

# Lockhart Shire Development Control Plan 2016



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## Section A – Introduction to the DCP

### 1. DCP Objectives

The objectives of the Lockhart Shire Development Control Plan 2016 are to:

- Help achieve the aims and objectives of the Lockhart Local Environmental Plan 2012 by providing more detailed controls for development;
- Outline Council policies, standards and indicate the preferred future direction for development within Lockhart Shire; and
- Assist in the preparation of development proposals by providing applicants and owners the relevant details of Council requirements.

### 2. What is a Development Control Plan (DCP)?

A DCP is a source of information covering issues of legislative, administrative and technical aspects of development.

This DCP is known as **Lockhart Shire Development Control Plan 2016** pursuant to Division 6 of the Environmental Planning and Assessment Act 1979.

This DCP applies to the whole of the Lockhart Shire Local Government Area.

This DCP contains more detailed provisions than in the *Lockhart Local Environmental Plan 2012*. In the event of a conflict between the DCP and the *Lockhart Local Environmental Plan 2012* the Local Environmental Plan prevails.

This DCP applies from the date of adoption by Council. The date of adoption and amendments to the DCP is listed in **Section B – Amendments to the DCP**. From the date of adoption, this DCP takes precedence over any existing DCP adopted by the Lockhart Shire Council.

### 3. How to use the Development Control Plan

The Development Control Plan (DCP) is designed to assist with various types of issues that may relate to a development proposal.

Section C contains separate controls to address specific development issues within the Shire. Section C forms only a single component of the overall DCP and should not be read in isolation.

Each part of Section C may include one or all of the following:

- **Objectives** – Each specific section has specific objectives which describe what Council aims to achieve; and
- **Development controls** - These are used to measure the performance of a development in the development process.

#### 4. Variations to the DCP

Notwithstanding any provisions of this DCP, other than those standards included in other legislation or are only permitted to be varied as development standards, Council may consider a variation to the DCP. Such a variation may only be considered where a written statement specifying the grounds for non-compliance is submitted for Council's consideration.

Council may consider advertising any variation to the DCP where it considers such variation is a major departure.

Council will only consider a variation where it is warranted by special circumstances, where the design of the proposed development is of a superior standard and where in Council's opinion the stated objectives of the development controls and particular standard are achieved.

#### 5. Disclaimer

Council provides the information contained in this DCP in good faith. In some cases this DCP only provides a summary of legislative provisions and technical codes. This DCP also includes information that does not strictly meet the requirements of Division 6 of the *Environmental Planning and Assessment Act 1979*.

The information contained in this document is a guide to only some of the provisions that relate to development. Compliance with the requirements of this DCP will not necessarily mean that a development will be approved.

#### 6. Further information

If you have enquiries or wish to clarify any aspect of this DCP please contact Council on the following

Phone (02) 6920 5305

Fax (02) 6920 5247

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

Address

PO Box 21

65 Green Street

LOCKHART NSW 2656



## Section B – Amendment to the DCP

### 1. Objectives

The objectives of this Section are to:

- Identify the process for amending the DCP and providing for public participation;
- Provide an update on amendments to the Lockhart Shire Development Control Plan 2016; and
- Identify the date of adoption of the DCP by Council and subsequent amendments.

### 2. Date of adoption of original plan and date when plan comes into force

This plan was exhibited for public comment in accordance with the *Environmental Planning and Assessment Act 1979 and Regulations*. Council adopted this plan on the 19 December 2016.

Subsequent amendments to the plan are listed below.

This plan came into force as of the 24 December 2016 (being the date of public notice in the local newspaper in accordance with Clause 21 of the *Environmental Planning and Assessment Regulations 2000*).

### 3. Amendments to Lockhart Shire Development Control Plan 2016

Where Council resolves to prepare an amendment to the Lockhart Shire Development Control Plan 2016 these must be exhibited for a minimum period of 28 days. Public notice must be given in the local newspapers. This notice is to indicate the details of the places, times and dates for the inspection of the draft amendments; and the period during which submissions may be made.

Copies of the draft amendments will be made available during the exhibition period free of charge.

**Table 1: List of DCP Amendments**

Purpose of Amendment	Section Amended	Date Amendment effective (Public notice under Clause 21 EPA Regulations 2000)
To improve development controls in flood prone land, and restriction on commercial development	Flood planning & Commercial development controls	25/07/2018

## Section C – Development Controls



# Activities in Public Places

## 1. Objectives

The objectives of these controls are to:

- Encourage value-adding opportunities for businesses to create vibrant atmospheres for the commercial centres of each town and village within the Shire;
- Provide simple urban design guidance for commercial use of public footpaths for the purposes of displaying goods, merchandise, business icons, A-Board advertising signs, shade structures, café furniture etc;
- Enable Council to give consideration to the multiple use of footpaths in a manner which complements the best interest of the business community, residents and visitors;
- Provide assistance on the procedural arrangements for business operators to obtain Council approval for the use of the footpath areas;
- Outline the requirements for a range of other activities including: filming, street stalls, busking, street festivals, fairs and other special events;
- Ensure that activities undertaken by non-profit organisations are appropriately coordinated; and
- To meet access and equity standards and ensure the safety of the community.

## 2. Legislative controls

There are a number of legislative controls that must be met for commercial use of public footpaths and activities in public places.

These include:

- *Environmental Planning and Assessment Act 1979 (Section 76A);*
- *Local Government Act 1993 (Section 68);*
- *Roads Act 1993;* and
- *Liquor Act 2007 and Liquor Regulation 2008.*

These controls apply to the use of Council's footpath and public land for commercial or non-profit use including:

- The use of footpaths by shopkeepers, for the storage of a variety of goods and articles on the footpath directly outside their premises;
- Outdoor dining being the use of the footpath directly outside an existing food business;
- Erection of a memorial on public land;
- Busking and street theatre;
- Public addresses, preaching and religious services;

- Information and promotional displays;
- Street collections and badge/pin days;
- Street stalls operated by charities and non-profit organisations.
- Street festivals and fairs; and
- Commercial filming.

### **3. Activities that require formal approval from Council**

Activities that use a footpath for the display or sale of merchandise, cafe dining, a large street festival or the erection of a memorial in a public place require approval under the *Environmental Planning & Assessment Act 1979*, *Roads Act 1993*, *Local Government Act 1993* and *Roads Act 1993*.

Short term uses or activities (i.e. street collections, street stalls and filming) do not require approval under the *Environmental Planning & Assessment Act* but do require approval under the *Roads Act 1993* and *Local Government Act 1993*.

### **4. Annual licence agreements**

Council does not require annual licence agreements or ongoing annual rental fees for use of footpath areas.

### **5. Insurances**

Copies of certificates of currency for public liability insurances (\$20 million dollars minimum) including indemnification of Council will be provided to Council prior to use of any public area.

Approval may be transferred to a new business proprietor upon written notification to Council and appropriate public liability insurance cover.

### **6. Use of footpaths for the sale and display of products**

Council's minimum requirements for using footpaths for the display of goods are as follows:

- A two (2) metre wide unobstructed section of the footpath is to remain clear for pedestrian access;
- Any goods to be displayed are only to be placed on the footpath adjacent to the business premises and are not to extend beyond the property boundaries;
- Goods displayed are to relate only to the business occurring at the premises;
- The business owner will maintain the display area in a clean and tidy condition to ensure the safety of the pedestrian traffic;



- All goods display stands are to be secure and finished not to cause injury to pedestrians;
- All goods will be removed from the footpath when the business is closed; and
- Only two (2) items per business are to be located on the footpath such as a sandwich board sign, trading table, display stand and/or display rack.

## 7. Outdoor dining

Council's minimum requirements for using footpaths for outdoor dining are as follows:

- A two (2) metre wide unobstructed section of the footpath is to remain clear for pedestrian access. This distance may be increased or reduced subject to assessment by Council;
- Outdoor dining furniture is to be strong, durable and robust to withstand heavy use and movement;
- Public safety and comfort is to be observed at all times;
- Outdoor furniture must be safe in design and not cause any hazard to the patrons, shopkeepers or pedestrians;
- Tables must be sturdy and breakable glass tops are not acceptable;
- One (1) menu board per business is acceptable. Boards are to be maintained and may be A- Board or single board style;
- Each business is to consider adopting a single colour and style for seats and tables in its particular area to provide consistency and identity. Colours should be in line with Council's heritage colour palate if to be located in a heritage conservation area;
- Any umbrellas are to be firmly anchored and free of sharp protrusions. Preference is given to market style umbrellas offering generous shade protection. Umbrellas are to consistent in style and colouring as seating/tables;
- No part of the footpath is to be used for storage purposes;
- If outdoor heating devices are proposed, details of the type, location and design must be provided for Council approval. All outdoor heaters are to comply with the relevant Australian Standards;
- Outdoor furniture is to be located a minimum distance of 600mm from the kerb, Council bins, street light poles and at least 800mm from any fixed public seats;
- Tables, chairs, umbrellas, pot plants and any other outdoor furniture is only to be placed on the footpath adjacent to the business premises and is not to extend beyond the property side boundaries;
- Tables, chairs, umbrellas, pot plants and any other furniture are not be fixed to the pavement without prior approval of Council;
- The canopy of any umbrella/s will have a minimum clearance above the footpath level two (2) metres;
- The outdoor dining area, together with tables, chairs and any other associated furniture, are to be maintained in a clean condition at all times;
- All tables, chairs and other furniture shall be removed from the footpath when the business premises are closed; and
- The use of food and drink preparation equipment is not acceptable on the footpath.

## 8. Other activities

The following information is to provide assistance to those members of the Community wishing to undertake any of the following activities:

- Busking and street theatre;
- Public address;
- Information and promotional displays;
- Preaching and religious services;
- Street collections and badge/pin days;
- Street stalls; and
- Street stalls for political purposes.

These activities are permitted in public places within Lockhart Shire, without prior approval, except for those areas designated by Council signage or where those activities have the potential to create a nuisance or a hazard to pedestrian and vehicular traffic.

Council considers that the following locations are not acceptable for any of the listed activities:

- Within five metres of a bus stop, pedestrian crossing, taxi stand or intersection;
- Any public area adjacent to residential premises or to a school or place of public worship;
- All parks and reserves, except with Council's written approval;
- Any footpath unless a 2.5m unobstructed section is available for pedestrian movement; and
- Public address systems are not acceptable.

An individual or group carrying out these activities need to be aware that if they cause offence or obstruction they will be subject to action by authorised Council Officers or the Police. Any individual or group will be required to obtain any necessary approvals from State or Federal authorities.

## 9. Busking and street theatre

The following practices are unacceptable for busking or street theatre:

- The obstruction of pedestrians or vehicles;
- Creating any nuisance or objectionable noise; and
- Affix anything or to mark or draw on any footpath.

A busker may solicit for money by placing a receptacle on the ground however will not ask members of the public for money or approach the public for the purpose of selling goods.

## 10. Street stalls

Council's footpaths are available to be used by charity and non-profit organisations. Their use will not adversely impact on residents and/or visitors, and provide an equitable opportunity for fundraising for all appropriate organisations.

Council minimum requirements for street stalls are as follows:

- The organisation must first book their stall on Council's event calendar by contacting Council offices in Lockhart
- The name of the organisation, together with the date/s, location and brief description of goods to be sold at the proposed stall/s;
- Street stalls may only be set up and operated by non- profit community groups;
- To provide equitable access, groups are to limit their stalls to no more than one per month in any town or village in the Shire;
- The approval of the business or organisation, where the street stall is to be located outside of, is required;
- The organisation operating the stall will display a sign on the stall indicating its name;
- No other signage is acceptable and the stall is to maintain a minimum unobstructed footpath width of two (2) metres; and
- Any street stalls selling food will comply with the requirements of NSW Food Act and regulations.

## 11. Relevant Section C – Development Controls

The following other parts of **Section C – Development Controls** relevant to this Chapter include:

- Commercial Development;
- Contaminated Land;
- Engineering Standards;
- Food Premises Fit Out and Construction;
- Heritage and Conservation;
- Notification of Development Applications; and
- Signage.

# Bushfire Prone Land

## 1. Objectives

The objectives of these controls are to:

- Outline the aim and objectives of the NSW Rural Fire Service *Planning for Bushfire Protection 2006*; and
- Explain the statutory requirements of the *Environmental Planning and Assessment Act 1979* for the assessment of development applications on land that is identified as Bushfire Prone Land.

## 2. Development Controls

New development on “bush fire prone land” must comply with the provisions of *Planning for Bush Fire Protection 2006*.

The NSW Rural Fire Service provides a range of information to support assessment of bushfire protection for a range of types of development. It is recommended that applicants contact Council or access the Rural Fire Service web site for further information ([www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)).

In most cases development applications on bush fire prone land must be accompanied by a Bush Fire Assessment Report (BFAR) within the statement of environmental effects.

There is a single dwelling application kit available from the NSW RFS website.

If the development requires submission of a BFAR this must include all the information listed in *Appendix 4 (A4.1) of Planning for Bush Fire Protection 2006*.

Landowners can determine whether their land is classified as “bush fire prone” land by viewing the bush fire prone land maps held at the Council office in Lockhart.

The assessment of development on bush fire prone land is governed by the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Rural Fires Act 1997*.

*Section 63* of the *Rural Fires Act 1997* places a ‘duty of care’ on all land managers/owners to prevent a fire spreading on or from their land. This duty is related to future developments in that the provision and maintenance of appropriate setbacks and landscaping must be addressed at development application stage.

*Section 100B* of the *Rural Fires Act 1997* enables the Rural Fires Commissioner to issue a ‘bush fire safety authority’ for developments that comply with the bush fire protection guidelines approved by the Rural Fire Services (RFS).

In assessing development applications on bush fire prone land the Rural Fire Service relies in part on the publication - *“Planning for Bush Fire Protection 2006”, (PBP)*. It provides the necessary planning considerations when developing areas for residential use in residential, rural residential, rural and urban areas when development sites are in close proximity to areas likely to be affected by bush fire events.

Section 79BA of the *Environmental Planning and Assessment Act 1979* requires that a consent authority not grant approval to a Development Application for any purpose on bush fire prone land, unless it:

- a. Is satisfied that the development conforms to the specifications and requirements of PBP; or
- b. Consults with the RFS concerning measures to be taken to protect persons, property and the environment from danger that may arise from a bush fire.

### 3. Relevant Section C – Development Controls

The following other parts of **Section C – Development Controls** relevant to this Chapter include:

- Dwelling Houses (Second Hand);
- Engineering Standards;
- Environmentally Sensitive Area;
- Erosion and Sediment Control;
- Large Lot Residential Development;
- Notification of Development Applications;
- Residential and Village Development;
- Rural Development; and
- Subdivision.

# Commercial Development

## 1. Objectives

The objectives of these controls are to:

- Ensure that commercial development is carried out in such a way as to protect and enhance the environmental quality of the Shire;
- Encourage development that reinforces the “country town” character of the shire’s towns and villages;
- Guide owners, developers and the wider community to the standards required by Council in the planning and design of commercial developments;
- Assist applicants in the compilation and submission of development applications;
- Promote and encourage commercial development within the central business districts of the Lockhart Shire’s villages;
- Maximise the utilisation of services for commercial development; and
- Ensure the most efficient use of commercial land while safeguarding environmental factors through careful site planning.

## 2. Definition of commercial development

The *Lockhart Local Environmental Plan 2012* zones the Shire’s towns and villages as RU5 Village, which permits the operation and development of commercial premises. Commercial premises include business, office and retail premises.

## 3. Development controls

### 3.1 Aesthetics, streetscape, building design and materials

Council has adopted the following general principles for the design and development of all commercial development.

These principles are to:

- Encourage good building design;
- Address street context and streetscape in building design; and
- Ensure consistency in the use of building materials and existing streetscapes.



The front façade of any commercial development building is to be constructed of an approved material that ties in with the heritage characteristics of the surrounding buildings. Materials may include face brick, decorative masonry block, glass, etc. Other types of materials will be considered on merit taking into consideration aesthetics and the streetscape in the immediate area.

Where corner developments or intermittent industrial blocks are involved, the front façade treatment shall extend 5 metres down each side.

### 3.2 Commercial regulated premises

Any commercial activities carried out in premises identified in the *Public Health Act 2010* and *Schedule 2 of the Local Government (General) Regulation 2005* (e.g. hairdressing salons, barber shops, beauticians, etc), are to be carried out in accordance with those Acts and regulations. Regulated premises are inspected routinely, and Council charges an inspection fee, which is calculated in accordance with Council's Fees and Charges Policy.

### 3.3 Restriction on use in central business districts

These controls apply to development proposed on land identified as being located within the following Central Business Districts:

- Urana Street, The Rock (Figure 3.3.1); and
- Green Street, Lockhart (Figure 3.3.2).



Figure 3.3.1 The Rock central business district (CBD).



**Figure 3.3.2** Lockhart central business district (CBD)

As defined by the Lockhart LEP 2012 the Central Business Districts of Lockhart and The Rock are zoned RU5 – Village, and the Zone objectives include provision for a range of land uses, services and facilities that are associated with a rural village.

Council will always welcome proposals for adaptive and innovative developments which satisfy the flexible land-use provisions of the Lockhart LEP 2012, however emphasis will remain on preserving the Central Business Districts in Lockhart and The Rock as commercial precincts.

Council will not support proposals for change of use of land or buildings in the CBDs to residential premises, including apartments or dwellings; or uses which in the opinion of the Council are unlikely to generate positive economic impacts and are not consistent with the retail, office or commercial objectives for land use in the precinct.

### **3.4 Nuisance**

Any business will not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, waste water, waste products or grit, oil or otherwise.

### **3.5 Storage of material/goods/rubbish**

Materials, goods, rubbish, etc., are to be stored within the curtilage of the building at all times; or within suitable screened enclosures within the land. Waste material is to be stored in appropriate receptacles, and removed on a regular basis so as to not provide a harbour for vermin.

