criteria as per the Environmental Health and Protection Guidelines On-site Sewage Management for Single Households, NSW Government (1998) or as updated.

23.3 Buffer distances

Table 23-1 System Recommended Buffer Distances

System	Recommended Buffer Distance	
All land application areas	100m to permanent surface waters (eg river, streams, lakes etc),	
	250m to domestic groundwater well,	
	40m to other waters (eg farm dams, intermittent waterways and drainage channels).	
Surface spray irrigation	6m if area up-gradient and 3m if area, down gradient of driveways and property boundaries,	
	15m to dwellings,	



System	Recommended Buffer Distance	
	3m to paths and walkways,	
	6m to swimming pools.	
Surface drip and trickle irrigation	6m if area up-gradient and 3m if area down gradient of swimming pools, property boundaries, driveways and buildings.	
Subsurface irrigation	6m if area up-gradient and 3 m if area down gradient of swimming pools, property boundaries, driveways and buildings.	
Absorption System	12m if area up-gradient and 6m if down gradient of property boundary	
	6m if area up-gradient and 3m if area down gradient of swimming pools, driveways and buildings.	

Source: Environment & Health Protection Guidelines - Onsite Sewage Management for Single Households 1998

23.4 Effluent disposal for other development

Development that requires on site waste management facilities (ie land that is unsewered by Council sewerage reticulation) will be assessed on a merit basis having regard to flood hazard (inundation and velocity), type of development and waste generation, type of system to be installed and the disposal field required.

In this regard the requirements for effluent disposal for dwellings on flood liable land are a guide for the location of the tanks and disposal field.

23.5 Application to install an on-site sewage management system

The following information must be submitted with any Development Application / Section 68 Local Activity Application for the proposed installation of an on-site sewage management system:

- a. Site plan (at a 1:200 scale) showing the proposed location of all main components of the proposed on-site sewage management system including any land application area and distances to all property boundaries, watercourses and / or any other environmentally sensitive area etc;
- b. Completed Development Application / Section 68 Application to Install and Operate an On-Site Sewage Management System form(s);
- c. Full specifications for the proposed sewage management system;
- d. A description of the depth and type of soil profile (geotechnical report);
- e. Results from stages 1 and 2 of the Rapid Evaluation Procedure for On-Site Wastewater Management (see Appendix 1);
- f. Detailed Site and Soil Assessment, ESD and EAF area calculations and AS/NZS 1547:2000 design (if required); and
- g. Details of the maintenance, monitoring and reporting that will be carried out after the system and any associated land application area has been installed.



24. Utility Services, Water and Roads

24.1 Utility services

- a. Applicants are to provide connections to the following services where available to the site water, sewerage, telephone and electricity, on site.
- b. Applicants are advised to liaise with the Telstra (telephone), electricity or other accredited providers and Council (water and sewer) as to the availability of these services, prior to submission of development applications.
- c. Sewerage and water supply design to be in accordance with Australian Standards AS/NZS 3500 and also to the satisfaction of Council's Engineers. The design details and drawings should be attached with application form.

Australian Standards: http://www.standards.org.au/

d. Rainwater tanks are to be provided in accordance with Council standards and/or basix certificate.

Rainwater design and installation handbook: http://www.standards.org.au/

- e. Council is not averse to applicants supplying their own power supply, provided that the approved electricity provider approves the alternate power source.
- f. Council may require as a condition of its consent, prior to release of Certificates or plans, that satisfactory arrangements be made for the provision of a reticulated electricity supply, or telephone services.

24.2 Water supply

24.2.1 General controls

- a. Council will require the provision of an adequate water supply for all development.
- b. Adequate water supply for potable, domestic, rural, agricultural and fire fighting purposes for example will need to be submitted to Council with the development application for the proposed development.
- c. Where there is no Council reticulated water supply available to a proposed development than the following water supply must be provided:-

24.2.2 Dwellings

Where reticulated water is not available, each dwelling is to be provided with:

- a. a minimum of 45,000 litres of potable water storage;
- b. 20,000 litres on land greater than 1ha and 10000 litres on land less than 1ha is to be reserved for fire fighting purposes only. Fire fighting pumps and water tanks and trailers must have ready access to such supply. Contact with the local Rural Fire Service must be made to confirm connection requirements however generally a 65 mm Storz outlet with a Gate or Ball valve should be provided.
- c. alternative water supply such as bores and wells will be assessed on merit.



