



LACHLAN

DEVELOPMENT CONTROL PLAN

2015

Adopted 11 December 2015

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1. Introduction

1.1 Name of this plan

This plan is called the *Lachlan Development Control Plan (DCP) 2015* and is referred to as the 'plan' in this document.

1.2 Purpose of this plan

The purpose of this plan is to guide development within Lachlan Shire to be consistent with the aims and objectives of *Lachlan Local Environmental Plan (LEP) 2013*. Upon taking effect this plan repeals and replaces *Lachlan Interim DCP 2013*.

1.3 Land to which this plan applies

This plan applies to all land within Lachlan Shire and subject to *Lachlan Local Environmental Plan (LEP) 2013*.

1.4 Format of this plan

The plan comprises this written statement. It contains the following chapters:

Chapter 2 – Subdivision

This chapter contains considerations for Council during assessment of an application to subdivide land in Lachlan Shire.

The requirements in terms of subdivision design and the provision of services such as roads, drainage, water and wastewater disposal, and energy and water efficiency are also spelt out.

Chapter 3 – Development

This chapter contains considerations and controls for residential development in Lachlan Shire.

Considerations and controls for non-residential development on land within or that adjoins land that is zoned RU5 Village, R1 General Residential, E4 Environmental Living and R5 Large Lot Residential are also specified.

Chapter 4 – Public notification

Procedures for the public notification of development applications and draft Council plans, policies and strategies are specified in this chapter.

1.5 The development application process

Council is required to assess a development application in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979*. Section 79C of the Act requires Council to consider the provisions of any environmental planning instruments that apply to the land, including state environmental planning policies (SEPP) and the *Lachlan LEP 2013*, as well as any potential economic, social and ecological impacts, the suitability of the site for the proposed development, submissions made by interested persons and the public interest.

The provisions of all SEPPs and *Lachlan LEP 2013* prevail over this plan. In the event that a SEPP (e.g. *SEPP (Infrastructure) 2008* or *SEPP (Exempt and Complying Development Codes) 2008*) or the LEP applies to a certain land use and enables that use as either exempt or complying development subject to specified development standards, then that environmental planning instrument enables that land use to proceed without the need for the consent of Council. The controls contained in this plan only apply where a development application is lodged with Lachlan Council for a particular land use under Part 4 of the Act and where those controls do not conflict with the provisions of an environmental planning instrument.

The statements of **intent** listed in each section of this plan are to guide what should eventuate on the ground as the final product of the land development process. It is an essential consideration when designing a subdivision or building to ensure that new development is appropriate to a site and neighbourhood.

The **controls** listed in each section of this plan are specific requirements of Council that are to be fulfilled in development plans. They may be varied on merit where it can be clearly demonstrated that the statement of intent for the design element is still being achieved, where site constraints are such that compliance with controls is not possible or where extenuating circumstances exist.

Lachlan Shire Council encourages a flexible approach to site planning and building design so that new development is innovative and adaptive without causing any adverse effect on the amenity of residents or the local environment.

Council may consider varying the controls under special circumstances, such as where the proposed development is of a superior standard and/or site conditions make compliance difficult. Such a variation will only be considered where a written statement specifying the grounds for non-compliance is submitted and the variation can be justified in terms of the aims and objectives of *Lachlan LEP 2013* and the considerations of this plan.

Council shall also consider the significance of any likely effect, whether any potential adverse effects are capable of being minimised, and whether in the circumstances there are any benefits which offset any potential adverse effect arising from proposed development.

Compliance with the requirements of this plan will not necessarily mean that a development will be approved. Council recommends that independent legal or town planning advice should always be sought prior to making a property purchase or an investment decision. The information in this plan should not be solely relied upon in reaching a decision to purchase a property or to embark on a development project.

1.6 Application requirements

Development Applications must include information and documents as listed in Part 1 of Schedule 1 of the *Environmental and Assessment Regulation 2000*. Applications must be submitted on the relevant forms available from Council and must be accompanied by all relevant fees, three (3) sets of building specifications and three (3) sets of detailed building plans.

The following information must also accompany a development application for medium density residential development (multi dwelling housing and residential flat buildings), commercial development and industrial development where relevant:

1. A site analysis. The site analysis establishes the development context by identifying and illustrating the key influences on the design, and how the proposed allotments and buildings will relate to each other and to the immediate surroundings. The design of new development should consider the uses of neighbouring sites, and potential constraints relating to overlooking, overshadowing, view retention, building bulk, landscaping and screening between the development and adjoining sites. An analysis of the street character provides clues for successful integration, and influences site layout, landscape, alignment of buildings and the design of the proposed development in relation to the streetscape.

The site analysis is to consider:

- slope and contours,
- existing vegetation,
- buildings (including any that could be retained),
- views to and from the site,
- access and connection points,
- drainage and services,
- orientation, microclimate, prevailing winds and noise sources,
- where relevant, any contaminated soils and filled areas,
- fences, boundaries and easements,
- the location, built form and use of adjacent and opposite buildings,
- abutting private open spaces and habitable room windows which have outlooks towards the site,
- views and solar access enjoyed by adjacent inhabitants,
- major trees on adjacent properties,
- characteristics of any adjacent public open space,

- street-frontage features such as poles, trees, kerb crossovers, etc,
 - direction and distances to local shops, schools, public transport, parks and community facilities,
 - the difference in levels between the site and adjacent properties,
 - any other site notable features
2. A site plan showing:
- The location of loading and unloading areas and storage areas for excess stock
 - The location and common name of any existing vegetation
 - The location and type of waste management facilities during the demolition, construction and operational phase of the development, and
 - The location of all free-standing advertising structures
3. A landscaping concept plan that includes details of plant species, surface treatments, irrigation systems and ongoing maintenance procedures,
4. A Waste Management Plan,
5. Details of proposed hours of operation,
6. Approximate number of employees to be employed on the site,
7. The building materials and colour scheme to be used including details of fencing, paving and hard surface materials, window glazing and the like,
8. Plant and machinery to be installed,
9. Types, size and quantity of goods to be manufactured, stored or transported,
10. Information regarding demolition including age/condition of the building, types of materials to be demolished (that is, deconstruction) and management of these materials in terms of re-using or recycling so as to minimise the volume of waste going to designated landfill sites. Details of any on-site sorting, on-site storage of wastes awaiting transport off-site or on-site treatment of waste/contaminants shall be provided,
11. For advertising signs that do not fall within the categories for complying and exempt development, the details of the proposed signage including size, type, colour, wording, material used and location. All Development Applications for signage shall be prepared in accordance with the requirements this Plan.

The Statement of Environmental Effects is a written summary that shows that consideration has been given to the environmental impacts of the proposed development and the steps that will be taken,

firstly, to avoid and minimise any adverse environmental impacts, and secondly, to mitigate any adverse environmental impacts,

A Statement of Environmental Effects is required to be submitted for a proposed industrial building that includes as a minimum the following information:

- The likely effect of the development on the traffic function of the road network, taking into account the anticipated traffic generated by the development and the likely impact of access to and from the site on the adjacent road network
- The proposed method of drainage of water and proposed stormwater pollution control measures from the land to which the development relates
- The likely impact of the development on the amenity of the surrounding land and how these impacts, such as noise and dust emissions, will be minimised. Construction noise guidelines can be found in the Environmental Noise Control Manual produced by the Department of Environment and Climate Change

Where the application is for the use of an industrial building or land, the Statement of Environmental Effects shall include the following additional information:

- The noise levels likely to be generated by the development and mitigating measure minimise impact of noise. Additional information can be obtained from Environment Protection Authority's Industrial Noise Policy
- Details of any air pollution likely to be generated from the development
- The types of waste streams, including contaminants, that will be produced as a result of the proposed development and the management of waste, including measures to avoid, minimise, re-use and recycle waste, plus details of any site sorting, storage and treatment of wastes/contaminants
- Details of measures to be implemented to ensure there is no contamination of ground or surface waters
- Details of how any process waters which are not able to be reused, are going to be directed to sewer in accordance with Lachlan Shire Council's Trade Waste requirements. Should Development Consent be granted, a Construction Certificate would have to be issued by Council or a Private Certifying Authority. Appropriate fees are to be lodged with Council or the Principal Certifying Authority prior to any works commencing.

Development application fees for specific land uses are set in council's management plan and are reviewed annually.

To encourage development and to be sympathetic to establishment costs, Council may consider a 'staged development'. This could involve not requiring all aspects of this plan to be complied with prior to operation of the business, providing conditions of the approval are such to ensure the development control plan objectives are achieved through implementation of the approved staged plans, linked to milestones/timelines as provided by the applicant, approved by Council, and required to be met as a condition of approval.

1.7 BASIX

BASIX is an on-line program that assesses dwelling design against energy and water reduction targets. If these targets are satisfied a BASIX Certificate is issued. The BASIX Certificate is required to be submitted with a development application for all developments which contain new residential dwellings or alterations and additions to a dwelling.

BASIX uses information such as site location, house size, type of building materials and fittings for hot water, cooling and heating. 'Commitments' that are made to achieving energy and water reduction targets are shown on the BASIX certificate and must be marked on building plans that accompany the DA. These commitments are to be adhered to during the building process. Any changes made to the dwelling design means another BASIX assessment must be completed and a new BASIX Certificate submitted to Council.

The BASIX Certificate should also be attached to an application for a construction certificate and ensure all BASIX commitments are shown on the plans. It should also be attached to an application for an occupation certificate. Council will only issue an occupation certificate when satisfied that the project has been built as described on the BASIX Certificate.