### 3.6 Use of a commercial building or premises

The use of a commercial building or premises requires approval from Council prior to occupation unless the use has been identified within a development application. Any changes in use may require separate approval from Council, if the use is different to the business currently occupying the building or premises.

### 3.7 Disabled access to commercial premises

The following standards apply where businesses owners seek to install disabled access ramps, to be located on Council's footpath, to their business:

- The ramp must be built and maintained by the business owner in strict compliance with all relevant standards and codes;
- All costs associated with the installation of the ramp must be borne by the applicant;
- Council's interests must be noted on the business's Public Liability Certificate of Currency for any liability incurred arising from the access ramp on the Council's footpath. The Public Liability certificate of currency must note Lockhart Shire Council's interest in respect of liability incurred by the business as a result of its negligent acts errors or omissions committed, or alleged to have been committed, arising from the disabled ramps (including the installation and maintenance of the ramp) on Council's footpaths and land;
- Attention must be paid to the heritage pavers in the Green Street, Lockhart;
- A permit in perpetuity will be issued by Council to the business owner upon the completion of the ramp provided the ramp is built and continues to be maintained to the standard set in Council's approval and in accordance with all relevant standards and codes;
- Council will consider alternative to locating the ramp on the footpath; and
- Council reserves the right to remove any access ramp that is inappropriate or a safety hazard in consultation with the property owner.

## 4. Relevant Section C – Development Controls

The following other parts of Section C – Development Controls relevant to this Chapter include:

- Activities in Public Places;
- Commercial Development;
- Engineering Standards;
- Flood Prone Land;
- Food Premises Fit Out and Construction;
- Heritage and Conservation;
- Notification of Development Applications; and
- Signage.

# Contaminated Land

## 1. Objectives

The objectives of this Chapter are to:

- Link Council's adopted policy guidelines for the management and remediation of contaminated land to the DCP; and
- Ensure best practice approaches are used for the remediation of contaminated lands for development

## 2. Implementation of Council Policy

Council has adopted a Contaminated Land Management Policy, which outlines requirements relating to the use and/or development of land that is or may be contaminated.

This policy has been developed under the provisions of the *Contaminated Land Management Act* (CLM Act); it's associated State Environmental Planning Policy No. 55 – Remediation of land and the Managing Land Contamination – Planning Guidelines in regard to the principles of:

- Ensuring that changes of land use, or new development proposals, will not increase the risk to human health or the environment;
- Avoiding inappropriate restrictions on land use; and
- Providing information to support decision making and to inform the community.

## 3. Contaminated lands and development

Council has adopted in this Policy procedures for considering land contamination issues with development applications.

Council will not grant consent to the development of any land unless there has been consideration of whether the land is contaminated, and:

- If the land is contaminated, Council is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purposes of the proposed development; and
- If the land requires remediation to be made suitable for any purpose for which the development is proposed, Council is satisfied that the land will be remediated before the land is used for that purpose.

Copies of the Contaminated Land Management Policy are available from Council's web site or by contacting Council directly.

## 4. Relevant Section C – Development Controls

The following other parts of **Section C – Development Controls** relevant to this Chapter include:

- Commercial Development;
- Dwelling Houses (Second Hand);
- Engineering Standards;
- Environmentally Sensitive Areas;
- Erosion and Sediment Control;
- Flood Prone Land;
- Industrial Development;
- Large Lot Residential Development;
- Notification of Development Applications;
- Residential and Village Development;
- Rural Development; and
- Subdivision.

## Dwelling Houses (Second Hand)

### 1. Objectives

The objectives of these controls are to:

- Set out Council standards for second hand dwelling houses in the Shire including the relocation of these dwellings;
- Identify the requirements for applicants proposing to relocate a second hand dwelling house; and
- Protect the visual amenity and character of towns and villages within Lockhart Shire.

### 2. Approval of second hand dwellings

Council requires that applicants obtain development approval prior to the purchase of a second-hand dwelling house for the purposes of relocating to Lockhart Shire.

The following matters must be addressed prior to the relocation of second hand dwelling houses:

- Applicants are required to submit photographs of each elevation of the dwelling house, for Council's preliminary consideration;
- Where Council considers that the dwelling house may be suitable, Council will require an inspection and report by a suitably qualified person of the existing condition of the dwelling, at the expense of the applicant;
- Where Council is requested to inspect the building a fee calculated on the basis of estimated costs, including travelling expenses will be payable by the applicant. Such fee shall be paid prior to the inspection being carried out;
- In circumstances where it is impractical for Council's Building Surveyor to carry out such inspection, the applicant will arrange for the required inspection and report from the Local Authority where the dwelling is located; and
- An Engineer's certification will be provided that the building proposed to be moved meets relevant Australian Standards and is structurally adequate

### 3. Conditions applying to approval of second hand dwellings

To ensure the relocation and subsequent construction of a second hand dwelling house is completed to current building standards the following conditions will be applied through conditions of development approval:

- Payment to Council of a bond of \$5,000 to be submitted with the Construction Certificate. This bond will cover costs incurred by Council to complete the reinstatement or removal of the dwelling house, where the applicant fails to comply with the conditions of approval. The refund of such deposit may be made by progress payments as reinstatement and completion of the dwelling progresses. The full bond will be returned upon the finalisation of the building and the successful gaining of a Final Occupation Certificate by the applicant;



- All external materials must be completed to a satisfactory standard. External reinstatement and painting of the dwelling house is to be completed within six (6) months from the date of approval;
- Final reinstatement and completion of the dwelling house is to be completed within nine (9) months from the date of approval;
- Council will be given a minimum of 48 hours' notice of the exact date of removal so as to enable proper assessment of any damage caused to Council roads or structures in the course of such removal and further the cost of restoration of any such damage will be charged to the applicant;
- Council may permit the temporary storage of buildings on private land near their destinations for a maximum period of three (3) months, provided that a development application has been lodged and the required security deposit has been paid in each case; and
- No relocated building shall be occupied prior to the issue of an Occupation Certificate by Council.

#### **4. Considerations of applications for relocation**

Council will consider each application for relocation on merit having regard to the following:

- Whether the proposed relocated building will affect the visual amenity of the area of the town or village where the proposed relocated dwelling is to be sited;
- The design, age, condition and appearance of the building to be relocated; and
- The date when the dwelling house was constructed, present location, proposed upgrading works and time frame in which upgrading works will be completed.

#### **5. Relevant Section C – Development Controls**

The following other parts of **Section C – Development Controls** relevant to this Chapter include:

- Bushfire Prone Lands;
- Contaminated Land;
- Engineering Standards;
- Environmentally Sensitive Areas;
- Erosion and Sediment Control;
- Flood Prone Land;
- Heritage and Conservation;
- Large Lot Residential Development;
- Notification of Development Applications;
- Residential and Village Development;
- Rural Development;
- Sewage Management; and
- Temporary Occupation of Land.

# Engineering Standards

## 1. Objectives

The objectives of these controls are to:

- Identify and establish the relevant Council engineering standards applying to new development; and
- Identify key engineering standards and policies for other activities by Council.

## 2. General

The Engineering Standards set out in these controls provide for the desired level of service for the provision of new infrastructure within Lockhart Shire. **Council approval is required for all engineering works.**

Council's current key objective is to protect existing assets. Council's expectation is that all services are developed to be consistent and uniform in standard. Those standards are set out in these controls.

Council has adopted as a minimum specification for design and construction of infrastructure works **Aus-Spec # 1 - Part 1 – Development Specification Series – Design and Part 2 – Development Specification Series – Construction**. All applications and submissions shall be prepared in accordance with these specifications. Attention is drawn to Council guidelines regarding easements and design presentation.

Council will only consider, on a case by case basis, alternative solutions to specific engineering works. Alternative solutions will only be considered where it can be demonstrated to provide for appropriate access and performance, protect existing assets and diminish adverse community effects.

## 3. Standards by development type

**Table 2** aims to provide guidance to the relevant engineering standards required by Council.

**Table 3** provides standards based on development type, supplementary to those required under **Table 2**.

Table 2: Compulsory standards – Lockhart Shire

GENERAL DEVELOPMENT	
<b>Roads and Access</b>	<p>The driveway access to the site is to be constructed in an all-weather material to a width suitable for the vehicles anticipated to use the site.</p> <p>The driveway, both outside and within the property is to be graded to the stormwater system (kerb &amp; gutter/table drain)</p> <p>Only two (2) driveway crossings per street frontage are permitted</p> <p>The maximum width per crossing is 6m (RU5 Village zone), or 12m for any other development.</p> <p>Corner allotments - minimum distance for crossings from road intersection is 6m for RU5 village zone, or 30m for any other zone.</p> <p>The minimum distance of separation between crossings is 2m (RU5 Village zone).</p> <p>The minimum distances for crossings from common property boundary is 0.5m.</p> <p>Council's Engineer will determine upon a site inspection which form of property access is required, with standard design drawings issued accordingly.</p>
<b>Sewerage</b>	<p>The development will be located and designed to ensure connection to Council's sewer mains, where available.</p> <p>Structures are to be located a minimum of one metre plus the equivalent invert depth, whichever is greater, from the centreline of the sewer main, or as directed by Council's Engineer.</p> <p>Each dwelling will have separate internal drainage lines, with independent connections to external mains.</p>
<b>Water</b>	<p>An adequate reticulated potable water supply will be connected to all new developments.</p> <p>Back flow prevention devices will be provided in conjunction with the water supply to all proposed developments, and the type and installation shall be in accordance with the <i>NSW Code of Practice – Plumbing and Drainage and AS3500</i>.</p> <p>A separate water connection and water meter is to be provided in accordance with Riverina Water County Council requirements.</p>
<b>Stormwater</b>	<p>All roof water will be directed into rainwater tanks for reuse on site where desired by the applicant, or required by BASIX.</p> <p>All tank overflow and surface stormwater will be directed to Council's stormwater system.</p>

Table 3: Engineering standards by development type – Lockhart Shire

COMMERCIAL AND INDUSTRIAL DEVELOPMENT	
<b>Roads and Access</b>	<p>All internal driveways will be sealed and constructed to a width suitable for the vehicles anticipated to use the site.</p> <p>All internal driveways are to be suitably drained.</p> <p>All vehicles are to be able to enter and leave the site in a forward direction.</p> <p>Internal driveway a width of 6 metres is to be provided for two way traffic and 4.5 metres for one way traffic.</p> <p>Consideration is to be given to pedestrian movement in and around the development.</p> <p>All car parking located within Council’s road reserve will be sealed.</p> <p>All car parking spaces shall be line-marked using 100 mm wide lines, with a minimum width of three (3) metres.</p> <p>Disabled parking shall be provided in accordance with <i>AS 1428.1</i> and will be suitably marked. Signs indicating the location of car parking are to be erected.</p> <p>The dimensions of off-street car parking spaces will comply with the design standards contained within the NSW Roads and Traffic Authority’s <i>Guide to Traffic Generating Developments</i>.</p>
<b>Sewerage</b>	<p>The development will be located and designed to ensure connection to Council’s sewer mains, where available. The operator of a business that produces potentially contaminated liquid, to be discharged to Council’s sewer is to enter into a Trade Waste Discharge Agreement with Council.</p> <p>All sumps wash down bays, floor wastes, and all other potentially contaminated liquid wastes, will be connected to Council’s sewer main via a corrugated plate interceptor or similar depending on Trade Waste Agreement conditions.</p>

SUBDIVISION	
<b>Roads and Access</b>	<p>Footpaths will be concrete with a minimum width of 1.5m. Shared ways will be a minimum width of 2.0m.</p> <p>Footpaths and shared ways will be constructed from 100mm thick concrete with F72 reinforcing mesh laid on 25mm chairs Concrete will be a minimum of 20mpa. At those locations where heavy vehicles will cross concrete thickness will be increased to 150mm and the reinforcement increased to F82.</p> <p>Road pavements must be designed to withstand impact from a 6/8.5t axle loading.</p> <p>Road pavement design will be based on the provision of a flexible pavement in accordance with the following guides:</p> <p>AUSTROADS pavement Design Guide, or AUSTROADS structural Design of Road Pavements</p> <p>Road ways are to be sealed the full width from kerb to kerb. The bitumen is to be class 170 bitumen with a two coat 14mm 7mm chip seal. Sealing work will be done in accordance with good industry practice and safety standards.</p> <p>All conduit trenches are to be at a grade not less than 1%. Trenches are to be backfilled using compacted gravel or 3% cement stabilised sand to sub grade level. Conduits will be installed by under boring sealed roads.</p> <p>Guide posts and guardrails are to be provided in accordance with AUSROADS Guidelines. Streets are to have street name signs installed at all intersections.</p>
<b>Other</b>	<p>Trees of an advanced age and species selected by Council will be planted along Council's road reserve/footpath, adjacent to the property boundary, in accordance with Council Policy.</p> <p>Documentary evidence must be provided from the relevant utility authorities, confirming that they can service the proposed subdivision and that arrangements have been made to supply underground electricity, gas and telecommunications services.</p> <p>Easements to benefit Lockhart Shire Council are to be provided over all stormwater drains, and sewer services located within private land.</p> <p>Pedestrian public lighting will be provided where there is a constructed concrete or paved footpath, or where specified by Energy infrastructure provider.</p> <p>Street lighting is to be provided in accordance with Australian Standards.</p>

#### 4. Relevant Section C – Development Controls

The following other parts of **Section C – Development Controls** relevant to this Chapter include:

- Activities in Public Places;
- Commercial Development;
- Contaminated Land;
- Dwelling Houses (Second Hand);

- Engineering Standards;
- Erosion and Sediment Control;
- Flood Prone Land;
- Industrial Development;
- Large Lot Residential Development;
- Residential and Village Development;
- Rural Development;
- Sewage Management; and
- Subdivision.



# Environmentally Sensitive Areas

## 1. Objectives

The objectives of these controls are to:

- Ensure trees and vegetation that contribute to the environmental and amenity value of the local area and region are conserved;
- Maintain and enhance the ecological values of waterways and wetlands, including water quality, stream integrity, biodiversity and habitat, within the Shire;
- Retain and enhance riparian buffers to preserve the environmental values associated with waterway and wetlands, having specific regard to fauna and flora habitats and ecosystems, stream integrity (including erosion management), land use impacts and recreational/visual amenity;
- Protect and enhance the quality of groundwater systems as well as identifying and protecting vulnerable groundwater resources from contamination as a result of inappropriate development; and
- Protect ecological and biodiversity values of environmentally sensitive areas, maintain and enhance significant habitat and ecological corridors, and ensure connectivity between areas of native vegetation and habitat with and external to the site.

## 2. Lockhart Local Environmental Plan 2012

The *Lockhart Local Environmental Plan 2012* includes mapping and planning controls relating to the local environment.

These identify biodiversity values, riparian lands and wetlands throughout the Shire. These Environmentally Sensitive areas are mapped and are identified in the Natural Resource Sensitivity Maps for Terrestrial Biodiversity, Watercourses and Wetlands.

Council recognises the limitations of the Natural Resource Sensitivity Maps, and depending on the type of development Council may require site specific mapping, aerial images and/or onsite ground survey to substantiate the ecological value, or otherwise, of a potential development site.

## 3. Development Controls

### 3.1 Tree and vegetation retention

All trees and shrubs on land that is identified as being of ecological significance are to be retained.

A tree is defined as a plant with:

- One or more self-supporting trunks, any one of which has a circumference of 30 centimetres or more (at a height of 40 centimetres above existing ground level); or
- A height of 2.5 metres or more, or a branch spread of more than 2.5 metres.

A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree identified above without the authority conferred by development consent or a permit granted by the Council.

All 'woody weeds' (noxious or environmental), exotic and invasive woody shrubs and woody trees are not protected.

### **3.2 Waterways, water bodies and wetlands**

For development adjoining wetlands or waterways there should be no changes to the hydraulic regime (diversions or changes to the channel) of that wetland or waterway. Changes to the hydraulic regime are only supported where appropriate for the natural enhancement of the wetland or waterway (i.e. improving environmental values).

The ecological integrity of wetlands and waterways must be maintained. Development must not significantly impact on flora, fauna, habitat or other ecological values associated with the wetland or waterway.

All stormwater being discharged into a wetland or waterway must be appropriately treated prior to discharge to ensure no significant impact on the receiving waters.

### **3.3 Riparian corridors**

For development adjoining riparian corridors vegetation buffers should be provided adjacent the high bank of the water in accordance with the following requirements (based on the order of the waterway):

- Strahler Stream Order 1 and 2 – 10 metres;
- Stream Order 3 and 4 – 25 metres; and
- Stream Order 5 – 50 metres.

A riparian buffer of at least 50 metres should be provided around the perimeter of any significant wetland.

All development (buildings, structures, infrastructure, etc.) must be located outside of these buffers.

Existing native vegetation within the riparian buffer should be maintained and enhanced using local endemic plant species.

### 3.4 Biodiversity

For development in mapped areas of biodiversity these areas are to be conserved and enhanced.

Specifically, new development in these areas will not be supported where it:

- Adversely impacts on native vegetation;
- Reduces the scale and biodiversity of the vegetation; or
- Limits the function and capacity of the habitat.

## 4. Relevant Section C – Development Controls

The following other parts of **Section C – Development Controls** relevant to this Chapter include:

- Bushfire Prone Lands;
- Commercial Development;
- Contaminated Land;
- Dwelling Houses (Second Hand);
- Engineering Standards;
- Erosion and Sediment Control;
- Flood Prone Land;
- Industrial Development;
- Large Lot Residential Development;
- Notification of Development Applications;
- Residential and Village Development;
- Rural Development;
- Sewage Management; and
- Subdivision.