24.2.3 Other development

a. Other development such as rural, agricultural, tourism and industrial development will be assessed on merit according to National Construction Code, Public Works Department Guidelines and relevant Australian Standards

24.3 Roads

24.3.1 Urban

Any developers who intend to construct roads in Council's urban area should include in their proposals design details and drawings by qualified engineers. Such details and drawings are to be to the satisfaction of Council's Engineers.

- a. The appropriate Standards and Standard Drawings shall apply to new subdivisions, dual occupancy and multi unit development.
- b. Residential development shall be designed to:
 - i. ensure satisfactory and safe operation within the adjacent road system,
 - ii. have regard to contours and avoid large cuts and fills, steep slopes, prominent hilltops and creeks
 - iii. avoid long dead ends and cul-de-sac heads on the down slope end of roads
 - iv. ensure that drainage lines are not impeded
 - v. stabilise, replant and/or top dress exposed batters and table drains and improve slope stability on all earthworks
 - vi. When using rear public and private laneways for vehicle access in dual occupancy and multi unit development the engineering design shall make provision for bitumen sealed laneway construction, the provision of passing bays, drainage, sediment control etc from the development site to the closest public road. In the event that the above requirements cannot be achieved, for whatever reason the laneway is not to be used and access is to be provided from the public road frontage.
 - vii. All proposed road, splay and road widening shall be dedicated to Council, free of cost as public roads.
 - viii. Where the design of the access road involves realignment, provided the Council agrees to acquire any adjoining land, which may be necessary to effect such realignment, the applicant shall bear full cost of such acquisition.
 - ix. Where cul-de-sacs are included in road design, when all other options are considered, alternative cul-de-sac heads that may be considered are square offset, T-Heads and Y- Heads.

24.3.2 Rural

a. Proposed road reserve width of 20 metres.

Subdivision:



b. Proposals, including new roads and Crown roads to be transferred as public roads to Council, must front and connect to a bitumen sealed two lane road designed and constructed in accordance with Standard Drawings R 0031, R 0033 and must satisfy any other Council Engineer's requirements.

Standard Drawings: http://www.engicom.com.au/

c. Access via a right of carriage way shall be limited to one lot and constructed to an all weather pavement standard.

Standards for Rural Roads serving up to two properties / dwellings:

- d. Road width 4 metres wide with 1 metre wide shoulders on each side. Shoulders can be unformed
- e. Guide posts installed to Australian Standards
- f. Road construction
 - i. Road base a minimum of 150mm this, with 20-50mm gravel size
 - ii. Crowned or single graded cross section to shed water
- g. Drainage
 - i. Concrete culverts with headwalls will be installed at watercourse crossing. The culvert size to be determined by design or a minimum of 450mm
- h. If a public road, then public road fencing to both sides
- i. All work to be performed to work person like quality
- j. Engineering drawings are not required



25. Erosion and Sediment Control

25.1 Erosion and sediment control plans

An Erosion and Sediment Controls are essential for any development with potential to cause significant soil erosion and sedimentation. The greater the potential for these impacts the more detailed the plan. For example, a small development may require a simple sketch with accompanying notes but a large complex development would need a comprehensive plan, documentation and design/construction data.

An Erosion and Sediment Control Plan may need to be approved by Council prior to the commencement of any works onsite. This plan will contain a schedule of works for implementation that addresses all aspects of site or vegetation disturbance, runoff, flow rate change, erosion and sediment control, ongoing maintenance and site rehabilitation for the duration of the project. This plan may be required to be modified by the proponent as required to achieve erosion and sediment control throughout the life of the development or activity.

An Erosion and Sediment Control Plan is not required for minor disturbance of level sites, for example minor alterations and additions to dwellings.

The Erosion and Sediment Control Plan should:

- a. Consider a range of erosion and sediment control measures, including (where relevant) runoff diversion techniques, sediment trapping devices, construction of exits and entrances, revegetation techniques, site management, and controls for stormwater removal and pump-out.
- b. Be part of a soil and water management plan that addresses erosion and sediment control and additional water quality and/or water quantity issues during both the construction and operational stages. This can include identifying concrete delivery locations, service trenches, waste management and chemical storage.
- c. Demonstrate that appropriate controls have been planned, and that when implemented will minimise erosion and sedimentation. The Erosion and Sediment Control Plan should also demonstrate that its design life exceeds the anticipated life of the project or stage for which it has been designed, to allow for unforeseen delays or contingencies.
- d. Adequately cover the contingency of, and change or delays to the project, activity or scope of works.
- e. Adequately cover the removal of temporary erosion and sediment control structures, associated sediments and provide plans for site rehabilitation.