To do a BASIX assessment go to www.basix.nsw.gov.au and enter details of your building plans.

1.8 Definitions

This plan adopts all definitions contained in the Dictionary to *Lachlan LEP 2013* and in the *Environmental Planning and Assessment Act 1979*. This Plan also includes additional definitions that are specific to the provisions and application of this Plan.

1.9 Savings provisions

This Plan does not apply to any development application or application for a modification to a development application submitted under section 96 of the *Environmental Planning and Assessment Act (EP&A Act) 1979* that was lodged prior to the date of commencement of this Plan. Any application lodged before the commencement of this plan will be assessed in accordance with the development control plan(s) or policy(s) which applied to the site at the time the application was lodged.

2. Subdivision

This section applies to residential and non-residential subdivision in both urban and rural zones.

2.1 Land zoned RU1 Primary Production and R5 Large Lot Residential

2.2.1 Generally (Irrespective of road opening)

Controls

- All allotments shall connect with a formed roadway or have a road constructed in accordance with section 2.2.2 below to the satisfaction of the Director of Technical Services
- Access to any allotment created is to be at the expense of the applicant; constructed prior to the subdivision certificate (release of linen) being given, and to the standard required by the Director of Technical Services

2.2.2 Subdivisions involving the opening of roads

Controls - roads

- The acceptance of land for dedication is a matter for Council to consider on merit
- The road is to be prepared to a standard of surface equal to the standard surface of the existing public road that it adjoins
- The minimum width will be the placement of 150mm consolidated gravel formed to a width of 10 metres
- The road reserve is to be a minimum of 20 metres
- Splay corners to be 3.5 metres where the road reserve is 20 metres wide and 1.5 metres where the road reserve is 30 metres wide
- Roads are to have a maximum grade of 1 in 10 and minimum grade of 1 in 50. Plans showing a site plan, longitudinal section of the centre line and cross sections every 15 metres are to be submitted to Council with the development application
- In the case of the use of a Crown road that is within a proposed subdivision of land zoned R5 Large Lot Residential, application is to be made to the relevant NSW Government agency to enable the incorporation of the Crown road within the subdivision and to transfer that road to Council upon the issue of a Subdivision Certificate

Controls - provision of Services

For any proposed subdivision to be used for residential or other purposes where a water supply and/or sewerage system is necessary, then:

- In the case of a subdivision adjacent to an existing Council water supply or sewerage system, water and/or sewerage mains are to be provided and connected to Council's services, and
- In the case of a subdivision removed from an existing Council water supply or sewerage system, mains are to be provided, and if possible, connected to Council's services. Where it is not feasible to connect to Council's services, alternative arrangements are to be provided to Council's satisfaction
- Where a water or sewerage main is constructed and is capable of servicing other land, the cost to the proponent will be proportional to the number of blocks of land to be serviced from the main as determined by Council at the time of assessment of the development application

2.2 Land zoned RU5 Village, R1 General Residential, B2 Local Centre, B4 Mixed Use, E4 Environmental Living, IN1 General Industrial and IN2 Light Industrial

2.2.1 Generally (irrespective of road opening)

Controls – residential subdivision

- Where 3 or more blocks are proposed the frontage is not to be less than 20 metres wide
- Where not more than 2 allotments are proposed the frontage is not to be less than 17 metres wide
- If the land is irregular in shape (i.e. cul-de-sac), the minimum width at 6 metres from the street alignment is to be 17 metres, and the mean width of all allotments is to be a minimum of 18.5 metres
- A battle axe subdivision lot will be considered where there are circumstances that will allow adequate means of access and the amenity of the neighbourhood will not be adversely affected. The minimum width of the access way shall be 6.00 metres. All services to the lot shall be underground. Generally only one battle axe lot will be considered for each existing land parcel. Right of ways will not be considered as legal means of access to any new lot

Controls – commercial and industrial subdivision

- The minimum frontage width is to be 7.62 metres

Controls - water supply and sewerage

- Where the subdivision approval requires the extension or alteration of a water main or sewer main to service any lot to be created, the cost of this work is to be met by the applicant, proponent or owner and shall be completed prior to the release of the approved plan
- Plans showing a site plan, longitudinal section indicating the invert line, cross sections and access points are to be submitted with the development application
- Linen plans may be released earlier in the case where a bond has been lodged with Council sufficient to cover the estimated cost of the work

Controls - roads

- For roads 15 to 20 metres in width, a 3.5 metre wide splay corner is to be incorporated
- For roads 30 metres in width, a 1.5 metre wide splay corner is to be incorporated

Controls - parks and reserves

- Proponents are required to set aside proportionately 0.5 hectares out of every 10 hectares or part thereof of land to be subdivided, for parks and/or reserves. Council may consider accepting a cash contribution in lieu of dedication as agreed by way of a Voluntary Planning Agreement
- This Clause shall only apply to subdivisions where it is proposed to create 10 or more residential allotments

2.2.2 Subdivisions involving the opening of a road

Controls – roads

- The width of the roadway is to be as shown in the table below:

Road Reserve	Width Each Footpath	Width between Kerbs
15 metres	3.50 metres	8.00 metres
18 metres	4.25 metres	9.50 metres
20 metres	5.00 metres	10.00 metres

- The bulb of a cul-de-sac is to have a minimum of 15 metres radius
- The cross fall in the carriageway is not to exceed 1 in 24

- Kerbing and guttering is required to both sides of the road constructed to Council's standards and a gutter crossing to be provided to each allotment as specified by Council's Technical Services Department
- The road pavement is to consist of gravel kerb to kerb with consolidated thickness of at least 150mm, with 1 coat flush bitumen seal, 14mm aggregate plus 7mm aggregate application to the satisfaction of the Director of Technical Services

Controls - footpaths

- A concrete pavement footpath shall be constructed along one side in each street
- The pavement shall be 100mm thick concrete reinforced with F72 fabric laid on 50mm compacted thickness of fine crushed or other approved pavement material. The width of the pavement is to be 1200mm, with a cross fall of between 1% and 3%
- Gradients are to be between 0.5% and 16%
- All footpath and road intersections shall be provided with a pram ramp at a minimum grade of 1:10 in accordance with AS 1428
- Details of proposed footpaths are to be shown on Engineer's drawings submitted with the application
- The other footpath is to be formed and evenly graded from kerb to property boundary and left safe for pedestrian use

Controls - water supply

- Water mains are to be at least 100mm diameter
- Where subdivision is to an existing road where no water mains are available to service the land, water mains are to be constructed by the proponent so as to service the land
- Where a water main is constructed and is capable of servicing other land, the cost to the proponent will be proportional to the number of blocks of land to be serviced from the main as determined by Council at the time of assessment of the development application

Controls - sewer mains

- Sewer mains are to be provided to allotments within the subdivision located to a point or points as determined by Council

- The minimum size of sewer mains is to be 150mm diameter
- Where a sewerage system cannot be connected to an existing Council sewer main by gravity, then a pumping station and rising main will be required to be constructed by the proponent
- Where a sewer main or pumping station is constructed and is capable of servicing other land, the cost to the proponent will be proportional to the number of blocks of land to be serviced from the main

2.2.3 Energy Efficiency

Intent

The intent is to ensure that lot layout and density has regard to site characteristics such as topography, slope and vegetation to maximise solar access to future buildings and to minimise energy use. This may be achieved by the following subdivision design measures:

- The solar access of each building created in and adjoining new subdivisions is protected through lot design, layout, and streetscaping that matches the topography of the land
- Lot sizes and shape reflect site topography and aspect to maximise solar access, and to permit the location of a building with adequate solar access and private open space
- Streets and lots are orientated to maximise solar access for buildings, and to facilitate cross-ventilation using prevailing winds and the use of passive solar design
- Street tree species and other landscape features contribute as windbreaks, provide summer shading and maximum solar access during winter

Controls

- Where possible, streets should be aligned east-west and north-south allowing for topography
- Building envelopes are to be nominated on subdivision plans in a manner that maximises the potential solar access to each allotment having regard to adjoining lots and allowing for two storey buildings
- Renewable energy measures are included to reduce dependence on reticulated power and to contribute to minimising greenhouse gas emissions

2.2.4 Water efficiency and stormwater management

Intent

The intent is to ensure that subdivision design considers landscaping, building placement and water management to maintain balance between infiltration and runoff from urban development. This may be achieved by the following water sensitive urban design measures:

- Topography, natural drainage patterns, ground cover and vegetation, and waterways are considered in planning for stormwater management
- Natural water systems within urban developments are protected and enhanced, function more effectively and support natural ecosystems
- Stormwater treatment is integrated into the landscape to maximise the visual, open space and recreational amenity of developments
- The quality of water draining from urban developments into receiving environment is improved
- Runoff and peak flows from urban development are reduced using on-site detention measures and minimal impervious surfaces
- New development maximizes the re-use of stormwater and conserves potable water supplies
- All drainage (transverse drainage, table drains, catch drains, metre drains, etc) are designed to minimise adverse environmental effect and soil erosion
- Stormwater drainage internal to the subdivision utilises the natural stormwater drainage system supplemented by swales, infiltration trenches and bio-retention systems or any combination of these methods. The use of pipes, box culvert structures, covered or fenced concrete lined channels is minimised

Controls

- Stormwater drainage is to be designed for storms of 1 in 5 year's frequency in accordance with recognised standards such as the "Australian Rainfall and Run-Off" standards published by the Institute of Engineers.
- A stormwater management plan is to be submitted with the development application that assesses the stormwater drainage requirements and constraints, including flood controls if the land is flood prone, and proposes stormwater management and treatment methods adequate to cater for all new lots

- The means by which both natural and increased surface run-off shall be disposed of and the location of any necessary easements are to be shown on plans submitted with the development application. (All drainage paths, easements and reserves are to be dedicated to Council as public open space or transferred with a grant of easement in favour of council pursuant to section 88B of the *Conveyancing Act 1919*)
- Drainage structures, channels and natural watercourses shall be located within roads, drainage reserves, open space or other public land, or within drainage easements
- In subdivisions where the land cannot be drained to the street frontage, the proponent shall provide common inter-allotment drainage lines, and appropriate easements

3. Development

This section applies to residential and non-residential development in both urban and rural zones.