# Erosion and Sediment Control

## 1. Objectives

The objectives of these controls are to:

- Prevent the pollution of waterways in Lockhart Shire by sediment loss from building and development sites; and
- Provide simple and practical methods for erosion control on building and development sites.

## 2. Erosion and sediment control

Erosion and sediment control is a 2-stage process.

Stage 1 is the application of erosion control measures within the site to minimise erosion and sediment loss.

Stage 2 is acknowledging that some erosion will occur and to implement measures to intercept sediment, and retain it on the site.

There are three (3) reasons for erosion control:

- Erosion and sediment control is part of good site management;
- Erosion and sediment control is good for our local environment; and
- Effective erosion and sediment control can save money.

## 3. Effective erosion control

The following is a simple checklist to achieve effective erosion control:

- Consider clearing and grading with the building layout design – limit grading to areas of construction only;
- Minimise the length and steepness of slopes;
- Limit the time unprotected areas are exposed to rain and wind intercept, divert and dispose of clean runoff onto all disturbed areas;
- Consider installing permanent stormwater drainage on land as part of the first stage of building or development;
- Reduce runoff velocities by minimising length of flow paths, constructing channels with gentle gradients and providing rough linings to steeper channels;

- Use temporary vegetation or mulch to disturbed area including soil stockpiles progressively stabilise all disturbed areas with permanent vegetation;
- Trap sediment as close to the source as possible;
- Locate sediment traps or filters below all disturbed areas;
- Locate sediment filters above environmentally sensitive areas such as creeks, streams, lakes and steep slopes;
- Subdivide drainage catchments into smaller units appropriate to the type of sediment control use sediment traps or basins as the most effective control of concentrated runoff flows;
- Use sediment filters as the most appropriate means of controlling sheet runoff flows;
- Identify existing vegetation which has the potential to filter sediment laden sheet runoff flows;
- Locate multiple sediment basins or major sediment traps so that they drain in parallel, not in series, to reduce the risk of total failure.

#### 4. Relevant Section C – Development Controls

The following other parts of **Section C – Development Controls** relevant to this Chapter include:

- Commercial Development;
- Contaminated Land;
- Dwelling Houses (Second Hand);
- Engineering Standards;
- Environmentally Sensitive Areas;
- Flood Prone Land;
- Industrial Development;
- Large Lot Residential Development;
- Residential and Village Development;
- Rural Development; and
- Subdivision.

# Flood Prone Land

## 1. Objectives

The objectives of these controls are to:

- Inform the community of Council's policy for the use and development of flood prone land;
- Reduce the risk to human life and damage to property caused by flooding through controlling development on land affected by potential floods;
- Provide different guidelines, for the use of the development of land;
- To allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, and
- To avoid significant adverse impacts on flood behaviour and the environment.

## 2. Flood liable land

Local short-term flooding can occur in two developed locations in the Lockhart Shire, those being Lockhart and The Rock villages. In the localities, water depths can vary depending on the source of the water. Overland flows are typically of a depth not to cause significant damage however floodwaters from existing waterways have the potential to cause serious damage:

- Lockhart– Brookong Creek flooding and overland flows emanating in the Galore and Milbrulong areas and travelling south and west toward Brookong Creek; and
- The Rock– in the vicinity of Burkes Creek and an area east of the Olympic Highway affected from overflow water from Flowerpot Hill.

For Lockhart and The Rock, Council maintains a record of flood planning maps which identify known areas of flooding. Development on land within these identified areas must address the likely impact of periodic inundation of floodwaters as part of any application.

In rural areas, flood prone land is not mapped. Where a development is proposed in an area that may be affected by flooding in a severe rainfall event(s), Council may require additional survey information as part of its assessment process.

## 3. Flood protection measures

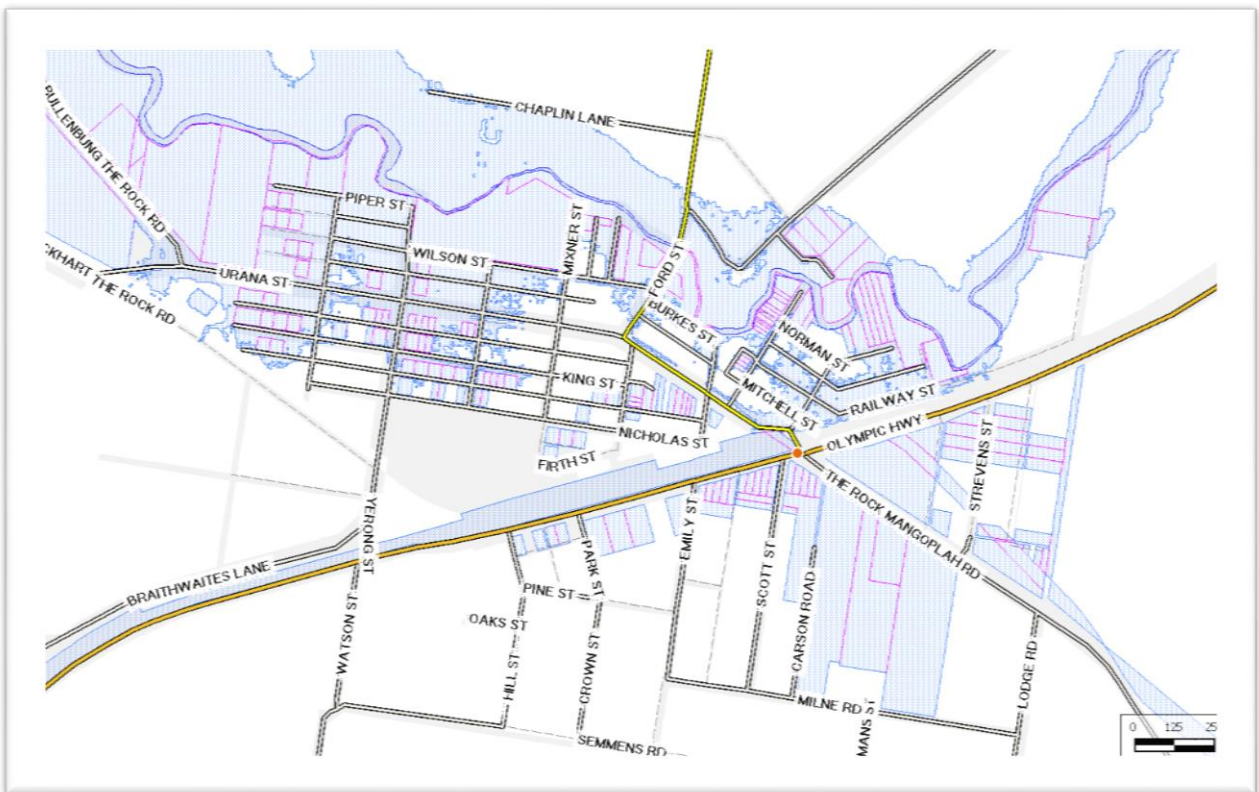
Where a development is proposed in an area affected by flooding Council may require additional survey information as part of its assessment process.

Council may, with development consent, consider minor filling within the building envelope to a maximum fill depth of 200mm within the floodway area. Applications for earthworks and filling of land shall be accompanied by a survey plan (with a contour interval of 0.1m) showing relative levels to Australian Height Datum (AHD). Such a proposal must be supported by an Engineers report justifying the filling on the basis that the change in flood flow will not detrimentally affect other buildings or structures or places in the vicinity of the work.

LOCKHART



THE ROCK





## 4. Development Controls

Clause 6.1 of the *Lockhart Local Environmental Plan 2012* states that the consent of Council is required for the erection of a building or the carrying out of work on land identified as being in the designated flood planning area.

While the LEP sets a flood planning level of 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard, Council's Floodplain Risk Management Studies and Plans recommends the following freeboards:

- Lockhart, 300mm above the 1:100 ARI; and
- The Rock, a freeboard of 300mm for Flood Planning Areas subject to overland flow, and 500mm for all remaining areas.

## 5. Extensions to existing dwellings

Where existing floor levels of a dwelling house are below the flood planning level, any extensions to that dwelling which are "habitable rooms" must have a finished floor level which is at least 500mm above the flood planning level.

Any parts of the proposed extensions which are not "habitable rooms" may be considered by Council at a level lower than the flood planning level subject to a detailed assessment of flood impacts. If Council supports such a proposal it will require that all new work must be constructed of flood compatible material up to the flood planning level including vulnerable fittings and fixtures.

Council may consider individual proposals for the extensions to existing dwellings which are known to be flood liable if the floor level requirement is deemed to be unreasonable in the circumstances.

## 6. Internal renovations to existing dwellings

Where existing floor levels of an existing dwelling house are below the flood planning level and internal renovations are proposed a detailed assessment of flood impacts is required.

In the case that this assessment concludes that compliance with flood planning levels are impractical or unreasonable Council may approve the internal renovations at the existing floor level provided:

- The internal renovations maintain floor levels no lower than the existing floor level;
- All new work must be constructed of flood compatible material up to the flood planning level including vulnerable fittings and fixtures; and
- All new work must be confined to within the existing "footprint" of the building.

## 7. All other development

Applications for all other development in flood prone land will be assessed individually on merit having regard to the relevant Council's adopted Floodplain Risk Management Study and Plan.



Council is actively engaged in seeking funding from the NSW Government's Floodplain Management Program to implement voluntary purchase (VP) schemes, which involves acquisition of specific properties as a result of their located in a floodway, or subject to highly hazardous flood conditions. Properties acquired by Council through the scheme are cleared of building and structures and strategically re-zoned to open space or public recreation, as required by the NSW OEH Floodplain Management Program Guidelines.

## 8. Other documents which must be read in conjunction with this Plan

The following documents are relevant to the assessment and consideration of development on flood prone lands:

- Lockhart *Local Environmental Plan 2012*, and as subsequently amended;
- Lockhart Floodplain Risk Management Study and Plan, 2014;
- The Rock Floodplain Risk Management Study and Plan, 2014;
- NSW Government Floodplain Development Manual, 2005; associated Guideline on Development Controls on Low Flood Risk Areas; and Ministerial Direction No. 15, January 2007; and
- Relevant Council policies, development control plans and specifications.

## 9. Glossary and acronyms

<b>AHD</b>	Australian Height Datum
<b>FPA</b>	Flood Planning Area
<b>FPL</b>	Flood Planning Level
<b>ARI</b>	Average Recurrent Interval (1:100)

**Freeboard** is a factor of safety expressed as the height above the flood used to determine the design floor level or ground level.

**Flood planning levels** The Flood Planning Level (FPL) is a height used to set floor levels for property development in flood prone areas. It is generally defined as the 1% AEP flood level plus an appropriate freeboard (see explanation of 'freeboard' below).

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

**Habitable floor level** In a residential situation means a living or working area, such as a bedroom, lounge room or kitchen.

In a commercial situation means an area used for offices and to store valuable possessions or equipment susceptible to flood water damage.

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

## 10. Relevant Section C – Development Controls

The following other parts of **Section C – Development Controls** relevant to this Chapter include:

- Commercial Development;
- Dwelling Houses (Second Hand);
- Engineering Standards;
- Environmentally Sensitive Areas;
- Erosion and Sediment Control;
- Industrial Development;
- Large Lot Residential Development;
- Notification of Development Applications;
- Residential and Village Development;
- Rural Development;
- Sewage Management; and
- Subdivision.

# Food Premises Fit Out and Construction

## 1. Objectives

The objectives of these controls are to:

- Identify the standards adopted by Council for food premises in the Shire; and
- Ensure a consistent standard of construction and fitout of all food premises is maintained.

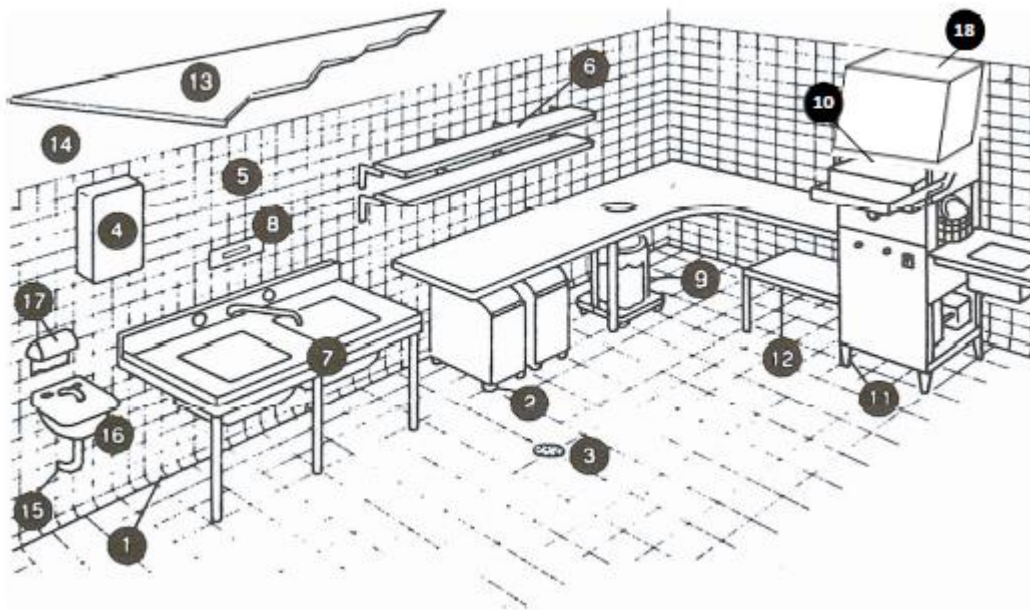
## 2. National Code for the construction and fitout of food premises

Lockhart Shire Council has adopted as the standard for all food premises/food stores the *Australian Standard AS 4674 -- Design, Construction and Fit out of Food Premises*.

The Australian Standard takes into account changes in material and equipment available and feedback and further consultation with Environmental Health Surveyors, Architects, Builders, Contractors, Shop fitters and various persons and organisations associated with the planning, construction and fitout of food premises.

The Standard promotes a national and uniform standard to hygiene, and facilitates easy cleaning and maintenance. It addresses such matters as Construction, Materials, Finish, Installation of fixtures, Installation of fittings, Installation of equipment, Washing facilities, Food conveyors, Ventilation, Window displays etc.

Hygiene is particularly significant, and the following figure demonstrates, as prescribed by the Standard, how a wash up area should be designed. While Council understands that each premise is different and may not allow recreation of this design, the basic principles should be retained to ensure easy cleaning of both the premises and any staff and equipment.



#### Requirements - typical wash-up area

1. Floor/wall coving	10. Dishwasher with temperature indicating device
2. Casters to under-bench storage	11. Legs - 250mm minimum
3. Impervious floor graded and drained	12. Bottom shelf - minimum 250mm above floor
4. Hot water heater sealed to wall	13. Rigid smooth faced ceiling
5. Walls finished as per section 7 of this guide	14. Smooth trowelled cement (polished surface)
6. Shelving - 40mm clear of wall	15. Water and drainage pipes concealed into walls
7. Sink unit on metal frame	16. Hand basin, hot and cold water mixing set
8. Thermometer	17. Soap and towel dispenser
9. Garbage receptacle	18. Mechanical exhaust ventilation canopy

### 3. Council requirements for food premises

Food premises are inspected routinely, and Council charges an inspection fee in accordance with Council's Fees and Charges Policy.

Mobile Food vans/food stalls/etc., that operate either on a permanent basis or periodical basis are subject to the same requirements as other food premises.

### 4. Relevant Section C – Development Controls

The following other parts of **Section C – Development Controls** relevant to this Chapter include:

- Activities in Public Places;
- Commercial Development; and
- Notification of Development Applications.

# Heritage and Conservation

## 1. Objectives

For each identified conservation area, precinct (part of a conservation area), listed heritage item and unlisted historic place, to ensure that new development:

- Conserves heritage items and Conservation Areas in Lockhart Shire;
- Enhances and does not adversely impact established character or curtilage;
- Provides a well-maintained appearance so as to be attractive to residents and visitors;
- Retains attractive streetscapes, views, historic themes and consistency;
- Prevents demolition or removal of historic fabric (materials); and
- Presents and interprets historical evidence for the enjoyment of residents and visitors.

## 2. General

**Heritage items and Heritage Conservation Areas** are listed in Schedule 5 of the *Lockhart Local Environmental Plan 2012*. Heritage items can be buildings, works, trees, places, archaeological relics or Aboriginal objects. This chapter contains controls for works to heritage items and in Conservation Areas. Applications for works are also required to comply with other sections of this Plan.

**Heritage items** are mostly buildings but can include other structures, a place or relics. A heritage listing generally applies to the whole property, as the heritage significance of the item is normally more than the front façade.

**Heritage Conservation Areas** include all existing buildings and land in that area. Controls for Lockhart Shire's conservation areas are also included in these controls.

**Compliance with controls will not necessarily guarantee approval of an application.** Heritage items and conservation areas have special qualities that make them significant. Development needs to take particular care to ensure that the particular themes, features or characteristics that make the item or area significant are not compromised by change.

**Adaptive reuse** of heritage buildings can provide the necessary viability for the continued use and maintenance of heritage buildings. Accommodating new uses should involve minimal change to significant fabric in order to protect heritage significance. Elements or artefacts from the original use (where present) may be required to be retained to assist interpretation, for example, retaining machinery in-situ.

**Development in the vicinity of a heritage item or Conservation Area** can impact heritage significance. Determining whether a property is within the setting of a heritage item is a necessary component of the site analysis for proposal. Advice from Council's heritage advisor may be required to determine this. Proposals should consider retaining and respecting significant views to and from the heritage item, historical property boundaries, significant vegetation and landscaping.

Development must:

- Retain heritage items and encourage changes to occur away from significant elements or sections of heritage items;
- Ensure new work has suitable bulk, scale, proportions and detailing so that it does not dominate or compromise the ability to interpret heritage items (including adjacent or nearby items) or the heritage conservation area; and
- Use suitable materials.