25.2 Erosion prevention and sediment control devices

- a. Sediment fences or similar trapping measures are installed within the property boundary and down slope of any cleared and/or disturbed area. Sediment fences shall be used in preference to straw bales.
- b. 'Silt sausages' or silt bags are to be placed across open drains and around drainage inlet pits, pipe head walls and kerb inlets to reduce flow velocities and capture sediments.
- c. 'Jute mesh' fabric is used on steep slopes and steep slope drains to prevent erosion during heavy rain periods.



- d. A turf filter strip is laid and maintained along the down slope boundary, or adjacent to the kerb and gutter, to act as a final filter for any run-off leaving the property.
- e. Sediment traps are small dams designed to hold water and allow sediment to settle before discharge to waterways. Sediment traps are used where water flows have been concentrated, such as drainage lines and gutters. They may be constructed from a range of materials including geotextiles, gravel, gabions or sandbags.



26. Stormwater Management

Stormwater drainage refers to systems from private developments such as:

- a. Inter-allotment stormwater draining through adjoining private property that remain in private ownership, and
- b. Stormwater draining to a public road that reverts to Council's ownership.

The aim of this section is to ensure stormwater systems are carefully planned, designed and located to prevent the disturbance, redirection, reshaping or modification of watercourses and associated vegetation and to protect the quality of receiving waters and to ensure that stormwater harvesting (source controls) measures are implemented to maximise stormwater reuse and prevent increases in the quantity of stormwater discharge from the development site which can impact on downstream environments.

26.1 General controls

- a. Development complies with the provisions outlined in Managing Urban Stormwater Soils and Construction (EPA 1998).
- b. Operating practices and technology are to be employed to prevent contamination of stormwater.
- c. Development is to be sited and built to minimise disturbance of the natural drainage system.
- d. Impervious surfaces are to be minimised and soft landscaping and/or permeable paving used to promote infiltration and reduce stormwater run-off.
- e. Stormwater should not be diverted into an adjoining catchment unless it can be demonstrated that the diversion will not cause detriment to any property or structures.
- f. Adequate provision is to be made for the control and disposal of stormwater run-off from the site to ensure that it has no adverse impact on Council's stormwater drainage systems, the development itself, or adjoining properties. Stormwater drainage design criteria are to be in accordance with Australian Standards AS/NZS 3500.2, AS/NZS 3500.3, Australian Guideline 23 and Managing Urban Stormwater: Treatment Techniques

Australian Standards: <u>http://www.standards.org.au/</u>

Australian Guideline 23: for water recycling: Managing health and environmental risks: Stormwater Harvesting and reuse: <u>http://www.ephc.gov.au/</u>

Managing Urban Stormwater: Treatment Techniques: http://www.environment.nsw.gov.au/resources/stormwater/usp/treattech.pdf

For any developers or residents who want to harvest, reuse or management stormwater, the development plans and designs must in accordance with Australian Standards AS/NZS 3500.2, AS/NZS 3500.3, Australian Guideline 23 and Managing Urban Stormwater: Treatment Techniques (see references noted above).

g. Stormwater, including overland flows entering and discharging from the site, must be managed. The site drainage network must provide the capacity to safely convey stormwater run-off resulting from design storm events



- h. The design and location of stormwater drainage structures, such as detention and rainwater tanks, is to be integrated with the landscape design for the site.
- i. Run-off entering directly to waterways or bushland is to be treated to reduce erosion and sedimentation, nutrient and seed dispersal.



- j. The discharge of polluted waters from the site is not permitted. Discharges from premises of any matter, whether solid, liquid or gaseous is required to conform to the Protection of the Environment Operations Act and its Regulations, or a pollution control approval issued by the NSW Department of Environment, Climate Change and Water for Scheduled Premises.
- k. Physical obstructions should not be placed within an easement or emergency overflow path that may block the flow of surface run-off.