3.1 Development on all land

3.1.1 Application

This section applies to all land within Lachlan Shire and to all streets and road frontages with the exception of:

- Lanes in settlements not exceeding 6.5 metres in width, and
- Land on which a building is proposed to be erected and being of a class 3, 4, 5, 6, 7 or 8 as defined in the Building Code of Australia.

3.1.2 Building line

Intent

The intent of this section is to set minimum distances from street alignments at which buildings may be erected

Interpretation

In this section, reference to the distance of a building from the building line means the distance of the nearest external wall to a street alignment but does not include the width of eaves provided that the width of eaves does not exceed 900mm.

An external wall includes a fender wall erected at a height exceeding 900mm and on which a concrete slab is laid, whether or not the area is roofed.

Controls

- Except in the case of a corner allotment the minimum distance from a street alignment at which a building may be erected is 6.0 metres
- In the case of a corner allotment the distance from one street may be reduced to 3.0 metres
- In the case of a rural property the abovementioned minimum distances apply and in the case of a building from which stock or produce may be loaded into or onto a truck, or a building into which stock or produce may be unloaded from a truck, the building is to be set back a

distance sufficient to allow the loading or unloading to take place without the truck being parked on the road reserve.

- Council will consider an application for approval to vary the building line under the following conditions:

(a) The request for a variation is to be in writing,

(b) The request is to contain or be accompanied by a plan showing:

- (i) the floor plan and the front and side elevations of the proposed building,
- (ii) the dimensions of the proposed building,
- (iii) the location of the proposed building in relation to the public road to which the building line relates, and
- (iv) be accompanied by a fee set by Council from time to time.

3.1.3 Energy efficiency

Intent

The intent is to ensure that the comfort of occupants of new development is maximised through building and window design, orientation and shading, insulation, thermal mass and ventilation, and energy needs for the provision of services such as lighting, hot water, space heating and cooling are minimised. This may be achieved through the following design measures:

- Buildings are positioned and designed to maximise solar access to internal areas and open space
- Building materials are selected to store thermal energy during winter to release into living spaces at night and to absorb heat during summer
- Designs facilitate natural cross ventilation and maximise the availability of natural lighting
- Energy efficient lighting, office equipment, air conditioning and appliances, particularly for water heating and space heating/cooling, are installed
- Insulation materials are selected for walls, flooring and roofing to eliminate or reduce the need for mechanical heating and cooling systems
- Building design enables sections of a dwelling to be zoned to manage the temperature of spaces more efficiently

- Shading elements such as eaves or awnings are chosen considering the aspect of the windows requiring shade, seasonal variations in the angle of the sun and access to views
- Solar hot water heating and photovoltaic cells are installed to reduce electricity consumption
- Windows are selected using the Windows Energy Rating Scheme to assess their solar efficiency

Controls

- A *BASIX* certificate is to be submitted with a development application for a new dwelling, or alterations/additions to an existing dwelling
- For residential development, the windows to living rooms of proposed dwellings and adjoining dwellings are to receive at least 3 hours continuous sunlight between the hours of 9.00am and 3.00pm on 21 June
- For residential development, at least 50% of the private open space of adjoining dwellings is to receive at least 3 hours of continuous sunlight between the hours of 9.00am and 3.00pm on June 21
- For business or industrial development on land within or that adjoins land that is zoned RU5 Village, R1 General Residential, E4 Environmental Living or R5 large Lot Residential the development maintains solar access to accommodation on adjoining land for at least 3 hours between the hours of 9.00am and 3.00pm on 21 June

3.1.4 Water efficiency and stormwater management

Intent

The intent is to ensure that stormwater is managed so that flows are maintained at pre-development levels and to supplement reticulated supplies. This may be achieved through the following water sensitive urban design measures:

- The volume of stormwater runoff is managed using absorption pits, grass swales, infiltration trenches or landscape features
- Rainwater tanks capture roof runoff and are used to supplement the reticulated system for outdoor garden watering and internal uses as well as for fire-fighting purposes
- AAA rated water efficient devices such as shower heads, taps and toilet cisterns are installed

Controls

- A stormwater management plan is to be submitted with the development application that assesses the stormwater drainage requirements and constraints, including flood controls if the land is flood prone, and proposes stormwater management and treatment methods
- The means by which both natural and increased surface run-off shall be disposed of and the location of any necessary easements are to be shown on plans submitted with the development application. (All drainage paths, easements and reserves are to be dedicated to Council as public open space or a transferred with a grant of easement in favour of council pursuant to section 88B of the *Conveyancing Act 1919*)
- Drainage structures, channels and natural watercourses shall be located within roads, drainage reserves, open space or other public land, or within drainage easements

3.1.5 Landscaping

Application

This section applies to all medium density residential development (multi dwelling housing and residential flat buildings), commercial development and industrial development in zones RU5 Village, R1 General Residential, E4 Environmental Living, B2 Local Centre, B4 Mixed Use, IN1 General Industrial, IN2 Light Industrial.

Intent

The intent is to ensure that landscape design for new development reinforces the identified natural attributes of the site, including views and vistas and significant trees. Remnant native vegetation should be retained, managed and incorporated into landscape design, wherever practicable. Landscape design should also maintain or improve the amenity and visual quality of the site, and help to screen visually obtrusive land uses or buildings. The intent may be achieved by the following landscape design measures:

- maximise the area of the deep soil zone, especially around existing trees to provide sufficient root depth as well as deep soil zones around the perimeter of a site
- highlight architectural features, define entry points, indicate direction and frame and filter views into the site
- Use small trees or large shrubs to help screen service areas
- Clearly define private open space and provide satisfactory privacy and amenity to occupants
- maximise natural surveillance of public open space and communal open space areas whilst providing adequate shade trees for amenity and energy efficiency

- improve the visual quality and amenity of industrial development through the effective low maintenance landscaping of industrial development sites,
- Landscaping shall be designed to 'soften' large hard-surfaced areas. Trees shall be planted in and around the parking areas. Shading of car park areas should approach at least 50% cover upon maturity of the planting,
- Council encourages the appropriate reuse of excavated materials for mounding within landscaped areas as a strategy to minimise waste that is generated by the development going to land-fill

Council prefers the use of Australian native trees and shrubs in the landscaping of the development, due to their compatibility with the natural habitat, their relatively fast growth and low maintenance. Any non-local plants used must not be plants that are recognised bush land weeds or have the potential to become weed species.

Controls

- a landscape concept plan is to be submitted with the development application that includes the following details:
 - a plant species list and pot sizes (consult with the Central West Local Land Services for details of suitable plant species for your location)
 - the location of various planting layers including groundcovers, shrubs and trees
 - proposed irrigation and drainage systems
 - Proposed surface treatments of landscaped areas, e.g. paving, driveways, mulched planted areas, edging, turf and retaining walls
 - Ongoing maintenance procedures and a maintenance schedule
- Landscaping should aim to relieve any bulk associated with the building. Landscaping should be at a scale similar to the size and height of the proposed development
- Landscaping should incorporate formal garden beds, properly edged and have a mulch or bark chip base to foster low maintenance
- Species selection should complement the industrial building and improve the streetscape of the general area

- Integration of existing landscaping into the overall landscape design
- Landscape design shall take into account the location of services and utilities including water, sewer, electricity, gas, telephone and stormwater services

Controls - maintenance

- To ensure landscaping of individual industrial developments is maintained, Council will require the payment of a landscape bond prior to the release of the Construction Certificate for the proposed development. The amount payable will be determined by Council and specified on the Development Consent issued by Council and shall be held by Council until such time that the maintenance period has elapsed

The maintenance period will be no less than six (6) months and will commence from the date a Council Officer is satisfied that the landscaping works are completed in accordance with the approved landscape plan

3.2 Land uses in the settlements of Condobolin, Lake Cargelligo and Tottenham

3.2.1 Application

This section applies to land zoned R1 General Residential, E4 Environmental Living, B2 Local Centre, B4 Mixed Use, IN1 General Industrial, IN2 Light Industrial, RE1 Public Recreation and RE2 Private Recreation in the settlements of Condobolin, Lake Cargelligo and Tottenham.

Below are development controls that apply to new development application that relates to land to which this section applies. Specific controls apply to community facilities, educational establishments and health services facilities, and to neighbourhood shops.

3.2.1 Zones R1 General Residential and E4 Environmental Living

Intent

The Intent is to develop housing to a high standard within the landscaped environs of the villages and towns.