### 3. Works that do not require approval

Some works do not require approval. Contact the council if you are unsure on particular changes that you may be considering. Maintenance works are encouraged for heritage items and properties in heritage conservation areas and generally do not require development consent from Council. Maintenance can include:

- Replacing broken windows and flyscreens;
- Minor repairs to roofing, brickwork, timberwork and metal work;
- Renewing metal roofs, gutters and downpipes in galvanized finish;
- Repainting, in the original colour, surfaces which are already painted including timberwork and metalwork; and

Repairs may be eligible for local heritage grants from the Council.

### 4. Development requiring consent

#### Alterations

A development application is required for external building alterations to heritage items or properties located within heritage conservation areas (unless it falls into the maintenance category outlined above). Council consent is required for work that alters external appearance (e.g. new colours, replacing timber windows with aluminium, replacing a galvanized roof with Colorbond).

#### Demolition

Demolition of a heritage item or contributory building in a heritage conservation area is generally prohibited. Contact the Council to arrange a meeting with the Heritage Advisor if you are considering demolition of a heritage item. Demolitions will not be approved unless a suitable replacement building is proposed.

#### New buildings

A new building within a heritage conservation area, whether the style is traditional or contemporary, must respect density, form, scale, architectural and streetscape character of the conservation area. New buildings do not necessarily have to replicate original architecture. If they do copy historic details, they should on close examination be able to be interpreted as later buildings.

### **Development in the vicinity of heritage items and heritage conservation areas**

All new development adjacent to or in the vicinity of a heritage item or heritage conservation area needs to consider its likely effect on heritage significance and setting. Applicants should address in the Statement of Environmental Effects any potential impacts of the development on a heritage item or heritage conservation area and measures to minimise this impact.

### **Conservation incentives**

Council recognises the need to be flexible with heritage items to assist with their long term conservation. The Conservation Incentive clause (Clause 5.10(10) of the local environmental plan) enables Council to consider development of a heritage item that would otherwise be prohibited, if it benefits conservation of the heritage item. A detailed schedule of substantive conservation work is usually required if an applicant is to seek approval under the conservation incentive clause.

## **5. Development controls**

This section contains objectives and controls to protect and enhance heritage items and heritage conservation areas. All new development in a heritage conservation area should respect the design of its neighbours and the character of the heritage conservation area.

### **5.1 Design and character**

The design of development should ensure a sympathetic blend of old and new. This may be achieved by maintaining consistency with the street's established scale and form, siting and setbacks, and material and finishes without being overly imitative.

#### **5.1.1 Objectives**

- To ensure that additions or changes to the external appearance of heritage items and contributory buildings within heritage conservation areas respect the original built form, architectural system and character;
- To ensure that new development does not adversely impact on the setting, streetscape or views associated with any heritage item or heritage conservation area.

#### **5.1.2 Controls**

- Development must be sympathetic to significant features and have minimal impact on heritage significance. This includes the seven heritage values; historic, associational, architectural, social, technical/research, rarity and representativeness;



- Street elevations and visible side elevations must not be significantly changed. Avoid changes to the front elevation. Locate new work behind the original building. Additions must be located to the rear or to one side of the building to minimise the impact on the streetscape;
- The design of any proposed additions or alterations must complement the existing building in its scale, form and detailing. However, the evolution of a place should be appreciated and retained and it should be possible on close inspection to distinguish the new work from the old. Materials can differentiate new work from original building sections where appropriate, for example by the use of weatherboards where the original building is brick or by the use of “transitional” materials between old and new;
- All new work and additions must respect the proportions of major elements of significant existing fabric including doors, windows, openings and verandahs; and
- Designs, materials, techniques and finishes of alterations and extensions should be traditional and harmonise with the original architecture, although new building work need not be an exact replica of an earlier era.

## 5.2 Scale and form

Bulk and scale refer to the height and size of a building. Form and massing are terms which refer to the arrangement of the component parts of a building.

### 5.2.1 Objectives

- To ensure that alterations and additions to heritage items and contributory buildings are consistent with the scale and form of these items or buildings, and do not dominate or compete with the existing significant heritage fabric; and
- To ensure that the scale and form of development is consistent with the predominant scale and form of the heritage conservation area, and of adjacent heritage items or contributory buildings.

### 5.2.2 Controls

- New building work and not overwhelm the place in bulk, mass or scale;
- Additions to heritage items must not visually dominate, compete with or conceal the original form and massing of the existing buildings;
- Additions to heritage items must not contain any major or prominent design elements that compete with the architectural features or detailing of the existing building;
- Where single storey rear additions are proposed to dwelling houses, the addition must not compromise the integrity of the main roof and is to be lower in scale and secondary to it; and
- Upper floor additions to the main roof of any single storey dwelling house may be acceptable if contained wholly within the existing roof space without change to the roof pitch or eaves height.

### 5.3 Siting and setbacks

Front and side boundary setbacks are a major contributor to the character and significance of a heritage item or heritage conservation area. Existing patterns should be maintained in new development to continue the established rhythm of buildings and spaces.

#### 5.3.1 Objectives

- To conserve and maintain established setbacks to streets;
- To ensure adequate curtilage and landscape setting for the building; and
- To ensure the integrity of the heritage item and its setting, or the heritage conservation area is retained by the careful siting of new buildings and alterations and additions to existing buildings.

#### 5.3.2 Controls

- Development must confirm to the predominant front setbacks in the streetscape;
- Development must respect side setbacks and rear alignments or setbacks of surrounding development; and
- Front and rear setbacks should be adequate to ensure the retention of the existing landscape character of the heritage item or conservation area and important landscape features.

### 5.4 Detailing

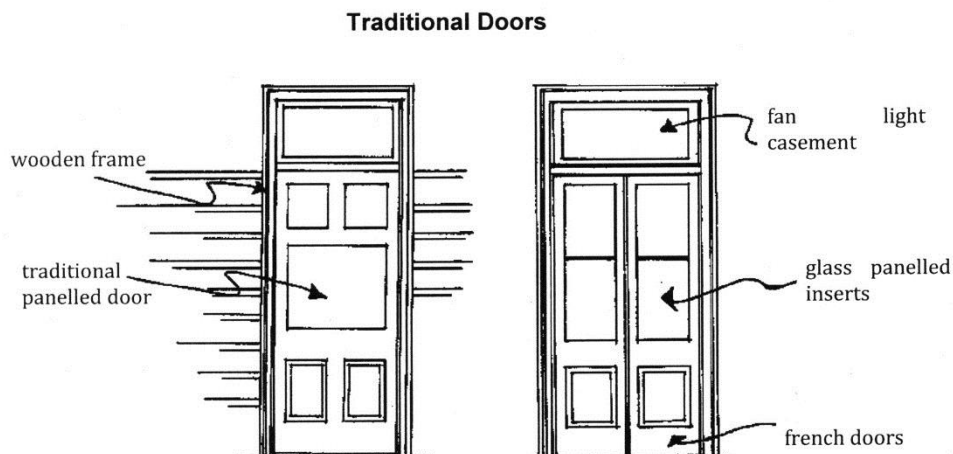
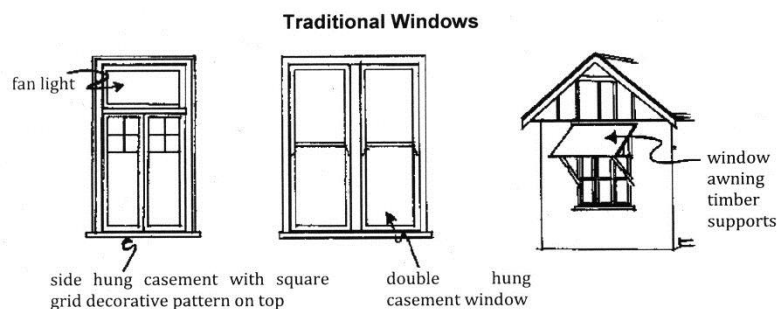
The significant features and elements of a heritage item or heritage conservation area are often reflected in details such as windows, doors and decorative woodwork, metalwork, brickwork, stonework and cement render.

#### 5.4.1 Objectives

- To ensure that original detailing is retained and kept in good repair;
- To encourage the reinstatement of original elements and detail;
- To ensure that alterations and additions and new development have a level of detail that is appropriate to the architectural character and style of the heritage item or heritage conservation area setting; and
- To ensure that the pattern of door and window openings is clearly related to the placement, proportions and scale of existing fenestration of the heritage fabric.

### 5.4.2 Controls

- Retain and repair original doors, windows, original sunhoods, awnings, gable detailing and other decorative elements to principal elevations. Original leadlight and coloured glass panes should be retained. New window awnings, roofed with corrugated galvanised iron, flat sheet steel, ripple iron or timber shingles with timber supports may be used where appropriate to the design;
- Where original windows, doors and façade detailing have been removed and replaced with modern materials, reconstruct original features;
- Authentic reconstruction is encouraged. Decorative elements not to be introduced unless documentary or physical evidence indicates the decorative elements previously existed;
- Alterations and additions should incorporate new doors and windows that are compatible with the position, size, proportions (“vertically proportioned”) and detailing of traditional windows and doors. Traditional windows for example, were timber framed, double-hung or casement sashes, commonly made up of 2’ (600mm) or 2’6” (750mm) wide frames, with a height of 3’ (900mm) or 4’ (1,200mm); and
- Alterations and additions should adopt a level of detailing that complements the heritage fabric and should (in general) be less elaborate than the original.



## 5.5 Materials, finishes and colour schemes

Often it is not possible, or desirable, to replicate original materials due to cost constraints and lack of availability. The principle should be to use materials and colour schemes that visually relate to or approximate the building elements of the earlier work in size, style and type of finish. The painting of heritage items in appropriate colours can draw attention to the building and reinforce the historic character.

Original face brickwork should not be rendered, bagged or painted, as this will detract from the building's heritage significance.

### 5.5.1 Objectives

- To ensure that the selection of materials and colours is based on the original finishes and matches those used in the heritage item or heritage conservation area;
- To ensure that the visual quality of the heritage conservation area is maintained and upgraded by encouraging the use of appropriate colour schemes in all development; and
- To ensure that external colours provide consistency and harmony in conservation areas and for heritage items.

### 5.5.2 Controls

- Changes to materials (including roofs and walls) on elevations visible from a public place are not favoured. Original face brickwork must not be rendered, bagged or painted;
- Matching materials must be used in repairing the fabric of external surfaces. In the case of new face brickwork or stonework, the colour and texture, type of jointing and mortar colour should be carefully matched;
- New or replacement roof materials should restore original historic finishes. Alternative materials may be considered appropriate to the architectural style of the building and the streetscape context, and must be submitted for approval;
- Alterations and additions must use materials and colours similar to, or compatible with, the original material or colours;
- Materials for pathways and driveways must be consistent with the character of the heritage item or heritage conservation area;
- Painting of facades should not be in corporate colours. Corporate identity should be established through appropriate signage; and
- Colour schemes are to reflect the period and detail of the property. External painting in colours that complies with the heritage colour palette below should not require a development application, provided that Council is notified of the proposal and considers that the scheme does not reduce heritage values. Council can assist with suggesting sympathetic colour schemes. Other colour proposals may require a referral to the Council Heritage Adviser.

**Note:**

Pastel colours to be used for walls.  
Dark colours for timber joinery only.  
Close equivalents from other manufacturer's colour ranges may be considered.

French Grey was an interior colour only.

Art Deco requires a different historical colour palette.

Colours are required to be specified by manufacturer (e.g. Haymes, Dulux) and colour name (e.g. Buff). Colours can be matched by other manufacturers.

This advice is not an endorsement of any one paint manufacturer.



Many paint suppliers have traditional colour charts that indicate suitable colours for properties from various periods. Publications are also available that demonstrate the use of these colours. References on heritage colour schemes include:

- Evans, Ian, Lucas, Clive and Ian Stapleton, *Colour Schemes for Old Australian Houses*, Flannel Flower Press; and
- Stapleton, Ian, *How to restore the old Aussie House*.

## 5.6 Roofs

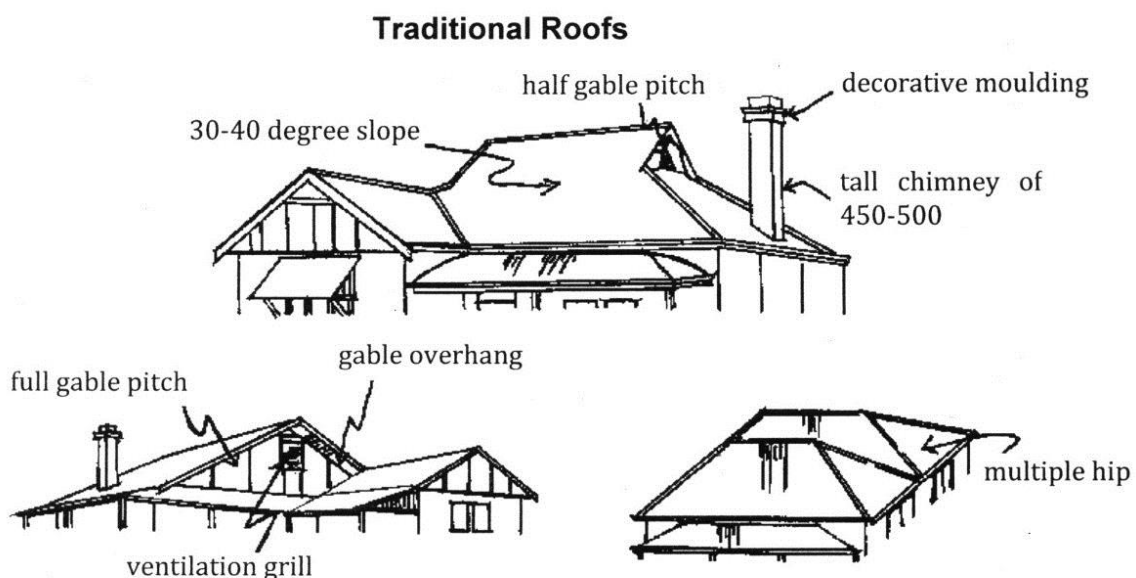
Roof forms and details to heritage buildings vary according to building type and architectural style, and this variety makes an important contribution to the aesthetic significance and visual complexity of heritage items and heritage conservation areas. Fireplaces and chimneys were an important element in buildings, contributing to the character of the building and the skyline.

### 5.6.1 Objectives

- To retain the characteristic roof forms of heritage items and heritage conservation areas.

### 5.6.2 Controls

- Complement the details and materials of the original roof including ridge height and slopes, without compromising the ability to interpret the original form;
- Roofs must not be re-pitched or have their eave raised to allow for the provision of attic rooms;
- Chimneys are a prominent aspect of many historic buildings. Existing chimneys must be retained. Chimneys should be included in the design of new buildings. Most historic chimneys have a single flue and are sized approximately 500 x 500mm. New chimneys should have similar scale and decoration as on historic buildings;
- Roofs of all new development are to be consistent with the type of roof (i.e. gabled, hipped), pitch, eaves and ridge height that are predominant in existing heritage buildings. Pitch of new roofs to average 30 to 40 degrees;
- Attic rooms are to be contained within roof forms and should not dominate the street and visible side elevations;
- Metal roofs and roof drainage (gutters, downpipes) to be galvanised finish;
- Acceptable profiles: Gutter profiles to be half-round, ogee or quad (half-round for simplicity of line and best drainage, ogee for ornamentation, quad for low cost). Metal roof profiles to be corrugated or tray with raised batten. Downpipe profiles to be round, preferably 100mm diameter; and
- To provide contrast and variety, traditional roof elements such as gable overhangs, eaves, half gables and ventilation grills are encouraged to help new developments relate sympathetically to the character of existing buildings.



## 5.7 Verandahs and balconies

Verandahs and balconies on the street frontage are important design features that provide an interface between the building and the street. They also provide shading and a sense of depth to the front façade.

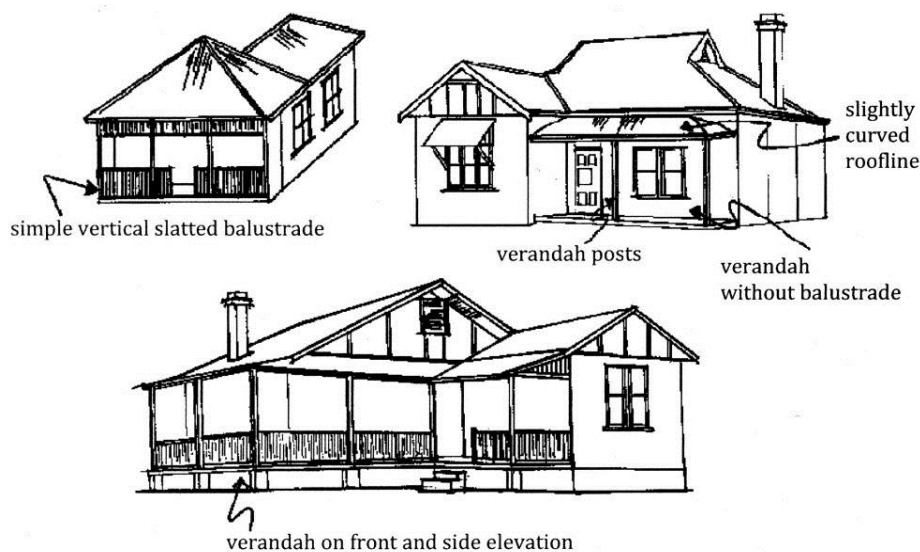
### 5.7.1 Objectives

- To ensure the retention and encourage re-instatement of early verandah and balcony forms; and
- To ensure that alterations and additions do not detract from or reduce the importance of original verandahs and balconies.