27. Preservation of Trees or Vegetation

- a. This section of the DCP outlines Council's requirements for the preservation and management of certain trees and other vegetation. It includes requirements for the submission, assessment and determination of applications for the removal of tree(s).
- b. This Chapter of the DCP should be read in conjunction with clauses 5.9 (Preservation of trees and vegetation), 5.10 (Heritage conservation) and 5.11 (Bush fire hazard reduction work) of Gilgandra Local Environmental Plan 2011.
- c. This section of the DCP applies to all zoned land within the shire.

27.1 Development Consent

A development consent is generally required for:

- a. The removal of a tree with significant environmental values;
- b. The removal of a tree on a heritage listed property;
- c. The removal of a tree with aboriginal significance or an aboriginal object;
- c. The removal of a tree which would pose a significant risk to infrastructure, services and/or other properties.

27.2 Tree Removal Permit

A tree removal permit is required if the tree is:

- a. five (5) metres or more in height and/or;
- b. has a diameter of 300mm or more at a height of one (1) metre from the ground, and/or;
- c. does not require a development consent and,
- d. is not exempt under the below exempt criteria.

27.3 Exemptions from the need for a Tree Removal Permit or a Development Consent

A Development Consent or a Tree Removal permit is not required for the ringbarking, cutting down or removal of any tree or other vegetation in the following situations:

- a. The clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003, as administered by the relevant Catchment Management Authority.
- b. The clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause.
- c. Where a prescribed tree has been approved for removal or management under a previous development consent (i.e. where such vegetation is within the building envelope or the surrounding curtilage of the building envelope).



- d. Where bushfire hazard reduction work is undertaken, authorised by the NSW Rural Fire Service under the Rural Fires Act 1997.
- e. Where action is required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying Act 1993.
- f. Where a prescribed tree is identified as a noxious weed under the Noxious Weeds Act 1993 or any management plan .
- g. Where a prescribed tree is identified as an environmental weed.
- h. Where a prescribed tree is located within a State Forest or on land reserved for sale as a timber forest reserve under the Forestry Act 1916.
- i. Where a prescribed tree within an approved plantation meeting the criteria of the Timber Plantations (Harvest Guarantee) Act 1995.
- j. Where action is carried out by Council, State Emergency Service, Rural Fire Service, or another infrastructure authority / emergency service authority in response to an emergency (i.e. where there is an immediate threat of injury to persons or damage to property)
- k. Any works to make safe a prescribed tree where there is an immediate threat of injury to persons or damage to property, either during or within 48 hours following a severe weather event.
- I. Where the subject tree has been grown specifically for its edible fruit.
- m. Where the works are undertaken by Council or a contractor acting on behalf of Council on Council owned or controlled land, including but not limited to lands within a sportsground, park, reserve, road reserve or riparian corridor.

27.4 Assessment Criteria

- a. Any application received by Council must provide sufficient justification to remove the tree. The following arguments will not normally be sufficient justification;
 - Falling leaves, flowers, fruit or twigs
 - Creation or enhancement of view.
- b. Applications arguing that a hazard exists will be assessed having regard to the likelihood of the vegetation failing and the risk that would be posed to life or property should that failure occur.
- c. If a potential risk can be mitigated by the relocation of items (eg: seating, play equipment, parking areas) or restrictions on use then these options shall generally be given preference by Council in the assessment of applications.
- d. Council may decide to approve an application in its entirety, allow for selective pruning or refuse the application.
- e. Council may impose conditions of consent requiring that any vegetation to be removed is replaced by a suitable species of plant given the characteristics of the site. In densely settled urban areas, preference will be given to replacement species that are either fruit bearing for the human occupants of the house or provide fruits and/or nectar for native wildlife.
- f. Council may request that the Applicant provide a professional report from an appropriately qualified Arborist, Registered Builder or similar to further justify a request for removal of the tree.



g. Council may request that the Applicant provide a professional report from an appropriately qualified flora and fauna consultant should it be considered that the removal of the vegetation is likely to have an adverse impact upon any threatened species of flora and fauna. Vegetation forming part of an Endangered Ecological Community (EEC) will be afforded maximum protection and will not be permitted to be removed except for in the most limited of circumstances where no other alternative exists to mitigate an immediate hazard to human life.



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