Controls - number of storeys

- 1 to 2 storeys

Controls - parking and access

- all parking will be provided on-site with provision made for visitor parking

- Driveways, access ways and car parking areas for medium density development (multi dwelling housing and residential flat buildings) shall be paved with asphaltic concrete, a bitumen seal, paving bricks or coloured patterned concrete

3.2.2 Zones B2 Local Centre and B4 Mixed Use

Intent

Business zones are intended to accommodate the long-term requirements for retailing in the villages and towns. It is also the intention that other business and commercial activities and tourist-oriented services and facilities generally be located in this area. Re-development of existing business areas is encouraged.

The aim is to provide a compact intensive and lively shopping environment centred on the main street. Consequently, active frontages to pedestrian ways and streets within business areas are encouraged. Outdoor cafes, display and entertainment areas are also encouraged to create a character of activity and excitement.

Controls - number of storeys

- Generally two storeys up to a maximum of three storeys depending on building bulk and site area assessment. Special façade treatment is required along the main street

Controls - parking and access

- long-stay parking will be generally provided outside the core area
- parking will be provided at the ratio of 1 space per 100m² office floor space
- proposed uses are not to be developed beyond the capacity to provide conveniently located short-stay parking
- Driveways, access ways and car parking areas for commercial development shall be paved with asphaltic concrete, a bitumen seal, paving bricks or coloured patterned concrete

3.2.3 Zones IN1 General Industrial and IN2 Light Industrial

Intent

The intent is to continue to develop the industrial areas as mixed-use areas by consolidating existing development and to provide supporting, but separate, functions to business areas.

Controls – number of storeys

- Generally 2 storeys

Controls - site coverage

- 50 per cent maximum site area occupied by buildings of two storeys, or 60 per cent maximum site area occupied by buildings of one storey

Controls - parking and access

- parking for short and long stay use is to be provided on site on all areas not occupied by approved buildings

3.2.4 Zones RE1 Public Recreation and RE2 Private Recreation Open space area

Intent

The intent for recreational areas is to create an attractive parkland setting along the shores of waterbodies for the pursuit of a variety of leisure activities, and to facilitate the provision of an adequate range of opportunities and facilities for a diversity of informal and casual recreational pursuits.

Controls - character and use

- intensive use areas are to be developed for picnics and ball games
- trail systems for cycling and walking are to be provided

Controls - parking and access

- access to the parklands is to be provided by a number of access roads that terminate in car parks

3.2.5 Community facilities, educational establishments and health services facilities

Intent

The intent for community facilities, educational establishments and health services facilities is to:

- encourage the development of these uses on sites close to the business areas and that are convenient to the general public, and

- promote the attractiveness of the outdoor environment and provide linkages of landscaping and activities between these uses and business areas.

Controls - number of storeys

- 1 to 2 storeys

Controls - parking and access

- the majority of long and short-stay parking needs are to be met on site. Uses are not to be developed beyond the capacity to provide on-site parking
- temporary use of parts of the area for long-stay parking may be permitted. Some additional long-stay parking will be available off-site. Unless shared parking is justified by peak use outside working hours, then parking is to be provided on-site

3.2.6 Neighbourhood shops

Intent

The intent for neighbourhood shops is to provide residents with access to small scale convenience shopping facilities on sites that are convenient to surrounding residential areas but that do not degrade the continuing strengths of business areas and do not detract from the surrounding residential environment.

The aim is to provide residents with access to small supermarkets and corner stores in and close by to residential areas. The activities carried out are to be of a nature that will provide retail services to the surrounding residential areas.

Controls - number of storeys

- 1 storey

Controls - parking and access

- Long stay parking to be provided on site
- Some short term parking may need to be provided on site, to be assessed on merit

3.3 Industrial development in zones RU1 Primary Production, IN1 General Industrial, IN2 Light Industrial and R5 Large Lot Residential

3.3.1 Application

This section applies to industrial development on land zoned RU1 Primary Production, IN1 General Industrial, IN2 Light Industrial and R5 Large Lot Residential.

Industrial development includes *industries* (general, heavy and light), *rural industries*, *extractive industries*, *offensive industries*, *hazardous industries* and *home industries* as defined in the Dictionary to *Lachlan LEP 2013*.

Reference to a main road in this section means any road being a main route for through traffic and having been declared a main road by the NSW Government by Order published in the NSW Government Gazette and includes:

- West Wyalong Road (MR 57 S),
- Lachlan Valley Way, Forbes to Condobolin (MR 377),
- Parkes Road (MR 61 E),
- Tottenham Road (MR 57 N),
- Melrose to Dandaloo Road (MR 347),
- Cobar Road (MR 61 N),
- Lachlan Valley Way – Condobolin to Lake Cargelligo (MR 230),
- Euabalong to Main Road 230 (MR 411),
- Lachlan Valley Way, Lake Cargelligo to Hillston (MR 501),
- Lake Cargelligo to Rankin Springs (MR 371),
- Lake Cargelligo to West Wyalong Road (MR 231), and
- any other road which may be declared as such.

3.3.2 Aims

- (a) To improve the appearance and architectural quality of individual industrial developments and industrial estates,
- (b) To ensure that the repetitive effect of building bulk associated with close development of structure does not become undesirable as a total visual form and is adequately softened by landscaping,
- (c) To ensure that each development can satisfactorily function totally within its designed site, in particular relating to on-site car parking, off-street loading/unloading areas, manoeuvring areas and waste management,

- (d) To discourage any development which is, in the opinion of Council, unreasonably detrimental to the surrounding area in regard to use, design, height, bulk, scale, open space, landscape and density,
- (e) To minimise and regulate activities that have a negative impact on the environment and to ensure such activities are not detrimental to public health,
- (f) To minimise the causes of non-compatibility between different land uses and to provide adequate "buffers" to mitigate any remaining impacts,
- (g) To screen storage areas (or entire developments where necessary),
- (h) To ensure that design, placement and height of buildings takes into account site constraints,
- (i) To ensure that industrial developments are designed, constructed and operated in accordance with the principles of cleaner production and the waste hierarchy of avoidance, reuse, recycle and, as a last measure, disposal, and
- (j) To create a pleasant working environment for employees.

3.3.3 Setbacks

Intent

- To provide space around buildings and separation between buildings, having regard to the relative bulk of industrial structures,
- To provide opportunities for landscape screening,
- To ensure access for emergency vehicles, and
- To restrict the spread of fire between buildings.

Controls - building line

- Front Boundary

The front building setback shall be determined on the following criteria:

- Provision of landscaped area to a minimum depth of 3 metres,
- Provision of car parking facilities,
- Building height, bulk and layout,
- The nature and needs of the industrial activity, and

- The general streetscape.

- Main Roads

- All buildings shall be setback six (6) metres to provide for adequate landscaping

Note: The above formula shall be applied to each change in building height. Setbacks are determined from the industrial site boundary.

- Other Roads

- Buildings are to be set back from all other front boundaries a minimum of six metres to provide for adequate landscaping
- Secondary Street Frontage: Where an industrial building has a Frontage to more than one street the above setback applies to at least one frontage while a setback from the other street shall be three (3) metres minimum

- Side and Rear Boundaries

- There are no side and rear boundary setbacks all buildings are to be set back from the side boundaries to comply with the requirements of the Building Code of Australia

- Boundaries Adjacent to Public Reserves

- Where a building backs onto a public reserve the building shall be set back a minimum of three (3) metres to permit adequate landscaping

Controls - landscaping and car parking

- Front Boundary

- Main Roads - Car parking shall be setback a minimum of three metres (3) from the front boundary
- Other Roads - Car parking shall be setback a minimum of three (3) metres from the front boundary
- The area between the front property boundary line and the above setback line for car parking shall be landscaped to Council's satisfaction. The area between the above setbacks and the adopted building line shall maximise the use of landscaping, including as a minimum, one metre wide landscape perimeters along the side boundaries. The remainder may only be used for sealed car parking, driveways and manoeuvring areas. A landscaping bay 2.0 metres in width x 4.0 metres in depth shall be located between each group of seven (7) parking spaces, to a maximum of seven (bays provided at a maximum of seven spaces)

- Product display may be allowed in the area between the above setbacks and the adopted building line in some circumstances. Details of areas to be used for product display will need to be submitted with the development application and will be assessed on its merits. The proposed landscaping for this area will be a consideration in the assessment.
- Motor showroom developments are exempted from these requirements, but shall incorporate decorative planting to Council's satisfaction

3.3.4 Height of industrial buildings

Intent

- To retain and enhance existing streetscapes and reduce the negative impacts associated with overshadowing whilst acknowledging industry building requirements

Controls

- Council shall assess the suitability of the height all industrial development applications on individual merit having regard to:
 - Existing streetscape, scale, context and setting of existing and proposed uses,
 - Adjoining land uses, and
 - Potential for overshadowing.

Height shall be measured from the natural ground level to the highest point of the building.

3.3.5 Parking and access driveways

Intent

- To provide adequate on-site vehicular parking which is located in close proximity to building entrances,
- To prevent delay or obstruction to traffic by vehicles waiting to gain access to the site, and
- To accommodate the movement of employees and visitor traffic to and from the site in a forward direction.

Controls - location and design

- Parking areas should be easily accessible and adequately identified
- Minimum dimensions for a car parking space are 2.6 metres x 5.5 metres

- where the car parking space is enclosed on both sides the minimum width shall be 3.1 metres
- Where a car parking space abuts a wall or a solid object, the minimum width shall be 2.9 metres.