### 5.7.2 Controls

- Verandahs and balconies are encouraged. Timber to be used for verandah framing and balustrades as well as for decorative detailing. Bull-nose verandahs are not appropriate (unless reinstating or extending an original bull-nose verandah);
- Original front verandahs and balconies must be retained and conserved. Verandah reinstatement is encouraged;
- Infilling or enclosure of front verandahs and balconies is not supported; and
- Additional verandahs must not complete with the importance of the original and should be simple in design and based on existing detail or an understanding of appropriate designs for each period or style.

#### Traditional Verandahs





## 5.8 Garages, carports, car spaces and driveways

Most early houses were designed without garages or carports. The house was usually the only structure visible from the street. Later, garages were commonly located as a separate structure to the rear of the property. The absence of garages and carports in the streetscape is an important characteristic of heritage items and conservation areas.

### 5.8.1 Objectives

- Minimise visual intrusion from garages, carports and car parking on heritage streetscapes;
- Provide vegetation screening and shading in car parks;
- Ensure parking structures and paved areas are visually discreet and do not dominate or compete with original character buildings; and
- Establish parameters for the proportion and detailing of garage and carports.

### 5.8.2 Controls

- Where possible, car access should be from a rear lane. Existing rear lane access or side street access (where available) must be utilised for car parking in preference to front access;
- Car parking areas must be visually enhanced by planting. Commercial car parks to be partially screened by a hedge. Car park layouts to allow a minimum of one large shade tree per 7 parking spaces;
- Garages are to be located to the side, or preferably to the rear of the building. Garages must not be located forward of the building line. Garages should be no further forward than the rear of the front verandah;
- Open hard stand car spaces may be provided forward of the building line, but must be located adjacent to a side boundary and generally not be greater than a single car width;
- Existing building fabric, including verandahs and balconies, must not be altered to allow for the provision of a car parking structure or an open stand car space;
- Garages are to be unobtrusive and must be of materials, form and details that harmonise with and do not obscure views of the building. Materials are to be compatible with the materials of the main building. Any detailing is to be subservient to the detailing or decorative features of the main building;
- Driveways may only be asphalt, gravel, brick drive strips, clay brick pavers or 8% black oxide coloured concrete (to match asphalt) in broom finish. White concrete and stencilled concrete are not permitted. Large areas of paving should be avoided;
- Carports are not permitted, except for a skillion roofed verandah form attached to the side of a house. Length to be no more than half the length of the side of the house; and



- An acceptable specification for a garage at the rear of a property is: Walls in galvanised corrugated metal, timber weatherboards, or face brick. Roof, gutters and downpipes in galvanised finish. Roof profile corrugated. Gutter profile quad, half-round, or ogee. Downpipe profile round. Doors to panel lift or tilt doors of muted colour. Barge rolls and ridges to be roll cap. Single garage – 2700mm wide x 6000mm long, 2400mm walls, 27 degree roof pitch rising to an apex 3400mm high. Door 2400mm wide. Double garage – 6000mm wide x 6000mm long, 2400mm walls, 27 degree roof pitch rising to apex 3900mm high. Two doors 2400mm wide in three equal wall bays. Larger than double garage - Roof pitch broken with a 10 to 12.5 degree pitch verandah or skillion.

## 5.9 Fences

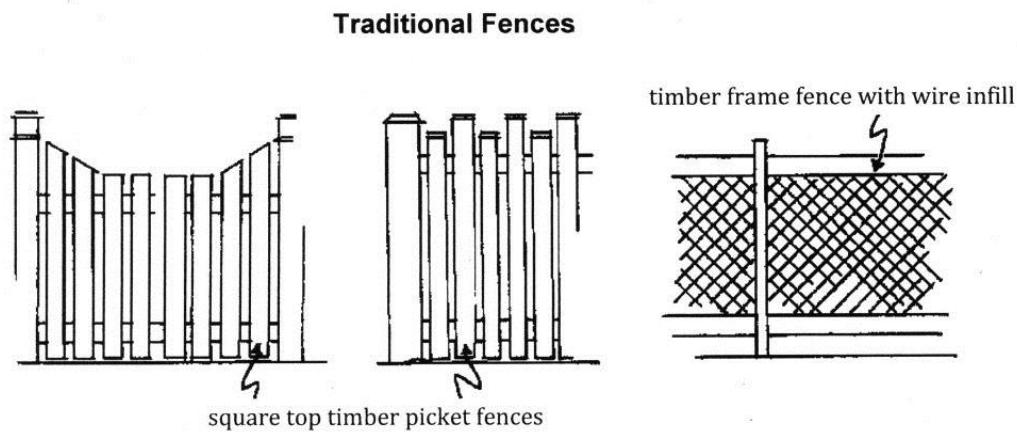
Front fences are an extremely important streetscape element with each architectural style having an individual characteristic style of fencing. Hedges are encouraged to be planted for privacy.

### 5.9.1 Objectives

- Retain, repair or reconstruct original fencing;
- Fence in character with original buildings;
- Fence side and rear boundaries consistent with height and materials of original fencing;
- Discourage use of Colorbond panelling and swimming pool style palisading; and
- Limit the height of side and rear fences, particularly where they are visible from the street or rear lane.

### 5.9.2 Controls

- Retain original front fences;
- Front fences must be see-through (min 50% transparent) and maximum height of 1200mm. New and replacement front fences must not obscure building facades. High solid front fences are not permitted;
- New fence heights and form must be appropriate to the character of the heritage item or to the heritage conservation area. Fence types must be consistent with the historical style of the building being fenced;
- Internal boundary fences including those between lots, where installed, shall match the fencing along boundaries to public open spaces OR be stone or timber paling construction to a maximum height of 1800 mm not extending forward of the building line;
- Side fencing forward of the building line must taper from full height at building line to front fence height;
- Fencing along boundaries to public open spaces, where installed, shall be either of wire or wire mesh utilising timber straining posts or of timber post and rail design to a maximum height of 1500 mm;
- Retain, repair and reconstruct original fences and retaining walls where possible;
- Where an original fence has been removed, new fencing should match the original; and
- Colorbond metal fencing is not permitted.



A NSW Riverina region reference on fences is: Which fence for my house? House and Fence Styles for Wagga Wagga, 1860 – 1960.

## 5.10 Gardens and garden elements

Gardens enhance the relationship of the house to its setting, softening and enhancing views of the house and screening out unsympathetic buildings or alterations and additions. Generally on residential lots, small trees and hedge planting should be used for screen planting (appropriate species include camellias, crepe myrtles, common olive and murraya).

### 5.10.1 Objectives

- Retain or reinstate landscaped settings and elements (particularly pathway location and materials) for heritage items;
- Provide attractive garden areas in keeping with those of the original houses; and
- Improve streetscape setting of all buildings in conservation areas.

### 5.10.2 Controls

- Significant trees and landscape elements such as pathways, garden beds and structures to be retained;
- Large areas of hard paving are to be minimised;
- Driveways and paths may be paved with black asphalt, 8% black oxide concrete to match asphalt, gravel, stone or clay brick pavers. Stamped, stencilled, exposed aggregate or plain concrete, or bright coloured paving, shall not be permitted;
- Gardens and ancillary structures must be appropriate to the main buildings in terms of scale, style and materials;
- Soft landscaping (trees, shrubs) of heritage items shall not obscure the main building from the street;

- All present and future front boundary hedges shall be maintained at a maximum height of 1200 mm above natural ground level; and
- Removal of significant trees (trees over 8m high) will only be supported where sufficient evidence is provided that the tree is diseased, dying, dangerous, or is blocking view of an historic building from the street.

## 5.11 Access and mobility

Heritage places should be accessible to everyone including people with disabilities, the elderly and families with small children. Owners and managers of heritage properties that have public access should commit to creating a situation in which this can be achieved. Access solutions will be unique to each historic building.

### 5.11.1 Objectives

- To ensure that development to facilitate access does not adversely affect the heritage fabric of the heritage item or heritage conservation area.

### 5.11.2 Controls

- Modifications and alterations to facilitate access and mobility must be sympathetic to the heritage values and heritage fabric of the original building; and
- Alterations and additions to facilitate access and mobility must be reversible.

## 5.12 Commercial and retail properties

Commercial properties listed as heritage items or within heritage conservation areas represent a traditional land use mix and contribute to diversity of built form.

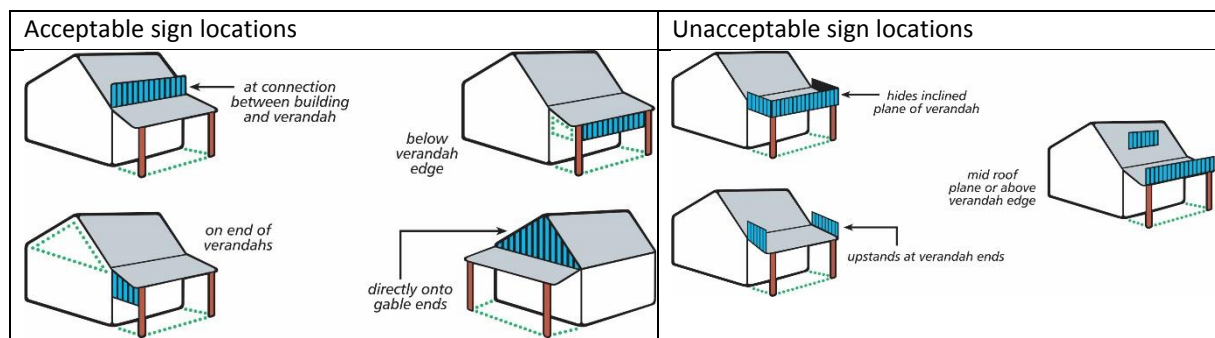
### 5.12.1 Objectives

- To ensure that original characteristics of traditional buildings are retained and enhanced; and
- To minimise visual clutter while contributing to the identity of the area and streetscape.

### 5.12.2 Controls

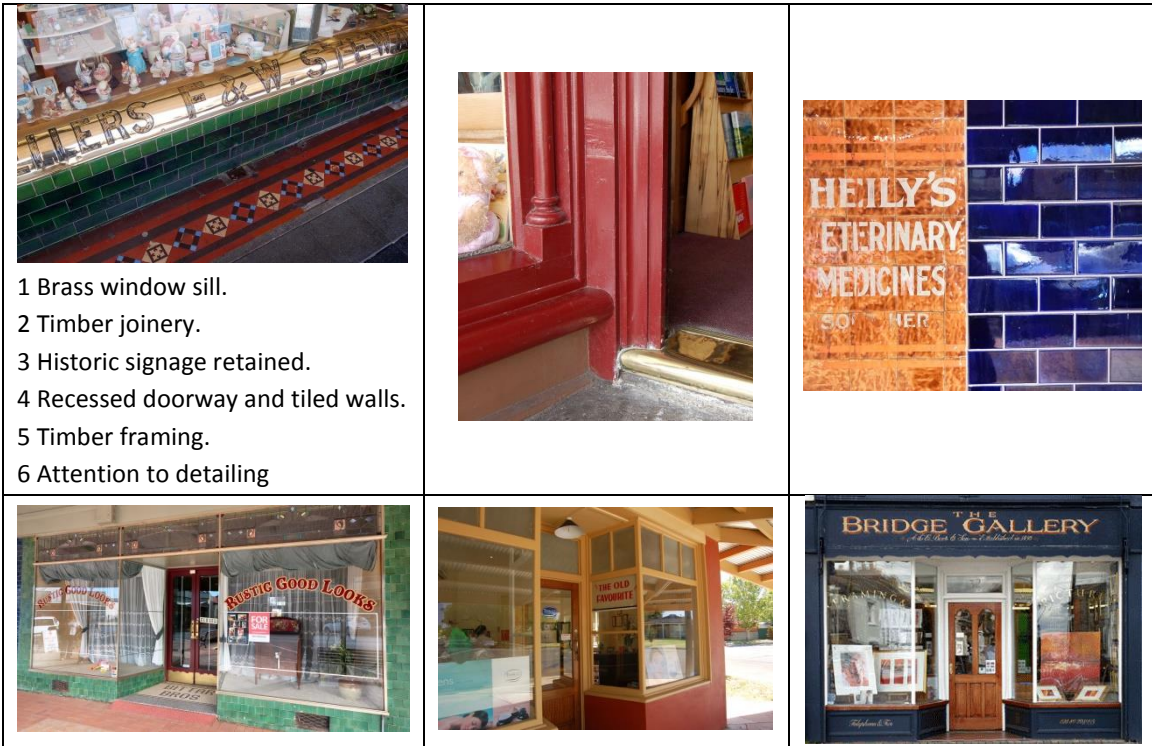
- Original forms, details, materials and finishes must be retained, including original shopfronts, original suspended awnings and open balconies;
- Where the property is part of a single larger building, changes to ground level shopfronts and upper level facades must not detract from the integrity and group value;
- Heritage buildings may be adapted to a new use if the new use is compatible with the heritage character of the place and the adaption has minimal impact on heritage significance;

- Original shopfront details (timber joinery, glazed tiles, historic signage) in heritage conservation areas should be retained where existing and reproduced in new work. New metal framing of size and profile approximating timber may be considered;
- The heritage character of buildings and sites should be complemented by the style, design, materials and location of any signage erected. The number and size of signs should be kept to a minimum;
- The following signs are not permitted: signs attached to vehicles or trailers parked for advertising purposes; signs that are flashing or animated; signs that cover entire building walls; signs that visually obscure architecturally decorative details of buildings; signs that dominate building facades;
- Business identification signs are permitted. Product advertising signs are prohibited;
- Signs should be appropriate for the visual amenity of the site by ensuring that:
  - Signs should not obstruct views and vistas to and from the site
  - Colour schemes for signs should enhance the heritage buildings
  - Traditional materials and locations should be used for heritage signs
  - Corporate signs should be avoided



### Traditional shopfronts





- 1 Brass window sill.
- 2 Timber joinery.
- 3 Historic signage retained.
- 4 Recessed doorway and tiled walls.
- 5 Timber framing.
- 6 Attention to detailing

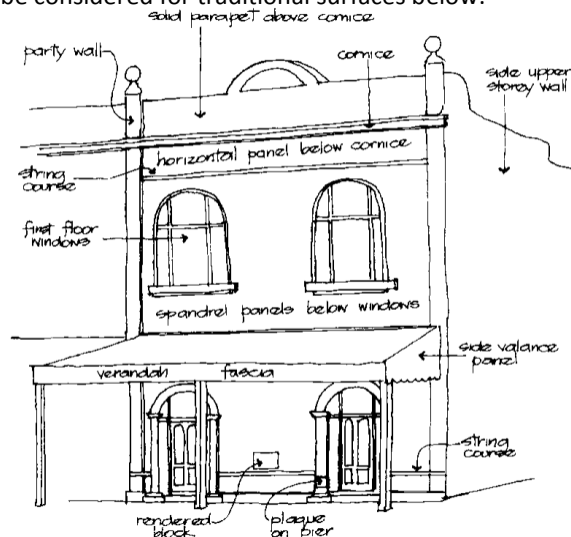
### 5.13 Commercial signs

#### 5.13.1 Objectives

- Encourage signs that complement, rather than dominate, the architectural characteristics of the building; and
- Discourage proliferation of signs on buildings and fascias while encouraging painted signs on the recessed panels on the facades.

#### 5.13.2 Controls

Commercial signs should only be considered for traditional surfaces below:



- Permanent signs on shop windows should not cover more than 25% of the window area;
- Window signs include shop windows, frieze panels above doors, vertical side panels, fanlights and top hung windows. The most common acceptable type is the painting of dark coloured letters onto the glass with a white translucent stipple background. Gold and silver edging is optional;
- Advertising signs mounted on independent walls or partitions located within the window display area, which effectively block the shopfront, shall be considered as shopfront signs;
- Banner signs are prohibited in all Heritage Conservation Areas;
- Awning signs should fit within the fascia;
- Signs are preferably illuminated by floodlighting. Large backlit signs will be appropriate only on buildings and items constructed during the period when fluorescent lighting was used. Small neon signs hanging inside the windows of shops can be appropriate because they are more in the nature of a window display than of a dominant townscape element. Self-illuminated signs are generally not acceptable;
- Awning signs are recommended to be painted in-situ and applied to all exposed fascia edges;
- Above awning signs are discouraged for equity reasons and may be reinstated only where evidence substantiates their prior existence, and other reinstatement works are proposed which will provide a convincing heritage character;
- Painted in-situ signs on the pediments and parapets of the facades are encouraged where appropriate, and historically accurate;
- Signs painted on the wall surface of the street elevation are to be located at the top of the wall as a painted rectangle abutting the front corner or extending in a strip across the depth of the building; and
- Where wall signs are new rather than reinstatements, they should be a painted panel with a border or moulding and mounted on the facade in defined panels above the awning or on a horizontal panel below the cornice.

## 5.14 Services and new technologies

The improvement of water conservation and energy efficiency may involve installation of new devices (such as solar energy systems). Visual impact of these devices on heritage items and heritage conservation areas needs to be considered. These additions should not be prominent from a public place nor intrude on any significant views or vistas gained from neighbouring properties. The siting and appearance of such devices should be discrete and non-intrusive.

### 5.14.1 Objectives

- To minimise the prominence of new building services and technical equipment on heritage items and in heritage conservation areas.



### 5.14.2 Controls

- Air exhaust or ventilation systems, skylights, air conditioning systems, solar energy panels, TV antennae and satellite dishes should not be visible on the main elevation of the building or attached to chimneys where they will be obvious. Services and equipment should be installed at the rear, within the roof space or flush with the roof cladding and at the same pitch; and
- Rainwater tanks, unless they complement the historical style of the building, are to be located at the rear or side of the dwelling and be suitably screened. They should not be obvious from the street.