Controls - parking space requirements

Land use	Car parking requirements
Industry	- the minimum parking requirements shall be provided at the rate of one space per each two (2) persons employed on the site or; - one space per 100m² of gross floor area whichever is the greater for stand-alone buildings or; - provided on site on all areas not occupied by an approved building or landscaping area, whichever is the greater Note: Where individual industrial units are being developed car parking shall be provided at the minimum rate of three (3) spaces per unit
Warehouse or distribution centres, depots	3 spaces per 1,000m² of site area + 1 truck parking space per 1,000m² of site area
Plant nurseries	1 space per 35m² of display area plus 1 space per each 2 employees
Service stations	4 spaces per service bay. - Where a convenience food store is provided, 1 space per 20m² of gross leasable floor area + 1 space per 2 employees. - Where a restaurant is provided, 1 space per 4m² customer area + 1 space per 2 employees

- Car parking areas shall be paved with asphaltic concrete, a bitumen seal, paving bricks or coloured patterned concrete
- Other developments may be permissible over industrial land. In this regard the applicant shall consult the Roads and Traffic Authority's Guide to Traffic Generating Development to ensure the correct numbers of car parking spaces are provided for the proposed development.

Note: Where the type of development is not covered in the Roads and Traffic Authority's Guide to Traffic Generating Development or the proposed use is expected to generate a greater number of car parking spaces than required in the document, Council reserves the right to determine an appropriate number of car parking spaces. In such cases the proponent shall provide details, including traffic generation peaks, expected staff and customer numbers, etc

Controls - disabled parking

- Adequate provision shall also be made for users or visitors of the site in accordance with the Building Code of Australia and Australian Standard AS 1428.1. These spaces must be suitably marked and sign posted

Controls - access driveways

- In areas where kerb and gutter is provided for, driveways should have a minimum width of six metres across the full width of the footpath crossing, and have a perpendicular alignment to the street. All such driveways shall incorporate paved crossovers. However, this width may be increased depending on the use of the building and the type of vehicles using the site
- In areas where kerb and gutter is not provided for driveways, all access ways shall be constructed so as to incorporate a minimum six metre wide all weather gravel footway crossing, extending from the edge of the existing formwork on the public road to the entrance gate
- Driveways and access ways shall be paved with asphaltic concrete, a bitumen seal, paving bricks or coloured patterned concrete
- All access driveways are to be located so as to provide maximum sight distances
- The applicant shall ensure the erection of signs that clearly indicate to drivers of vehicles, both on and off the subject land, the driveway by which they are to enter or leave the subject land. So that the entrance and exit function in the proper manner and to minimise the likelihood of accidents occurring

Controls - gates

- Where possible, gates shall be of a "sliding" type in order to prevent problems relating to access to and within industrial developments and vehicle sight distance
- Where "swinging" gates are being installed, gates shall open away from the street and in doing so shall not restrict access to any part of the development, including car parking spaces, manoeuvring areas, general access to/from the property and sight distance

- Where driveways are located on a main road, gates from front boundaries are to be indented to provide storage area for vehicles when the gates are closed

The desirable minimum storage length should cater for a six-metre vehicle. However, this length may need to be increased depending on the use of the building(s) and the type of vehicles using the site.

Controls - manoeuvring areas

- Access aisles adjacent to car parking areas shall generally be 7 metres wide. Council may allow a reduction in aisle widths down to 5.8 metres subject to car parking spaces being increased in width by 0.1 metres for every 0.4m reduction in aisle width below 7 metres
- As a minimum standard for all new developments, garbage trucks, delivery vehicles and large single unit trucks will be able to manoeuvre on-site so as to enter and exit the site in a forward direction. Greater manoeuvring area may be required by Council according to advice received from Council's Department Technical Services
- In addition to the requirement above, where an industrial development consists of two or more individual industrial units, a small single unit truck 8.8m long shall be able to access all individual units on the property
- In the case of existing industrial developments where an extension to the existing industrial development is proposed, Council will consider waiving some of the above standards where it is felt these cannot physically be provided on-site and it can be demonstrated that they are unnecessary or unreasonable in the circumstances
- All car parking areas, manoeuvring areas and the access aisles must be paved, drained and line-marked. The pavement and drainage must be designed by a suitably qualified Civil Engineer and certified to be satisfactory for the expected traffic loadings from a development of this size and type. Where suitable, provision shall be made to collect storm water and reuse within the approved landscaped area

Note: All industrial sites will attract the full storm water management service levy where the development does incorporate a system of drainage/storm - water re-use.

- Access and manoeuvring areas are to be designed to allow all vehicles, customer and service/delivery vehicles to enter and exit the site in a forward direction

3.3.7 Building standards

Intent

- To provide industrial buildings which are both functional and attractive in the context of their local environment. This can be achieved through the selective use of materials and colour compatible with design and context.

Controls - design

- The design of any buildings, as well as being functional, is to contribute to an attractive and cohesive streetscape and be compatible with surrounding development in the area
- The design of the building when viewed from the street shall be of a high architectural standard, minimising expanses of blank wall space. Examples of desirable design elements include:
 - The external walls of industrial buildings shall be of profiled colour-treated cladding or masonry materials, or a combination of both;
 - Particular consideration shall be given to the design and use of the above materials in the street elevation of industrial buildings, particularly where such buildings are in close proximity to residential or commercial neighbourhoods or front main roads.
 - Where the side or rear elevation of an industrial building is visible from residential areas, colours and wall profiles should be selected to minimize their visual impact.
 - buildings should be designed to be energy efficient through the use of insulation, correct orientation on the site, passive solar design and other energy saving technologies.

Controls - materials

- The front elevation of the building and where side or rear walls will be visible from a public road, public reserve, railway lines or other public areas, are to be constructed of:
 - face brick,
 - a combination of face brick and colorbond type materials (providing brick is the most visually dominant material used),
 - pre-cast concrete panels, concrete block-work or rendered brickwork and/or painted in suitable colours and treated against graffiti.
- All other walls of the building are to be either:
 - brick, or
 - concrete block, or
 - combination of colorbond type materials, brick and concrete block, or
 - pre-cast concrete panels, complying with the requirements of the Building Code of Australia.

- Applications for developments proposing the use of materials different from those specified above will be considered on merit having regard to the external appearance of such materials and their relation to existing building materials in the vicinity

3.3.8 Site Coverage

Intent

- To ensure that adequate area can be made available on each site for access, parking and landscaping.

Controls

- Maximum site coverage for any industrial development shall be 60% of site area

Note: Council may, in special circumstances only, consent to the erection of buildings which occupy greater than 70% of the total area of the site.

3.3.9 Numbers of storeys

Intent

Nil

Controls

- Maximum Number of storeys on any given site is restricted to three (3).

3.3.10 Amenity

Intent

- To minimize the impact of industrial development on residential areas

Controls

- Windows, doors and other wall openings should be arranged to minimise noise impacts on residences, where an industry is located within 400 metres of a residential land use
- External plant such as generators, air conditioning plant and the like should be enclosed to minimise noise nuisance

- External and security lighting should be directed and shielded to avoid light spillage to adjoining residential areas, and
- Driveways should be arranged or screened to avoid leadlight glare on residential windows;

3.3.11 Staff amenities

Intent

- To provide for the establishment of industrial development that promotes environmental best practice, and equity for users.

Controls

- Staff amenities shall be provided in accordance with the requirements of Work Cover
- Authority and the Building Code of Australia, and are to be shown on plans submitted with both the Development and Construction Certificates

3.3.12 Waste minimisation and management

Intent

Nil

Controls

- In addition to the management of waste during demolition, subdivision or construction, applicants must plan for the management of waste generated during the operational life of the development by providing the necessary physical infrastructure
- For the purpose of minimising waste and maximising resource recovery, an Operational Waste Management Plan must be submitted with the Development Application detailing:
 - the description, volume, mass and generation rate of all solid and liquid wastes likely to be generated during operations;
 - the opportunities for resource recovery from the waste streams;
 - the proposed location, size and design of on-site (internal and external) sorting, transfer, processing, storage and transport facilities for 1) resource recovery and 2) waste disposal.
- The size of both internal and external waste facilities will be based on likely waste generation rates. There should be sufficient space to comfortably contain any on- site

waste treatment facilities, such as compaction equipment. Waste management facilities should relate to other loading and unloading facilities and consideration shall be given to appropriate ventilation, fire safety and cleaning/drainage facilities

- the domestic waste and recycling facilities including container capacities and storage locations suitable for the proposed development and must be consistent with Council's Waste management policies, and the designated areas shall be appropriately signposted
- waste management facilities shall be fully screened from the public and secured by walls and appropriate landscaping, adding to the visual quality of the development and not detracting from it
- access arrangements for the on-site movement and collection of recovered resources and waste for disposal
- the proposed location, size and design of any communal waste management facilities. The preferred location for waste containers is within the boundary of each industrial unit. However, the provision of communal areas may be appropriate for some industrial developments
- Guideline for waste generation volume by type of development as generated by Council's Department Environmental Services and Planning:

3.3.13 Earthworks for retaining walls, cut and fill

Intent

Nil

Controls

- The maximum depth of cut on any portion of the allotment should be 1.5m and the maximum depth of fill should be 1.5m,
- Where the amount of fill exceeds 700mm below a slab on ground, a dropped edge beam at the perimeter of the slab should retain the fill,
- Cut and fill platforms should not extend over a drainage easement. Cut areas may exceed 1.5m provided the retained sections are located within the footprint of the building, and
- The finished floor level of any building shall be at a minimum 300mm above finished ground level or the building shall be protected by an approved system of drainage.

3.3.14 Access and facilities for people with a disability

Intent

Nil

Controls

- All facilities/access for persons with a disability shall be provided in accordance with Australian Standard 1428.1 and the Building Code of Australia

3.3.15 Hours of operation

Intent

Nil

Controls

- Operating hours of some industrial developments can have a significant detrimental impact on nearby residential and other sensitive areas due to noise, traffic and other emissions. Operating hours will be considered on the individual merits and should be justified in the Development Application or application for a modification of an existing consent

3.3.16 Fencing

Intent

Nil

Controls

- Fencing should provide adequate security for industrial developments without detracting from the streetscape. In this regard, Council requires the submission of all details of fencing materials, height and colours to be submitted with the Development Application for the proposed development
- Fencing will be considered in conjunction with the proposed landscaping concept plan
- Fencing shall be designed in a way that maximizes natural surveillance from the main street and illustrates a regard for the amenity and purpose of the site

- Front fencing must not be less than 1.8 metres in height nor exceed a maximum height of 2.1m
- All other perimeter fencing must not be less than 1.8 metres in height nor exceed a maximum height of 2.1m
- The preferred style of fencing is galvanized chain wire incorporating a green coloured PVC coating or painted steel/ aluminium tube fencing. 'Colorbond' or galvanised solid sheet steel fencing in front of the adopted building line is not permissible
- Open yard activities and other unsightly areas are to be screened from public view

3.4 Residential development in Albert, Burcher, Derriwong, Fifield and Tullibigeal

3.4.1 Application

This section applies to the development of single residential dwellings on land zoned RU5 Village within the settlements of Albert, Burcher, Derriwong, Fifield and Tullibigeal. It does not apply to land identified as being:

- Critical habitat (under the *Threatened Species Conservation Act 1995*),
- Part of any wilderness area (under the *Wilderness Act 1987*),
- Containing an Aboriginal place under the *National Parks and Wildlife Act, 1974*,
- Being a residence, commercial or industrial building within any area designated as flood liable or flood prone under the *Lachlan LEP 2013*,
- Being within land classified as Environmentally Sensitive under *Lachlan LEP 2013*,
- Containing an item of environmental heritage listed in the *Lachlan LEP 2013* and /or subject to an order under the *Heritage Act, 1977*,
- Being within a *Mines Subsidence Area*, or
- Land classified under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or other purposes.

3.4.2 Controls and advisory notes

Consideration	Controls	Advisory notes
Water supply	- Dwellings are to be provided with a minimum 25,000 litre tank for domestic use and a minimum 20,000 litre tank for fire-fighting purposes. - Council will not supply connection to the current water scheme, except for the Village of Albert and Tullibigeal	- Storage tank for fire-fighting is to be provided with a minimum 70mm outlet and ball valve with a minimum 65mm stortz fitting fitted to ball valve. - Fire truck access within 20m of tank. - Tanks to be a minimum of 1m from the building
Solar access	Glazing to living areas that face north to receive not less than three hours of sunlight between 9am and 3pm on June 21.	- Employ passive solar design guidelines as a first priority. - Dwellings should have most of the living area facing north - The area of glazing facing north should be in the order of 18 – 21% of total floor area - Optimise the use of natural lighting where possible. Single aspect dwellings should be maximum 9 metres deep and dual aspect 14 metres. - All windows and doors should be well sealed to prevent draughts. - All windows and doors should be located to take optimum advantage of prevailing winds for cross ventilation
Septic tanks	As per NSW Government guidelines and Australian Standards	- Aerated septic tanks are not allowed. - Each septic tank requires 1000m² disposal area
Solar hot water systems	Energy efficient 3.5 to 4 star rating	

Consideration	Controls	Advisory notes
Reflective materials	• Non reflective light coloured materials for dwellings and appurtenant buildings	
Underground power (where available)	• 600mm deep	• As per Essential Energy requirements
Boundary fencing	• Side fences (between the building line and street or any public place) and front fences: - maximum height 1.0 m. • Side fences (accept between the building line and the road boundary) and rear boundary fences: - maximum height 1.8m. • Non reflective dark coloured materials. • Masonry or brick fences: - maximum height of 1m	• These requirements do not set aside the provisions of the Dividing Fences Act 1991. • Proponents are advised to talk to neighbouring landowners at an early stage and consult the Dividing Fences Act where required. • All fences are to be constructed so that they do not prevent the natural flow of stormwater drainage. • Council requires the use of satisfactory materials. • These requirements do not relate to the Swimming Pools Act 1992. • Masonry or brick fences over 1m require Councils approval
Landscaping	• Provide full survey showing species list and plant maturity at submission of Development Application. • Retain and protect existing vegetation where appropriate	• Use (native) deciduous trees with large canopies, climbers and shrubs on the northern side. • Use ferneries, planted pergolas and vines near the dwelling to assist the cooling effect of air entering dwelling. • Promote low-maintenance design of landscaping by: - - use of appropriate mulches - minimisation of lawns

Consideration	Controls	Advisory notes
		requiring mowing. • Design replanting scheme using species tolerant to local conditions of climate and soil. • Demonstrate a respect for site context, such as streetscape character, natural landform, existing vegetation, views, land capability, and availability of water and drainage. • Provide permeable paving to reduce runoff and allow water to return more readily to the local soil. • Provide plant species that require minimal water. • Produce a design of vegetation plantings around power lines
Building design	• Walls are to be sited, and to be such length and height, that there is no significant loss of amenity to adjacent dwellings and land. • In the established areas, the setbacks from the front boundary should be consistent with adjacent structures, and may be up to 25% less. • A minimum 6m separation should be provided between the windows of habitable rooms of facing dwellings that abut a public or communal street. • Direct views from living rooms of dwellings into the principal areas of private open space of other	• All carports and garages shall be set back a minimum of 6m from front boundary and 3m from secondary boundary on corner block

Consideration	Controls	Advisory notes
	dwelling should be • screened or obscured within a privacy sensitive zone described by a 12m radius. • A distance of at least 3m should separate openings of adjacent dwellings.	
Setbacks	• Except in the case of a corner allotment the minimum distance from a street alignment at which a building may be erected is 6m • In the case of a corner allotment the distance from one street may be reduced to 3 metres	
Access	• Fire truck access within 20 m of tank. • Single access to front of lot	• Front access to be provided at applicants cost and with approval from Director of Technical Services
Disabled Access	• To be designed as to the BCA specifications and current Australian Standards	
Air conditioning	• Evaporative -roof. • Reverse cycle –split	• Must comply with the Protection of the Environment Operations Act 1997 and regulations. • Wall mounted reverse cycle air conditioning will be permitted subject to dB(A) level of units position on site and neighbouring property. Details must be shown on all applications
Waste disposal	• No burning permitted within village. • Owners are responsible for the disposal of their garbage	

3.5 Industrial and commercial development in Albert, Burcher, Derriwong, Fifield and Tullibigeal

3.5.1 Application

This section applies to industrial and commercial development on land zoned RU5 Village within the settlements of Albert, Burcher, Derriwong, Fifield and Tullibigeal. It does not apply to land identified as being:

- Critical habitat (under the *Threatened Species Conservation Act 1995*),
- Part of any wilderness area (under the *Wilderness Act 1987*),
- Containing an Aboriginal place under the *National Parks and Wildlife Act, 1974*,
- Being a residence, commercial or industrial building within any area designated as flood liable or flood prone under the *Lachlan LEP 2013*,
- Being within land classified as Environmentally Sensitive under *Lachlan LEP 2013*,
- Containing an item of environmental heritage listed in the *Lachlan LEP 2013* and /or subject to an order under the *Heritage Act, 1977*,
- Being within a *Mines Subsidence Area*, or
- Land classified under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or other purposes.

3.5.2 Controls and advisory notes

Consideration	Controls	Advisory notes
Water supply	• Premises are to be provided with a minimum 25,000-litre tank for domestic use and a minimum 20,000-litre tank for fire-fighting purposes. • Council will not be supplying connections to the current water scheme (except Albert and Tullibigeal).	
Septic tanks	• Septic tank will require approval from Council.	• Aerated septic tanks are not permitted

Consideration	Controls	Advisory notes
	Food premises will require grease traps of suitable size as determined by Sydney Water guidelines	
Solar hot water systems	Energy efficient 3.5 – 4 star rating	
Reflective materials	Non reflective light coloured materials for industrial or commercial buildings and appurtenant buildings	Sheds are to be built with non-reflective materials
Underground power (where available)	600 mm deep	As per Essential Energy requirements
Boundary fencing	- Side fences (between the building line and street or any public place) and front fences: - maximum height 1.0 m. - Side fences (between the building line and the road boundary) and rear boundary fences: - maximum height 1.8m. - Non reflective material to be used. - Masonry or brick fences: - maximum height of 1m	- These requirements do not set aside the provisions of the Dividing Fences Act 1991. - Proponents are advised to talk to neighbouring landowners at an early stage and consult the Dividing Fences Act 1991 required. - All fences are to be constructed so that they do not prevent the natural flow of stormwater drainage. - Council requires the use of satisfactory materials. - Masonry or brick fences over 1m require Councils approval
Landscaping	- Provide full survey showing species list and plant maturity at submission of Development Application. - Retain and protect existing vegetation where appropriate	- Use (native) deciduous trees with large canopies. - Promote low-maintenance design of landscaping by: - Use of appropriate mulches. - Minimisation of lawns requiring mowing. - Design replanting scheme using species tolerant to

Consideration	Controls	Advisory notes
		local conditions of climate and soil. • Demonstrate a respect for site context, such as streetscape character, natural landform, existing vegetation, views, land capability, and availability of water and drainage. • Provide permeable paving to reduce runoff and allow water to return more readily to the local soil. • Provide plant species that require minimal water
Access		• Front access to be provided at applicants cost and with approval from Director of Technical Services
Disabled Access	• To be designed as to the BCA specifications and Australian Standards	
Air conditioning	• Evaporative – roof. • Reverse cycle – split	• Must comply with the Protection of the Environment Operations Act 1997 and regulations. • Wall mounted reverse cycle air conditioning will be permitted subject to dB(A) level of units position on site and neighbouring property. Details must be shown on all applications
Waste disposal	• No burning permitted. • Owners are responsible for the disposal of their garbage. • Suitable area to be set-aside for storage of garbage	• Garbage is to be moved off site at least once a week to stop nuisance arising

3.6 Residential and tourism development in zones RU1 Primary Production and R5 Large Lot Residential

3.6.1 Application

The section applies to the development of rural dwellings and tourist accommodation in zones RU1 Primary Production and R5 Large Lot Residential.