## 5.15 Heritage conservation areas

Each town and village has heritage streetscapes, especially in main streets. These streetscapes are recognised by listing. Buildings are mainly of historical styles more than 50 years old. While some shop fronts have been altered, many retain period detailing. Important considerations for future proposals are verandahs, sympathetic facade treatments, signs and colour schemes. The Council Heritage Advisor assists applicants with sketches and advice for specific properties upon request. Each conservation area identified below is valuable to the community, enhancing local character, streetscapes, historical themes and quality of life. This section aims to ensure that development respects and enhances these values.

### 5.15.1 Objectives

For each identified conservation area, to ensure that new development:

- Enhances and does not adversely impact established character or curtilage;
- Provides a well-maintained appearance so as to be attractive to residents and visitors;
- Retains attractive streetscapes, views, historic themes and consistency; and
- Prevents demolition or removal of historic fabric (materials).

### 5.15.2 Controls

- **Height and scale** - must retain the prevailing scale (building height, bulk, density and massing) of the conservation area/precinct. The impact of inappropriately scaled development cannot be compensated for by building form, design or detailing;
- **View corridors** - must be retained to and from significant features within the conservation area/precinct;
- **Architectural style and form** - must be compatible with the best examples of heritage buildings in the conservation area/precinct;
- **Materials, detailing and colour schemes** - must respect the materials of the best examples of heritage buildings in the conservation area/precinct;
- **Siting** - must respect existing patterns of building setbacks from property boundaries, which contribute to the harmony of streetscapes in the conservation area/precinct;

- **Cumulative impact** - must be considered to ensure that character of the conservation area/precinct giving harmony and cohesiveness to views, streetscapes and individual buildings is not eroded;
- **Development impact** - must not adversely impact on significance of cultural heritage of the conservation area/precinct. This includes the seven heritage values (historic, associational, social, technical/research, rarity, representativeness and intactness);
- **Retain characteristic elements** that contribute to the conservation area's thematic significance and character:
  - Local historical styles such as rural vernacular, Victorian, Federation (c1890-c1915) and Art Deco (1930s)
  - Single storey detached dwellings
  - Pitched roofs and similar roof styles
  - Common use of local red-brown brick with corrugated galvanised iron roofing
  - Rendered masonry parapets concealing skillion roofs to commercial premises
  - Cantilevered and suspended awnings over the footpaths
  - Early nickel bronze framed shop fronts
  - Stippled glass and leadlight to the overhead panels
  - Gloss ceramic tiles to the solid base and side walls
  - Common fencing styles and materials
  - Garages and outbuildings to the rear of dwellings
  - Street trees and private gardens that unify the streetscape.

## 6. Heritage Conservation Area Character Descriptions

### 6.1 Lockhart

The Lockhart Heritage Conservation Area contains buildings and streetscapes that remain substantially intact from its period as a boom town of the early 20<sup>th</sup> century. It now echoes the beauties of early twentieth towns, with its characteristic creek crossing, verandahs, tree lined avenues, well-preserved early buildings and parks.

The outstanding level of intactness or original architecture documents an early 20<sup>th</sup> century building boom, which saw the construction of most of Lockhart town centre. Slow population growth after the 1930s ensured preservation of a remarkably wide range of community buildings. The town centre has retained its community importance recognised by its high integrity and aesthetic values. The streetscape remains highly distinctive due to flat topography and richness of its 1905 – 1920s architecture. (Lockhart Shire Heritage Study 2006, P12)

The Conservation area incorporates the area of the town's early settlement. The heritage conservation area includes the western end of Green Street commercial precinct and the adjoining residential precincts. The conservation area has cohesive streetscape qualities.



## 6.2 The Rock

The Rock Conservation Area echoes the beauties of early 20<sup>th</sup> century towns in miniature, with a distinctive railway crossing, wide boulevard, and memorial tree avenue.

The outstanding level of intactness or original architecture documents an early 20th century building boom, which saw the construction of most of The Rock town centre. Slow population growth after the 1930's ensured preservation of its town centre buildings. The town centre has retained its community importance, recognised for its high integrity and aesthetic values.

During the 1970's building boom, The Rock developed as a commuter village of Wagga Wagga. While the property boom resulted in regrettable residential flat developments in other towns of the region, The Rock and other towns of Lockhart Shire were more fortunate acquiring newer single-storey housing stock, mostly outside the Conservation Areas.

## 6.3 Yerong Creek

Yerong Creek Conservation Area echoes the beauties of early 20th century towns within the State with a distinctive railway crossing, wide boulevard and views of typical historic features such as the Hotel, local church and church hall historic buildings and water tower.

## 7. Relevant Section C – Development Controls

The following other parts of **Section C – Development Controls** relevant to this Chapter include:

- Activities in Public Places;
- Commercial Development;
- Engineering Standards;
- Food Premises Fit Out and Construction;
- Notification of Development Applications; and
- Signage.

# Industrial Development

## 1. Objectives

The objectives of these controls are to:

- Ensure that industrial development is carried out in such a way as to protect and enhance the environmental quality of the Shire;
- Act as a guide to owners, developers and the wider community as to the standards required by Council in the planning and design of industrial developments;
- Assist applicants in the compilation and submission of development applications;
- Promote and encourage industrial development within the Shire of Lockhart;
- Maximise the utilisation of services for industrial development; and
- Ensure the most efficient use of industrial land while safeguarding environmental factors through careful site planning

## 2. Background

Council has identified that development control plans and standards for industrial sites are to ensure that industrial uses are buffered from any nearby residential areas to ensure adverse environmental impacts such as traffic movements, noise, dust, waste disposal are minimised.

Future industrial development is required to comply with standards relating to energy and on-site water conservation, vegetation, building alignment and visual amenity controls to improve the appearance of new development from public roads.

These controls also apply to the operation of home industries as defined by the *Lockhart Local Environmental Plan 2012*.

## 3. Development Controls

The following are building design standards for industrial development.

### 3.1 Building design

- Building elevations to the street frontage or where visible from a public road, reserve, railway or adjacent residential areas are to incorporate variations in façade treatments, roof lines and building materials;
- Low scale building elements such as display areas, offices, staff amenities are to be located at the front of premises and constructed in brick or finished concrete; and

- Roofing materials are to be non - reflective where roof pitch is greater than 17 degrees. Where a building is not visible from a public road Council may allow reflective roofing materials such, as zincalume, to be used.

The following building setbacks apply to new industrial development:

- Street setback must be a minimum of 5m from the front boundary;
- No requirement for setback for the secondary frontage of the building; and
- Side and rear setbacks are to meet BCA requirements.

### 3.2 Utilities and services

The applicant is to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale and nature of development. All applications must demonstrate adequate provision for storage and handling of solid wastes.

Council may require a Liquid Trade Waste Application where liquid wastes (excluding domestic waste from a hand wash basin, shower, bath or toilet) are to be discharged to Council's sewerage system.

Onsite stormwater capture and reuse shall be provided for maintenance of landscaping. Storage tanks shall be appropriately located and screened. NB – reuse facilities shall not form part of stormwater calculations.

Buildings and structures are to be located clear of utility infrastructure.

### 3.3 Traffic and access

The development will need to demonstrate the adequacy of the local road network to support the proposed industrial development.

The development will need to identify site access, loading/unloading facilities, safe on - site manoeuvring for the largest design vehicle, surfaces for access driveways, parking areas, loading/unloading facilities and associated vehicle manoeuvring areas relative to the design vehicle.

The following design outcomes apply to new industrial development:

- All vehicles must be able to enter and exit the site in forward direction;
- Customer parking to be provided convenient to the public entrance;
- Adequate space and facilities for loading and unloading are required to be provided wholly within the site;
- Loading bay(s) must be sited to avoid use for other purposes such as customer parking or materials storage;
- Loading bay(s) must be line marked and signposted; and
- The number of access points from a site to any one street frontage is limited to 1 ingress and 1 egress only.

### 3.4 Outdoor lighting

All outdoor lighting is to comply with *AS4282 Control of Obtrusive Effects of Outdoor Lighting*.

### 3.5 Noise

The following are specific controls to reduce potential noise impacts from industrial development:

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

### 3.6 Storage of material/goods/rubbish

All materials, goods, rubbish, etc., shall be stored within the curtilage of the building at all times; or suitable screen fences shall be erected around the property.

Waste material shall be stored in appropriate receptacles, and removed on a regular basis to Council's satisfaction, so as to not provide a harbour for vermin.

### 3.7 Consolidation of land

Industrial development over two or more lots will require the consolidation of those lots into a single title with the Registrar General of NSW Land and Property Information.

Consolidation is to be completed prior to occupation of the development.

## 4. Relevant Section C – Development Controls

The following other parts of **Section C – Development Controls** relevant to this Chapter include:

- |                                    |   |
|------------------------------------|---|
| ▪ Activities in Public Places;     | ▪ Erosion and Sediment Control;             |
| ▪ Bushfire Prone Lands;            | ▪ Flood Prone Land;                         |
| ▪ Contaminated Land;               | ▪ Notification of Development Applications; |
| ▪ Engineering Standards;           | ▪ Signage; and                              |
| ▪ Environmentally Sensitive Areas; | ▪ Subdivision.                              |

# Large Lot Residential Development

## 1. Objectives

The objectives of these controls are to:

- Ensure that the development establishes appropriate and attractive streetscapes, which reinforce the function of the street and is sensitive to the landscape and environmental conditions of the locality;
- Promote space around separate dwellings and buffers between ownerships;
- Allow for flexibility in the siting of buildings and the provision of side and rear setbacks;
- Encourage the creation of attractive, well designed large lot residential development;
- Site and design buildings to meet projected user requirements for visual and acoustic privacy;
- Reduce total energy use in residential buildings by reducing heat loss and energy consumption for heating and cooling;
- Provide appropriate sewage disposal that minimises potential public health and environmental risks; and
- Ensure water tanks are provided with large lot residential development.

## 2. Development Controls

The following controls apply to Large Lot Residential development.

### 2.1 Front setbacks

Dwellings are to be setback a minimum of 20 metres from the front boundary. All garages and carports are to be setback at least equal to or behind the front setback.

### 2.2 Side and rear setbacks

Dwellings, garages and carports are to be setback a minimum 3 metres from the buffer zone for side and rear boundaries.

### 2.3 Buffer to adjoining land

A buffer zone at least 5 metres wide is to be provided along both side and rear boundaries. The buffer zone is to be planted with trees or shrubs which are indigenous to Lockhart Shire. The purpose of this buffer is to ensure soil stabilisation, prevent loss of top soil, or erosion of soils onto adjoining properties as well as for the creation of wind breaks and enhancement of the local environment.

## 2.4 Colours and materials

Roof, external wall and trim colours are to be in neutral tones comprising off whites through to blue greys or natural earth colours suitable to the existing landscape.

Materials and colours are to be non-reflective. Zinalume may also be permissible subject to roof pitch and building orientation consideration.

## 2.5 Roof form

Unnecessarily complicated roof forms should be avoided. Council has a preference to avoid flat or low pitched roofs. A minimum of 450mm eaves overhang is required where possible.

## 2.6 Privacy and security

In the case of two storey dwellings it is important to design and site the dwelling to minimise overlooking of adjoining properties. In order to improve visual and acoustic privacy careful consideration of the location of windows, balconies and outdoor entertaining areas is required.

Windows in a habitable room that are within 9 metres of, and allow an outlook to a window of a habitable room in the neighbour's house:

- Are offset from the edge of one window to the nearest edge of the other by a distance of at least 0.5 metre; or
- Have sill heights of at least 1.7 metres above floor level; or
- Have fixed obscure glazing in any part of the window below 1.7 metres above floor level.

Windows should not directly overlook the adjoining properties private open space.

## 2.7 Energy efficiency and sustainability

The following are principles that Council seeks to encourage in new building design:

- Minimise windows along western facades;
- The main living area and private open space is to achieve three hours of sunlight between 9.00am and 3.00pm on June 21; and
- All development must meet BASIX requirements.

## 2.8 Fencing

- A fence to a height of 900mm and/or a hedge to a maximum height of 1.0m across the primary street frontage and along the side boundaries to a setback of 1.0m from the building façade;
- Front fences shall enable outlook from buildings to the street for safety and surveillance;
- The entrance to the dwelling shall be clearly identifiable;
- Any landscaping is to be integrated into the fence design and contribute to the streetscape; and
- Appropriate vegetation should be used to provide shade to the northerly and westerly elevations of buildings in summer, while allowing sunlight in winter.

## 2.9 Site facilities and services

- All sites within reasonable proximity to Council's sewer shall be connected to same;
- Clothes drying areas shall be provided to each lot in the rear yard; and
- Rainwater tanks must be provided with all residential developments. Rainwater tanks must not be located within the front setback.

## 3. Relevant Section C – Development Controls

The following other parts of **Section C – Development Controls** relevant to this Chapter include:

- Bushfire Prone Lands;
- Contaminated Land;
- Dwelling Houses (Second Hand);
- Engineering Standards;
- Environmentally Sensitive Areas;
- Erosion and Sediment Control;
- Flood Prone Land;
- Notification of Development Applications;
- Sewage Management;
- Subdivision; and
- Temporary Occupation of Land.

# Notification of Development Applications

## 1. Objectives

The objectives of these controls are to:

- Provide for public participation in the development application decision making process;
- Set out those matters for which the Council will have regard when forming its opinion as to whether or not the enjoyment of adjoining land may be detrimentally affected by a proposed development;
- Set out the criteria for notifying potentially affected persons and specify the circumstances when notification is not required; and
- Detail the form that notification will take place.

## 2. Application of these controls

These controls apply to the following types of development:

- Approval to erect a building;
- Amendments to an undetermined Development Application to erect a building;
- The use of a building or another specified work; and
- Modifications to Development Approvals.

## 3. Notification process

Written notice of a Development Application will be sent to those persons who appear to the Council to own or occupy land adjoining and neighbouring an application site if, in the Council's opinion, the enjoyment of that land may be detrimentally affected by the development proposal. This could include land opposite or otherwise distanced from the application site.

## 4. Matters to be considered by Council in forming an opinion

Council will give notice of an application to affected persons where, in its opinion, the enjoyment of land may be detrimentally affected by or in relation to:

- The views to and the view from the land;
- Overshadowing;
- Privacy;
- Noise or odour;
- The visual quality of the development in relation to the streetscape;
- The scale or bulk of the proposed development;



- The siting of the proposed development in relation to site boundaries;
- The proposed hours of use for the development;
- Light spillage or reflection;
- Means of access to or provision of parking on the proposed development site;
- The amount of traffic likely to be generated by the proposed development;
- Drainage; and
- The social and economic impacts of the proposal.

## 5. Forming an opinion

Upon the lodgement of a development application, the relevant Council officer will determine who may be detrimentally affected in terms of the matters to be considered. The Council may also broaden the extent of notification following inspection of the development site.

## 6. Amendments to DAs

An applicant may make an amendment to an application at any time prior to the determination of the application.

Council will re-notify any amendments which either alter the external configuration or siting of a development or which may, in Council's opinion, cause a greater or more serious impact on any affected person.

## 7. Modification of approvals

Council will re-notify those affected persons who were notified of the original application and any other affected person, inviting comment on the proposed amendments.

## 8. Applications that will not be notified by Council

Notification is not required where, in the opinion of Council, the enjoyment of land will not be detrimentally affected in terms of the matters listed in these controls.

Notification will not be made of a Development Application if it is:

- Exempt Development; or
- Complying Development.

Development Applications which do not require notification include:

- Strata subdivisions;
- Subdivision only involving adjustments to existing property boundaries;
- Change of use of buildings, except at Council's discretion; and
- Single rural dwelling on large properties.

## 9. Form of notification

Written notice to be forwarded by Council to the owners of land and will contain the following information:

- A description and address of the site;
- The proposed use of any building;
- The name of the applicant;
- The time period within which written submissions are to be made; and
- A notification plan.

The notification plan will:

- Be provided on an A4 (or A3) size sheet;
- Be of a scale which will clearly delineate the features of any proposed building;
- Show the height and external configuration of any proposed building in relation to the site on which it is proposed to be erected;
- Include a site plan showing the relationship of any proposed building to the boundaries of any allotment;
- Clearly define any new building or additions to existing buildings by appropriate means of cross hatching; and
- Be appropriately dimensioned to indicate size, height and position of any proposed building in relation to the site.

## 10. Period of time for submissions

A person may inspect a plan relating to a development application and make submission within fourteen (14) calendar days of the date of the notification of that application.

A copy of the notification plan will be available for inspection at the Council Offices during the notification period.

## 11. Form of submissions

Submissions-received in relation to the proposal will be considered in the Council's assessment of the application.

Submissions made in respect of applications must be in writing and addressed to the General Manager. Submissions must clearly indicate the name and address of the person making the submission and details of the proposal to which the submission relates.

All submissions must be accompanied by a signed Political Donations Disclosure form.

Should an objection be part of the submission, the reasons for the objection are to be provided.

## 12. Consideration of submissions

Council will consider all submissions received within the specified time period before determining a Development Application.

Council is not bound to adopt or support any objection that may be made in response to neighbour notification in its determination of an application.

Each application will be assessed on its merits, notwithstanding the number of submissions received.

## 13. Notification to persons making submissions

Council will inform each person who made a submission of its final decision in determining a development application.

## 14. Other notifications

Council may require that the following types of development be advertised in the local newspaper for a period of not less than 30 days:

- Commercial or industrial development located in close proximity to residentially zoned properties or properties used for residential purposes;
- The demolition of a building or work that is a heritage item, but does not include a partial demolition, which is of a minor nature;
- Residential flat buildings and multi dwelling housing;
- Development for the purposes of conserving, protecting or restoring a heritage item, in the opinion of the Council, warrants public comment; and
- Development for purposes other than those listed above which, in the opinion of the Council, requires public comment.