3.6.2 Intent

The Intent is to ensure that existing and potential mining and extractive industries are protected but do not cause land use conflict with adjoining rural, rural residential and tourism activities by ensuring:

- adequate separation of rural dwellings and tourist accommodation from mines and extractive industries to minimise any adverse impacts on the amenity of residents due to dust, fumes, noise and odours,
- that mines and extractive industry operations are not threatened by the proximity of rural dwellings and tourist accommodation,
- the impact of mines and extractive industries on the natural environment and competing primary industries is acceptable, and
- that rural dwellings and tourist accommodation do not depend on land in different ownership for the provision of buffers.

Controls

- Building envelopes for rural dwellings and tourist accommodation are to have a separation distance of 500 metres from the boundary of the property on which a mine or an extractive industry is operating or on which development consent has been issued for a mine or extractive industry
- Vegetation buffers may be used to reduce the total separation distance between rural dwellings/tourist accommodation and mining or extractive industries taking into account the scale of operations, processes used, topography and climatic conditions

4. Public notification procedures

4.1 Introduction

The chapter applies to all development in Lachlan Shire.

The purpose of this chapter is to establish objectives and provide requirements for the notification of developments within the Shire.

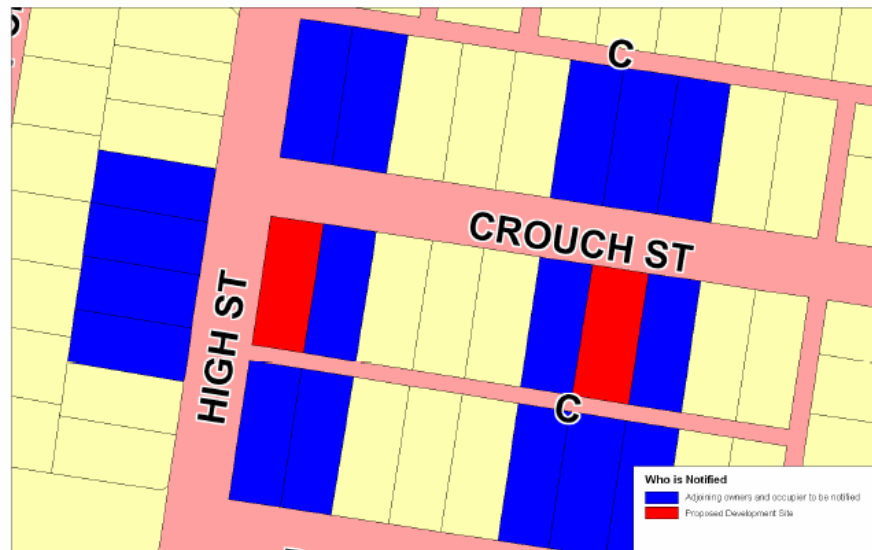
The objectives of this chapter are to:

- Inform people of development proposals,
- Encourage people to become involved and take an interest in the development of their area,
- Give people an opportunity to submit comments and/or submissions on development proposals so as to assist Council in its decision making process,
- Set out the criteria for notifying persons of development proposals,
- Specify the circumstances when notification is not required,
- Detail the form that notification will take,
- State the requirements of applicants so that notification can be carried out satisfactorily,
- Ensure submissions received during the notification process are taken into consideration during development assessment, and
- Guarantee that people lodging submissions are informed of the reasons for Council's decision.

4.2 Application

For the purpose of this chapter **Adjoining Land** means land that is adjacent, opposite to, or in the vicinity of a site where an application for development has been received.

In the diagram below the properties shaded red are subject to a development application. Properties that are shaded blue are classed as 'adjoining land'.



4.3 Notification procedures

4.3.1 When notification is not required

Council will not give notice of a development application in the following instances:

- an application is received for complying development
- Council has already given notice under this policy of a development application on the same site which is substantially the same in terms of height and external configuration,
- the proposed building works are internal and not visible from 'adjoining land' and/or there is no alteration to the height of external configuration
- the application is rejected on the basis of inadequate, unclear or illegible development
- an application is received for an extension of time to start an approved development
- an application is received to carry out alterations or additions for the purpose of a fire safety upgrade of an existing building
- a development application is received for subdivision (Torrens title, strata or community title)
- a development application is received for demolition (other than for heritage items)

- a development application is received for a sign in a commercial or industrial zone which would not have a significant and substantiated adverse impact on residential properties, on 'adjoining land' or the safe and efficient operation of the road network
- an applications under Section 68 of the Local Government Act 1993 is received
- a development and/or a modification to the same proposal which, in the opinion of the development assessment officer, is minor and will not have a significant and substantiated adverse impact on adjoining properties or the environment.

In all other cases not listed above notification of the proposal is required.

4.3.2 When notification is required for development applications

Council will give notice for the following types of development in the manner described below:

- (a) **Minor Development** notification is for minor proposal and the notification is aimed at those on 'adjoining land' consisting of a letter being sent to:

- owners and occupiers of 'adjoining land' and
- any public authority deemed by the development assessment officer to have, or is likely to have, an interest in the proposed development

Notification lasts 14 days from the date on the notification letter. Council maintains discretion to extend the notification period if considered necessary.

- (b) **Major Development** notification is for more complex proposals, where more extensive notification is carried out consisting of an advertisement in the local papers and a letter being sent to:

- owners and occupiers of 'adjoining land' and
- any other individual, group, organisation or similar deemed by the development assessment officer to have, or likely to have an interest in the proposed development, and
- any public authority deemed by the development assessment officer to have, or is likely to have, an interest in the proposed development

Notification lasts 21 days from the date of the advertisement in the local newspaper. Council maintains discretion to extend the notification period if considered necessary. The notice will be published on one (1) occasion.

- (c) **Advertised Development** notification is for development declared as advertised development. Advertised development is defined in the Environmental Planning and Assessment Regulation 2000 and includes in the case of Lachlan Shire:

- The demolition of a building or work that is an item of the environmental heritage, not being a partial demolition which in the opinion of the Council is of a minor nature and does not adversely affect the significance of the building or work as part of the environmental heritage of Lachlan Shire,
- Boarding houses, hotel or motels accommodation, residential flat buildings, waste or resource management facilities, liquid fuel depots, saw-mill or log processing works, stock and sale yards, and
- Industries (general, heavy or light), extractive industries, offensive industries and hazardous industries other than:
 - rural industries,
 - The erection of new “standard” industrial buildings where the use is known, except when the building is likely to be visually dominant when viewed from residential areas,
 - Internal building works, minor extensions and renovations, except where the extension is related to the proposed intensification of an existing use which involves potential pollution or hazard or an increase in the number of heavy vehicles,
 - The use of land or buildings for storage purposes, except where the goods to be stored involve a hazard in the event of fire or flood, or where open storage will be visually prominent when viewed from residential areas, and
 - Manufacturing or service industries which do not involve potential pollution or potentially hazardous products or processes.

Notification consists of an advertisement in the local papers and a letter being sent to:

- owners and occupiers of ‘adjoining land’ and
- any other individual, group, organisation or similar deemed by the development assessment officer to have, or likely to have an interest in the proposed development, and
- any public authority deemed by the development assessment officer to have, or is likely to have, an interest in the proposed development.

Notification lasts 30 days from the date of the advertisement in the local newspaper. Council maintains discretion to extend the notification period if considered necessary. The notice will be published on one (1) occasion.

(d) **Designated Development** notification is for development declared as designated development. Notification consists of an advertisement in the local papers, arranged public meetings, presentations and discussion, a site notice placed on the boundaries adjoining public land evenings and a letter being sent to:

- owners and occupiers of ‘adjoining land’ and
- any other individual, group, organisation or similar deemed by the development assessment officer to have, or likely to have an interest in the proposed development, and
- any public authority deemed by the development assessment officer to have, or is likely to have, an interest in the proposed development.

Notification lasts 30 days from the date of the advertisement in the local newspaper. Council maintains discretion to extend the notification period if considered necessary. The notice will be published on two (2) occasions.

(e) For development applications that include a **variation to the building line**, notification consists of an advertisement in the local papers and a letter being sent to:

- owners and occupiers of 'adjoining land' and
- any other individual, group, organisation or similar deemed by the development assessment officer to have, or likely to have an interest in the proposed development.

4.3.3 When notification is required for draft plans, policies and strategies

Council will give notice of the exhibition of draft Council plans, policies and strategies in the manner described below:

(a) Draft contribution plans

- An advertisement in the local papers, and
- Arranged public meetings, presentations and discussion evenings

Notification lasts 30 days from the date of the advertisement in the local newspaper. Council maintains discretion to extend the notification period if considered necessary. The notice will be published on two (2) occasions.

(b) Draft development control plans

- A letter being sent to:
 - owners and occupiers of land affected by the draft DCP,
 - any other individual, group, organisation or similar deemed by the development assessment officer to have, or likely to have and interesting the proposed development, but only if the Council is of the opinion that the use or enjoyment of their land may be detrimentally affected by the proposal, and
 - any public authority deemed by the development assessment officer to have, or is likely to have, an interest in the proposed development
- An advertisement in the local papers, and
- Arranged public meetings, presentations and discussion evenings.

Notification lasts 30 days from the date of the advertisement in the local newspaper. Council maintains discretion to extend the notification period if considered necessary. The notice will be published on one (1) occasion.

(c) **Draft local environmental plans**

- A letter being sent to:
 - owners and occupiers of land affected by the draft LEP, and
 - any other individual, group, organisation or similar deemed by the development assessment officer to have, or likely to have and interesting the proposed development, but only if the Council is of the opinion that the use or enjoyment of their land may be detrimentally affected by the proposal.
 - any public authority deemed by the development officer to have, or is likely to have, an interest in the proposed development
- An advertisement in the local papers, and
- Arranged public meetings, presentations and discussion evenings.

Notification lasts 30 days from the date of the advertisement in the local newspaper. Council maintains discretion to extend the notification period if considered necessary. The notice will be published on two (2) occasions.

(d) **Draft strategic planning documents**

A letter being sent to:

- any public authority deemed by the development officer to have, or is likely to have, an interest in the proposed development

An advertisement in the local papers, and

Arranged public meetings, presentations and discussion evenings.

Notification lasts 30 days from the date of the advertisement in the local newspaper. Council maintains discretion to extend the notification period if considered necessary. The notice will be published on one (1) occasion.

4.3.4 Council responsibilities

Both owners and occupiers of land that may be affected by a development proposal will be notified. Letters will also be sent to the Secretary of the relevant owners' Corporations in a Strata Plan.

Some development proposals can be adjoining or be opposite land in other Council areas. In this instance Council will:

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

Modification of Proposal Council's Building Surveyor maintains the right not to notify owners and occupiers of 'adjoining land' if in their opinion no significant impact would result from a modification of a proposal (subject to any additional requirements which may be contained in the Act).

When a request is received for the completion of unauthorized development or an application for a building certificate to sanction unauthorised development which has been completed, the request shall be notified in accordance with the development type. Where the development assessment officer deems the request relates to a development that is minor and will not have a significant and substantiated adverse impact on adjoining properties or the environment, no notification would be required.

Council need not notify immediately of a development proposal if waiting on further information or clarification from an applicant.

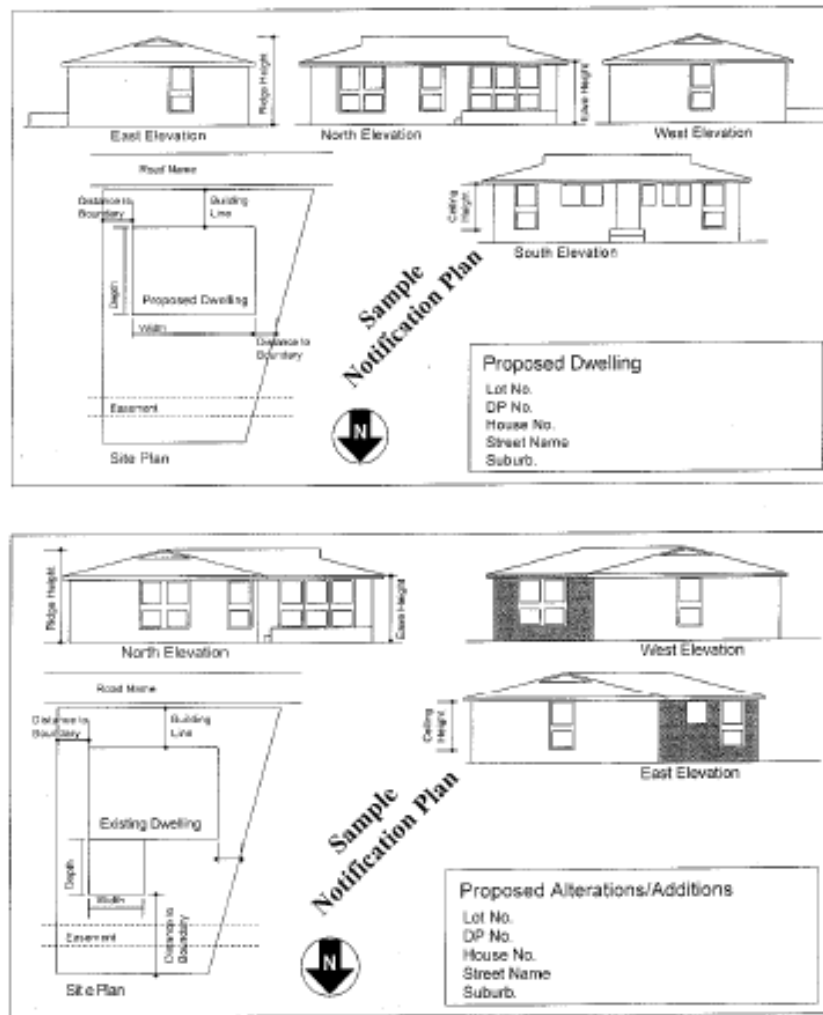
For any other matter not specifically stated above Council reserves its discretion to consult with owners and occupiers on 'adjoining land' any public authority considered to be affected, or likely to be affected, or any other individual, group, organisation or similar considered to be, or likely to be affected by the proposal.

4.3.5 Notification information

The notice sent to the parties identified above in accordance with notification procedures shall contain the following details:

- The address of the proposed site,
- A description of the proposed work/use,
- An A4 size notification plan, or A3 size where considered necessary, of any proposed building work which depicts its height, external configuration and siting,
- Advice that the plans may be inspected during normal office hours at the Councils offices in which the subject site is located, and
- The closing date for written submissions.

Sample notification plans for a proposed single dwelling and proposed alterations/additions are given below.



4.4 Viewing development applications and draft planning documents

Development applications and draft planning documents can be viewed at www.lachlan.nsw.gov.au and at the Council Chambers located at the corner of Molong Street and McDonnell St, Condobolin, Mon – Fri 8.30am – 4.30pm and by appointment only at Lake Cargelligo Library, Foster Street, Lake Cargelligo and Tottenham CTC Centre (Post Office), Umang Street, Tottenham.

All plans and information lodged with a development application will be available for viewing. Generally this will include: all plans, the Development Application form, and in the case of larger developments, a statement of environmental effects, shadow diagrams, supplementary reports and the like. Should model(s) or an artist impression(s) of the development be lodged with the application, these will only be available at the Council Chambers. Similarly, supporting information for the exhibition of draft plans, policies and strategies will be available for viewing.

Assistance will be available to those viewing applications and draft documents at the Council Chambers. Council staff will be available to assist with the explanation and interpretation of plans. Please make an appointment to confirm available times.

The *Environmental Planning and Assessment Act 1979* requires Council to make available extracts of applications to those interested. A fee is charged for the copying of forms or plans associated with an application. The list of fees can be found on Council's website www.lachlan.nsw.gov.au.

4.5 Making a submission

Submissions are letters, petitions or similar written representations from individuals or groups of people regarding a particular application or draft planning document.

A submission could:

- Support an application or draft plan, or
- Object to an application or draft plan, or
- Object to part of an application or draft plan, or
- Suggest ways of overcoming concerns with an application or draft plan, or
- Suggest alternatives to a proposal or element of a proposal or draft plan.

It is recommended that a written submission be lodged if you have a concern about an application or draft plan.

Submissions should contain the following:

- The name and address of the person making the submission,
- The address of the property that is the subject of the development application or the reference number of the draft plan, policy or strategy, and
- The reason for the submission.

Submissions at all times should be clearly set out and state the actual reasons why you support or object to a proposal or draft plan. Constructive suggestions for overcoming any concerns are encouraged.

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

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

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

Unless otherwise specified, submissions may be made up to and including the last day upon which a person may inspect an application in responses to a notification letter issued or an advertisement in a newspaper. Submissions will be accepted up to the close of office on that day.

Submissions can be sent to the following addresses:

- By mail to: The General Manager
Lachlan Shire Council
P.O. Box 216
Condobolin NSW 2877
- By facsimile to 02 68953478, or
- By email to council@lachlan.nsw.gov.au

Generally no acknowledgement will be made when submissions are initially received by Council. All people or groups and/or head petitioner making submissions will receive a 'Notice of Determination of a Development Application', or advice about the progress of a draft plan, policy or strategy following consideration by Council.

All submissions received within the nominated time frame will be considered when determining the application or considering the draft planning document. The application will not be determined prior to the expiry of the nominated notification period. Similarly, the draft planning document will not be considered by Council before the end of the notification period. Submissions received after the nominated time frame will not be considered.

The terms of any objection will be summarised in the assessment, located in Council's file and a report is to be presented to the Council. The name and address of the objectors will be withheld in the report.

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

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