## 15. Relevant Section C – Development Controls

The following other parts of **Section C – Development Controls** relevant to this Chapter include:

- Activities in Public Places;
- Commercial Development;
- Dwelling Houses (Second Hand);
- Heritage and Conservation;
- Industrial Development;
- Large Lot Residential Development;
- Residential and Village Development;
- Rural Development; and
- Subdivision.

# Residential and Village Development

## 1. Objectives

The objectives of these controls are to:

- Provide guidance for the development of residential dwellings and sheds on land zoned RU5 Village within Lockhart Shire;
- Support the efficient use of residential land; and
- Set appropriate guidelines for building setbacks, sheds and fencing to ensure development positively responds to the character of existing villages.

## 2. Building line and setbacks

Council has adopted the following building lines and setbacks within village areas.

### 2.1 Front setbacks

The following front setbacks apply to a new dwelling house with frontage to a primary road:

- The average distance of the setbacks of the nearest two dwelling houses having a boundary with the same primary road and located within 40 metres of the lot on which the dwelling house is to be erected;
- In the case where two dwelling houses are not located within 40m of the lot:
  - A front setback of 4.5 metres applies, if the lot has an area of at least 450m<sup>2</sup> but less than 900m<sup>2</sup> and any attached garage is set back a minimum of 1 metre behind the front of the dwelling; or
  - A front setback of 6.5 metres applies, if the lot has an area of at least 900m<sup>2</sup> but less than 1500m<sup>2</sup>; or
  - A front setback of 10 metres, if the lot has an area of 1500m<sup>2</sup> or greater.

### 2.2 Side setbacks

- All buildings will be set back 3 metres from side street (secondary street) boundaries;
- Side boundary setbacks for all dwellings shall comply with the Building Code of Australia;
- An attached or unattached carport, awning or the like adjacent to a boundary must comply with the provisions of the *Building Code of Australia*; and
- All enclosed outbuildings are to be erected a minimum of 900mm from side boundaries (except secondary road frontages) with the exception of brick walls which may be erected up to the side boundary provided that this wall does not contain any windows/doors, etc. and if, in the opinion of Council, it does not affect the amenity of the adjoining property. A clearance of 1 metre is to be maintained from rear boundaries.

### 3. Filling of lots

- Fill must not contribute to unreasonable impacts on amenity or the redirection of water onto adjoining properties; and
- Any fill used must be certified Virgin Excavated Natural Materials, certified Excavated Natural Material or uncontaminated engineered fill.

### 4. Sheds in village areas

- Sheds must not be used as places of temporary accommodation;
- Sheds must be sheeted with prefinished steel walls (e.g. Colorbond), or have walls painted to a professional standard;
- The height of sheds is to be a maximum of 3.1 metres, measured from the surrounding finished ground level to the top of the gutter, and 4.5 metres, measured from the surrounding finished ground level to the highest point of the shed;
- The maximum roof pitch is to be 22 degrees;
- While no maximum floor area is stipulated, it should be borne in mind that these sheds are for uses associated directly with a single dwelling house. These uses include the storage of motor vehicles, recreational equipment, gardening equipment, and the like. The use of such sheds for commercial or industrial use is not permitted under this policy without the separate specific written consent of Council;
- Facilities which may be provided in sheds are toilets and associated wash basins; and showers may be approved with Council authority. No cooking facilities may be installed; and
- Any applications to Council for sheds outside the provisions of this Chapter will be referred to Council for determination.

### 5. Fencing

- Front boundary fences (fences between the building line and street or other public place) must be:
  - Maximum height of 1.2m for open construction (picket fence, mesh, etc.); or
  - Maximum height of 900mm for solid construction (brickwork, steel panel etc.).
- All fences are to be constructed so that they do not prevent the natural flow of stormwater drainage;
- The use of second-hand materials may be considered by Council on merit provided relevant details of the materials to be used are provided and approved;
- All metal fences must be of “Colorbond” material, or painted; and
- All other fences between the building line and street and in the case of corner allotments or fences between the primary (“front”) building line and the street that are inconsistent with the controls in this Chapter will be considered by Council on merit.

## 6. Relevant Section C – Development Controls

The following other parts of **Section C – Development Controls** relevant to this Chapter include:

- Bushfire Prone Lands;
- Contaminated Land;
- Dwelling Houses (Second Hand);
- Engineering Standards;
- Environmentally Sensitive Areas;
- Erosion and Sediment Control;
- Flood Prone Land;
- Notification of Development Applications;
- Residential and Village Development;
- Sewage Management;
- Signage;
- Subdivision; and
- Temporary Occupation of Land.

# Rural Development

## 1. Objectives

The objectives of these controls are to:

- Identify Council standards for certain rural developments including rural dwellings, intensive agriculture, rural industries and extractive industries;
- Ensure agriculture, intensive livestock agriculture and intensive plant agriculture are conducted in a sustainable manner;
- Provide for business activities including the processing of primary products produced in the area or the servicing of agricultural equipment;
- Ensure that extractive industries occur where the benefits of resource extraction are not overridden by potential impacts on the character and amenity of Lockhart Shire or on identified environmental values;
- Provide guidance for the development and siting of dwellings on land zoned RU1 Primary Production within Lockhart Shire; and
- Ensure that development of dwellings in rural areas of the Shire are adequately serviced.

## 2. Development Controls

Council requires the following general standards for agricultural developments that require approval from Council.

### 2.1 Intensive agriculture

Applications for intensive livestock agriculture or intensive plant agriculture are to be accompanied by a Plan of Management which addresses the principles of sustainable agriculture.

**Sustainable agriculture** is defined as the use of farming practices and systems which maintain or enhance:

- Agricultural production as an economic activity;
- The natural resource base; and
- Other ecosystems which are influenced by agricultural activities.

Property owners will need to address the requirements and standards for the storage and use of chemicals.

To reduce environmental impact of certain agricultural activities, an assessment of the capability of the land may need to be undertaken.



Consideration should be given to the sustainability of different soil landscapes across the Shire and the suitability of steep slopes for proposed agricultural activities.

Dwellings should be sited to maintain the continuity, and minimise the disturbance, of agriculturally productive land.

## 2.2 Rural industries

Measures that protect the amenity of surrounding residents should be incorporated into the design and development of rural industries. These include landscaping, sound attenuation and buffers.

The following should be considered in selecting a site for a rural industry:

- Less exposure to neighbouring dwellings and noise sensitive areas;
- Good vehicular access;
- Suitable area to accommodate landscaping to screen the rural industry;
- Suitable land capability; and
- Sufficient area for expansion.

## 2.3 Extractive industries

Extractive industries must be designed and operated to ensure that:

- There is appropriate buffering to protect adjoining uses from dust, acoustic and visual impacts;
- There is safe and suitable vehicle access; and
- Public safety is a key consideration.

Appropriate buffers must be provided around the development to manage potential impacts on surrounding residents. This should include extensive vegetation buffers.

For the operation of an extractive industry vehicle access to the site and within the site must be:

- Adequate for the scale and volume of traffic generated by the operation;
- Managed as not to increase risk on a public road;
- Managed to minimise the potential impact on the amenity of the surrounding area; and
- All aspects of the extractive industry must be undertaken in compliance with all relevant legislative and statutory requirements.

The rehabilitation of an extractive industry site must be in accordance with an approved plan (by Council) that identifies:

- Staging of rehabilitation works;
- Appropriate remediation and clean up works;
- Reinstatement of landform and soil profiles;
- Suitable revegetation; and
- Rehabilitation works must be bonded to ensure appropriate completion of works to Council's satisfaction.

## 2.4 Rural dwelling houses

### 2.4.1 General

The general controls for new dwelling houses are:

- Orientate living areas to the north;
- Front setback of 50 metres Side setback of 50 metres;
- Dwelling siting and design materials and colours are to be consistent with the rural character of the local area;
- Respect your neighbours and your own future amenity by careful siting of your dwelling:
  - Build well back from the public roads, especially gravel roads,
  - Build below ridgelines to respect the rural views,
  - Build well away from nearby intensive rural developments, and
  - Notwithstanding the bushfire requirements, you can and should screen your building site by vegetation. It will help reduce the visual impacts of your buildings, provide shade from the summer sun, assist in energy efficiency and where natives are used, provide habitat for native fauna.
- Where significant environmental features, such as natural landforms, remnant native vegetation, wetlands or natural watercourses and drainage lines occur on your land, they shall be avoided for building purposes, conserved and enhanced;
- Do not place or build any unlawful temporary structures on site to live in, for example, shipping containers without approval from Council; and
- Remove any existing unlawful structures.

#### **2.4.2 Site access**

- All dwellings must have a lawful point of access and a properly constructed access being a public road;
- Where kerb and guttering does not exist, this will generally require gravelling from the road shoulder to the boundary and in most cases will require the provision of a piped gutter crossing to the satisfaction of Council;
- A right-of- carriageway may be used to provide access only where the right-of- carriageway traverses only one lot of land and does not serve any other land other than that on which the dwelling is erected; and
- Where an existing road or right-of-carriageway is substandard, it will be upgraded and improved to provide an all-weather standard specified by Council to the satisfaction of Council.

#### **2.4.3 Water supply**

Dwellings are required to have a minimum of 60,000 litres of roof water storage for domestic purposes if a reticulated, water supply is not available. Council will assess the adequacy of private water supply in accordance with the “*Guidance on the use of rainwater tanks*” Department of Health and Ageing 2011.

#### **2.4.4 Effluent disposal**

If a reticulated sewerage or effluent disposal scheme is not available to the land, all effluent and wastewater is to be disposed of on-site.

#### **2.4.5 Electricity supply**

An electricity supply must be provided to the dwelling in accordance with the requirements of the relevant electricity provider.

Proposed alternative methods of power supply will be considered by Council where the development is proposed as ecologically sustainable.

The approval of alternative methods of power supply is at the discretion of Council.

#### **2.4.6 Vegetation retention**

Proposed dwellings should be sited away from vegetation to avoid environmental conflict and the need for removal of vegetation to provide bushfire asset protection zones.

### 2.4.7 Buffers

Buffers between rural activities and new rural dwellings are important to ensure that there are no adverse impacts on the amenity of the dwelling as well as minimising the impacts on operating farms.

Buffer and separation distances are to consider the potential for environment harm having regard to:

- Noise;
- Odour or other air emission;
- Water quality;
- Visual impact;
- Traffic generation; and
- Spray drift.

Buffers and separation distances that apply to RU1 Primary Production land are identified in **Table 3**. Where it is demonstrated that a reduced buffer or distance will achieve the desired separation of potential conflicting land uses an alternative solution may be considered at the discretion of Council. The alternative solution will need to give detailed consideration to landform, land uses, prevailing winds, etc.

**Table 4: Minimum buffers and separation distances for dwellings**

Land Use	Separation metres (m)	Vegetation Buffer metres (m)
Cattle dip	500m	-
Cattle feedlot (same land)	500m	-
Cattle feedlot (other land)	1,000m	-
Extractive industry or mine	1,000m	-
Grazing lands	60m 80m	20m -
High voltage power lines	20m	-
Intensive dairies (same land)	500m	-
Intensive dairies (other land)	1,000m	-
Piggeries (same land)	500m	-
Piggeries (other land)	1,000m	-
Poultry farms (same land)	500m	-

Land Use	Separation metres (m)	Vegetation Buffer metres (m)
Poultry farms (other land)	2,000m	-
Recreational facilities (major)	1,000m	-
Rural industry	80m	40m
	150m	-
Sawmills	1,000m	-
Sewerage treatment plants	1,000m	-40m
Waste management facilities	1,000m	-40m

### 3. Relevant Section C – Development Controls

The following other parts of **Section C – Development Controls** relevant to this Chapter include:

- Bushfire Prone Lands;
- Contaminated Land;
- Dwelling Houses (Second Hand);
- Engineering Standards;
- Environmentally Sensitive Areas;
- Erosion and Sediment Control;
- Flood Prone Land;
- Notification of Development Applications;
- Sewage Management;
- Signage;
- Subdivision; and
- Temporary Occupation of Land.

# Sewage Management

## 1. Objectives

The objectives of these controls are to:

- Assist in assessing land for on-site disposal of effluent;
- Implement the provisions of the *Local Government Act 1993* and Regulations;
- Protect surface and ground water quality within the Shire; and
- Incorporate sewage management considerations in the early stages of development and environmental assessment as required under the *Environmental Planning and Assessment Act 1979*,

## 2. Sewage management

Sewage Management involves “any activity carried out for the purpose of holding or processing, or reusing or otherwise disposing of, sewage or by-products of sewage.” Sewage Management Facilities are the method by which sewage management is carried out.

These controls form part of an On-site Sewage Management Strategy that Council is required to prepare under the *Local Government Act 1993*.

This is referred to as *Code 53 On Site Sewage Management Plan*. This Management Plan draws upon the principles, technical data and overall advice contained in the publication “*Environment and Health Protection Guidelines - On Site Sewage Management for Single Household*” prepared by the N.S.W. Department of Local Government. This publication is available at Lockhart Shire Council office or by contacting the N.S.W. Department of Local Government.

Effective management of domestic sewage and wastewater is an important consideration for the health of Lockhart Shire Council residents and the environment. It requires the active involvement from Council and landholders.

## 3. Approval requirements

Approval from Council under Section 68 of the *Local Government Act 1993* is required for all new on-site sewage management systems.

Council will check the specifications of various on-site systems upon applications being lodged with Council.

Council will determine the inspection regime of installed systems. Low risk sites are exempt from regular inspection, Medium risk, regular inspections to occur every five years to be determined at the time of assessment and High risk, regular inspection to occur every two years.

Aerated Wastewater Treatment Systems (AWTS), inspection to occur according to the assessed risk determined by Council at the time of assessment. The AWTS must be inspected and serviced according to the manufacturer's instructions by a service technician approved by the manufacturer, at cost to the owner and the resultant certificate provided to Council for registration. Failure to submit the certificate will result in Council inspecting the AWTS at cost to the owner.

#### 4. Sewage management approvals

There are two (2) types of development that require different site evaluation for on-site effluent disposal.

These are:

- Subdivisions in un-sewered areas; and
- Single sites in un-sewered areas.

#### 5. Subdivisions in un-sewered areas

These developments require a full site and soil assessment consistent with the criteria contained in these development controls.

#### 6. Single sites in un-sewered areas

Council has identified the following criteria apply to single sites in un-sewered areas:

- Allotments 2ha or less in area will require an AWTS facility to be installed;
- Allotments between 2ha and 40ha in area will require a site assessment, land capability assessment or the installation of an AWTS; and
- Allotments greater than 40ha will require the installation of a conventional septic tank with absorption trench or transpiration bed.

All single sites are required to comply with the site assessment, buffer distances, and septic tank and absorption trench requirements in these development controls.

#### 7. Site assessment

The following summary explains the various components of a site assessment for the location of a land application system:

- **Climate:** Climate influences the use of hydraulic load of the wastewater for all types of land application systems. Areas with high evaporation compared with rainfall allow for greater use of hydraulic load. A water balance based on the historical rainfall and evaporation data for the locality is to be completed where irrigation is proposed to assist in system design. Average maximum daytime temperatures below 15°C decrease the performance of wastewater treatment processes that rely on biological activity (AWTS and composting toilets).

- **Flooding:** All components including electrical, venting and inspection openings of on-site systems must be located above the 1 in 100 year probability flood contour. Where land application areas are proposed a 1 in 20-year flood probability contour may be used.
- **Exposure:** Evaporation may be reduced up to two thirds in some locations by a poor aspect, overshadowing, sheltering of disposal areas by the topography, buildings or vegetation. Sun and wind exposure is to be maximised on all disposal areas to encourage evaporation.
- **Slope:** The recommended maximum slope will depend on the type of land application system used, the site and soil characteristics. Excessive slope may pose problems for installing systems and the even distribution of wastewater, which may result in runoff particularly from surface land application systems.
- **Run-on and uphill seepage:** Run-on of rainfall onto the land application area is to be avoided. Run-on is to be diverted around any land application area by using earthworks or a drainage system. Upslope seepage can be partly controlled by installing groundwater cut-off trenches where the lowest level of the trench is above the level where effluent can enter the land application area.
- **Erosion:** On-site systems are not to be located in areas of where there is evidence of erosion, mass movement or slope failure.
- **Site drainage:** On-site systems are not to be installed on damp sites. Seepage springs and soaks are evidence of poor site drainage. The type of vegetation growing on the site also evidences surface dampness and poor drainage;
- **Fill:** Fill often has highly variable properties such as permeability and can be prone to subsidence. Fill may have material that is not suitable for the construction of land application systems. Fill that is less than 300mm deep may be suitable for land application systems depending on the nature of the material and the suitability of the underlying soil; and
- **Rock and rock outcrops:** The presence of rock outcrops may indicate highly variable bedrock depths. The presence of rocks can limit evaporation and interfere with drainage. Rocks may collapse into installations and cause problems with even effluent distribution.

**Land area:** Sufficient land area must be available within the boundary of the site for the following:

- The sewage management system, including treatment system, dedicated land application areas and reserve areas;
- Buffer distances;
- House and associated structures;
- Social and recreational uses; and
- Vehicular access areas.

## 8. Buffer distances

Buffer distances are required between land application systems and sensitive environments on and off site to ensure protection of community health and the environment.



When determining buffer distances consideration is to be given to:

- The type of land application system to be used;
- Surface and subsurface drainage pathways;
- Site factors - soil permeability, geology and vegetation buffering;
- Sensitive environments (e.g. national parks, wetlands); and
- The density of the development.

The following are the recommended minimum buffer distances based on ideal soil and site conditions for various land application systems.

#### **All land application systems**

- 100 metres to permanent surface waters (e.g. river and streams);
- 250 metres horizontal distance to a domestic groundwater well; and
- 40 metres to other permanent and temporary water bodies (e.g. dams, drainage channels).

#### **Surface spray irrigation**

- 6 metres if area up-gradient and 3 metres if areas down gradient of driveways and property boundaries;
- 15 metres to dwellings;
- 3 metres to paths and walkways; and
- 6 metres to swimming pools.

#### **Surface drip and trickle irrigation/Subsurface irrigation**

- 6 metres if area up-gradient and 3 metres if area down gradient of swimming pools, property boundaries, driveways and buildings.

#### **Absorption system**

- 12 metres if area up-gradient and 6 metres if area down gradient of the property boundary; and
- 6 metres if area up-gradient and 3 metres if area down gradient of swimming pools, driveways and buildings.

**Note:** Notwithstanding risk category, all buffer distances must be maintained or achieved. If the distances cannot be achieved, then any variation will not be considered unless accompanied by a report prepared by a hydrologist certifying that ground conditions exist in the subject area that will ensure that contamination of water bodies (rivers, streams, dams, bores, lakes or the like) will not occur.

## 9. Soil testing

Soil is a complex arrangement of mineral and organic particles that vary horizontally and vertically. Understanding soil features will assist in the choice of a sewage management system.

A qualified soil scientist should undertake assessment of soil features. Soil feature assessment is to include:

- Depth of soil;
- Depth to episodic/seasonal water table; and
- Soil permeability.

The following procedure is to be followed for soil testing:

Assess three soil profiles (pits or cores) to a depth of 1.7 metres for each proposed land application area.

If soil absorption systems are chosen as the preferred system (i.e. septic tank and trenches) and information about the depth of groundwater at the site is not available then investigations are to be undertaken to a depth of 1 metre below the base of the proposed system.

The number of soil profiles required will depend on soil variability and site sensitivity. Suggested soil profile locations are

- One pit/core at the centre of the proposed land application area;
- One adjacent to the proposed treated wastewater entry point and
- One at the opposite end of the land application area from which the treated wastewater is entering.

Samples for analysis are to be taken for each major soil horizon and be forwarded to a recognised testing laboratory. For high-risk areas it is recommended that a suitably qualified person take soil samples.

The testing laboratory will be able to advise you of the quantity of soil needed for analysis. Information from the laboratory data should be described using the NSW Soil Data System.

All relevant soil features tested are to show only minor limitations to on-site sewage management for all pits and cores.

**Table 5** indicates the number and type of tests required for high risk and minimal risk areas.

**Table 5: Soil assessment of on-site systems**

Soil Assessment	High Risk (testing required)	Minimal Risk
Depth to bedrock (m)	Yes	No
Depth to high soil or water table (m)	Yes	No
Soil permeability	Yes	No

Soil Assessment	High Risk (testing required)	Minimal Risk
Course fragments (%)	Yes	No
Bulk density (g/cm <sup>3</sup> )	Yes	No
Ph CaC12	Yes	Yes
Electrical conductivity	Yes	Yes
Sodicity	Yes	No
Cation exchange capacity	Yes	No
Phosphorous sorption	Yes	If problem suspected
Modified emerson aggregate	Yes	Yes

## 10. Septic tanks and absorption trenches

The following standards apply for the sizing of septic tanks and soakage trenches:

- Minimum size septic tank where only a WC, hand basin and shower are installed = *2500 litres*;
- Dwelling accommodating up to 4 persons = *3000 litres*;
- Dwelling accommodating more than 4 persons = 3000 litres + 150 litres per person in excess of 4 persons; and
- Minimum absorption trench length = *40 metres* Additional soakage trench for increased dwelling size = *10 metres per bedroom*.

## 11. Relevant Section C – Development Controls

The following other parts of **Section C – Development Controls** relevant to this Chapter include:

- Contaminated Land;
- Dwelling Houses (Second Hand);
- Engineering Standards;
- Environmentally Sensitive Areas;
- Erosion and Sediment Control;
- Flood Prone Land;
- Industrial Development;
- Large Lot Residential Development;
- Residential and Village Development;
- Rural Development;
- Subdivision; and
- Temporary Occupation of Land.

# Signage

## 1. Objectives

The objectives of these controls are to:

- Encourage the provision of legitimate information and promotional signage associated with the needs of the community and the creation of the image and identity of Lockhart Shire; and
- Identify those key local considerations for outdoor advertising applying to Lockhart Shire

## 2. Introduction

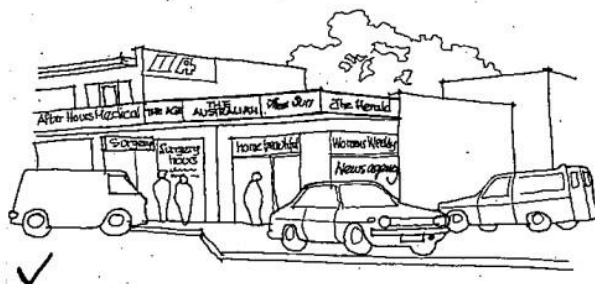
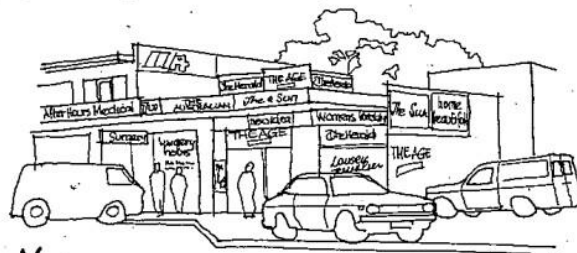
Council has identified that there are a number of key local issues associated with outdoor advertising in both towns and rural locations throughout the Shire. These controls provide additional local key principles to augment the operation of *State Environmental Planning Policy No 64 (SEPP 64)*. A copy of the explanatory information for this policy is available at the following web site.

[www.planning.nsw.gov.au/settingthedirection/pdf/sepp64/sepp64\\_expinfo.pdf](http://www.planning.nsw.gov.au/settingthedirection/pdf/sepp64/sepp64_expinfo.pdf)

## 3. Key local considerations

The following are key local principles that apply to outdoor advertising:

- Signage must comply with *State Environmental Planning Policy 64 – Advertising and Signage Schedule 1 Assessment Criteria*;
- Advertising in rural areas may only advertise a facility, activity or service located on the land, or direct travelling public to a tourist facility or building or place of scientific, historical or scenic interest, within the area; and
- External illumination to signs must be top mounted and directed downwards and toward the sign.



#### 4. Prohibited advertising

Council has identified that the following advertising signs are not acceptable methods of outdoor advertising in Lockhart Shire:

- Electronic trailer mounted road signs used for promotional or advertising;
- Roof or wall signs projecting above the roof or wall to which it is affixed;
- Flashing or intermittently illuminated signs;
- Advertisements on parked motor vehicles or trailers (whether or not registered) for which the principal purpose is for advertising;
- Signs fixed to trees, lights, telephone or power poles;
- Signs which could reduce road safety by adversely interfering with the operation of traffic lights or authorized road signs;
- Signs that are considered to be unsightly, objectionable or injurious to the amenity of the locality, any natural landscape, public reserve or public place;
- Numerous small signs and advertisements carrying duplicate information; and
- Overhead banners and bunting, except in the form of temporary advertisement for community events and related purposes.

#### 5. Relevant Section C – Development Controls

The following other parts of **Section C – Development Controls** relevant to this Chapter include:

- Activities in Public Places;
- Commercial Development;
- Heritage and Conservation;
- Industrial Development; and
- Rural Development.

# Subdivision

## 1. Objectives

The objectives of these controls are to:

- Ensure that subdivisions are planned having regard to environmental, social and economic opportunities of a site;
- Match lot sizes to the capacity of the land;
- Encourage subdivisions that promote sustainable design for future dwellings;
- Provide all relevant services to all allotments in a timely manner; and
- Support subdivision in areas identified for future urban or rural residential expansion.

## 2. Development Controls

### 2.1 General

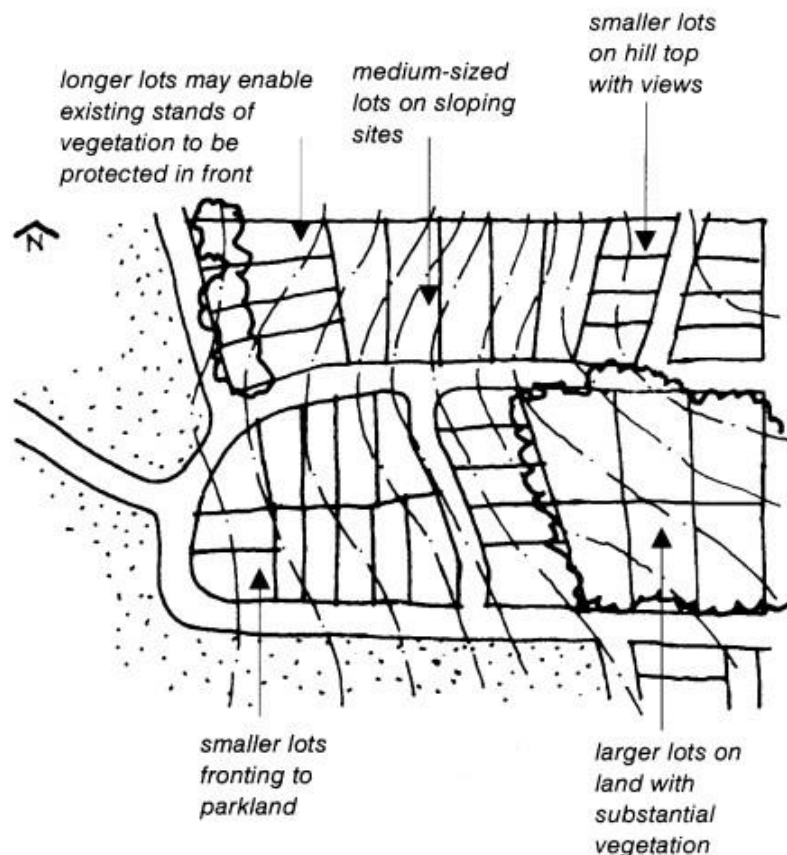
#### 2.1.1 Subdivision layout

- Applicants are required to provide a site analysis that examines and addresses site attributes and constraints;
- Subdivision layouts are to preserve views from significant topographical features such as water courses;
- Drainage lines are to be retained and incorporated into open space areas wherever possible;
- Where heritage items are within close proximity of any proposed subdivision site, the design of the lot layout is to be sympathetic with buildings with heritage values identified by Council;
- A range of lot sizes is to ensure a diversity of housing and to achieve sustainable development; and
- Lots sizes will be in accordance with the *Lockhart Local Environmental Plan 2012*.

#### 2.1.2 Battle-axe allotments – residential land only

- All battle axe allotments will comply with minimum lot size requirements for the site;
- Minimum lot size for a battle-axe allotment this excludes that area required for the battle-axe lot access handle;
- The minimum lot width for a battle-axe allotment will be consistent with any Council specified lot frontages measured at the front building line (i.e. exclusive of the access handle). The minimum lot width requirement for battle axe lots is set at a distance of 6 metres from the end of the battle axe handle (i.e. within the main building portion of the site);

- A maximum of two (2) battle-axe allotments are permitted behind an allotment which has direct frontage to a public road. Council **will not** consider any subdivision proposal involving a series of battle-axe lots, one behind each other.
- All battle-axe allotments must have direct access to a dedicated public road, through the provision of an access handle attached to each battle-axe lot or via a shared access corridor (i.e. maximum of two (2) lots may share a common access corridor);
- The access corridor width for a battle axe allotment is to be 5 metres with a minimum road pavement width of 3 metres for the entire length of the access handle;
- Within bush fire hazard areas, despite any other controls in this DCP, access corridors to lots must comply with the requirements of the *NSW Rural Fire Service Planning for Bush Fire Protection 2006 guidelines*;
- A shared access corridor may service a maximum of two (2) battle axe allotments where, in the opinion of Council, the proposed access arrangement will satisfactorily cater for safe vehicular and pedestrian access to each of the lots and that satisfactory sight line distances are available between the lots and the public road;
- A shared access corridor must be created through reciprocal rights of carriageway under Section 88B of the Conveyancing Act 1919;
- The minimum shared access handle width shall be 5 metres with a minimum road pavement width of 3 metres for the entire length of the access handle; and
- The shared access handle must be designed wide enough to satisfactorily cater for the placement of garbage and recycling bins, for the dwellings on the two battle axe lots, adjacent to the access handle road pavement.





### **2.1.3 Services provision**

- All subdivision proposals will be carried out in accordance with Council engineering standards;
- Where appropriate shared trenches for services are to be used where possible; and
- Easements to benefit Lockhart Shire Council shall be provided over all stormwater drains, water and/or sewer services located within private land.

### **2.1.4 Sewer**

- Sewered land must be provided with an underground, gravity system which connects to all lots, where possible. Details of any lot filling required to achieve minimum grades is to be provided; and
- Un-sewered areas will need to be provided with a report by an appropriately qualified soil scientist or similar which addresses the ability of the site to adequately cater for on-site sewage disposal.

### **2.1.5 Water**

- Reticulated water will not be available to subdivision in areas outside of those service areas-

### **2.1.6 Stormwater drainage**

- Measures to control stormwater flow and water quality will be required with proposals for subdivision;
- Detention basins are one option and solution for consideration;
- Where stormwater drainage is required to the rear of the lot, inter-allotment;
- Drainage shall be located in easements in favour of the upstream properties benefitted by the easement; and
- Lot layout and easements are to be established so that no future development will rely upon pump-out, infiltration systems or any other method other than connection to the gravity piped system.

### **2.1.7 Telecommunications**

- Council requires the extension of the Telstra cable network to all new allotments within any subdivision for residential purposes; and
- Telecommunications are to be provided underground.

### **2.1.8 Electricity**

- Subdivisions are to be serviced by underground electricity in towns and villages and overhead in rural areas.

### **2.1.9 Subdivision road layout**

- Public road access is required to all lots;
- No direct access to arterial or sub - arterial main roads is permitted where alternatives are available;
- Subdivision layouts shall make provision for road connection to adjoining undeveloped land; and
- Roads to be designed having regard to both the topography of the site and the requirements of stormwater overland flow paths.

### **2.1.10 Subdivision road network design**

- The subdivision road hierarchy is to be defined;
- Road network design should include consideration of vehicular, pedestrian and cyclist safety;
- Residential subdivision must incorporate appropriate facilities and opportunities for pedestrian and bicycle movement;
- The alignment, width and design standard for all roads shall be in accordance with the expected traffic volume, type of traffic and desired speed in accordance with Council engineering standards; and
- Road pavement requirement will be determined based on vehicle movements

## **2.2 Industrial lots**

- Industrial lots should be of a size that accommodates the proposed development, storage areas and vehicle delivery and manoeuvring requirements;
- Battle axe access handles shall be of a minimum width of 4.5 metres, of which 3 metres is to be constructed and sealed with reinforced concrete, asphaltic concrete or interlocking pavers at the time of subdivision; and
- No more than two Torrens title lots shall share a battle-axe handle access.

## **2.3 Staged subdivision**

Where subdivision is proposed to be carried out in a number of stages, these shall be identified, and information supplied as to the manner in which staging of all infrastructure will occur (roads, water, sewer and stormwater drainage). Street Tree Planting.

Subdivision involving new road construction is to include street tree planting of suitable species.

## 2.4 Rural subdivisions

In addition to the above the following general controls are relevant to rural subdivisions within RU1 Primary Production and R5 Large Lot Residential developments:

- New lots to be created to minimise environmental impacts including soil disturbance/erosion, creek/waterway crossings, tree removal, and adequate separation distances for new and existing development and environmental features;
- The siting of lots within Bushfire Prone Areas are to avoid the need for extensive clearing of native vegetation and must provide for safe access for Bushfire and Emergency Service vehicles where the land is identified as Bush Fire Prone Land;
- The removal of native vegetation is not permitted without prior permission from the relevant Local Catchment Management Authority;
- Consideration of fauna is required with subdivisions in rural areas including the possibility of any threatened fauna species or their habitat;
- If the proposed subdivision includes the opening or use a Crown Road, the written consent of the NSW Land and Property Management Authority is required prior to the submission of the development application to Council;
- Any crossing of protected waters will require separate approval from the NSW Office of Water prior to the construction of the crossing;
- No subdivision of rural land is permitted where access is proposed by way of a right of carriageway which serves or is capable of serving any other portion or allotment of land other than that on which the dwelling house is to be erected;
- No subdivision of rural land where access is proposed by a battle-axe handle is permitted;
- Each lot in the subdivision must be of a size that is capable of the on-site disposal of wastewater;
- Telecommunication services are to be made available to each lot. However, this requirement may be waived for subdivision in RU1 zones where it can be clearly demonstrated that alternative communication devices are able to be utilised. The decision to waive the standard requirement is at the discretion of Council;
- Council requires that electricity services be provided to each allotment created with a dwelling entitlement. Proposed alternative methods of power supply will be considered by Council for subdivision in RU1 Primary Production Zone where the development is proposed as ecologically sustainable and a covenant is imposed on the land title requiring all dwellings to comply with BASIX Sustainability Index of 50 for energy and water. The approval of alternative methods of power supply is at the discretion of Council;

- All road frontages within a subdivision and any road reserve providing access to any allotment, shall be fenced to Council's Standard as follows:
  - A minimum height of 1.27 metres
  - Steel star posts at a maximum of 5 metre intervals
  - One barbed wire on top run of fence
    - One plain wire and 75 cm high ring lock or hinge joint attached with three plain wires (top, middle and bottom); or
    - 90 cm high ring lock or hinge joint attached with three plain wires (top, middle and bottom).
  - Strainer posts and stays are to be provided at end of lines and change of direction points
  - Council may consider alternative standards equivalent to the above, but these must be approved by Council prior to construction
  - In areas where subdivision for the purpose of dwellings adjoin existing rural properties consideration to be given to the provision of stock and dog proof fencing with a tree line buffer. These measures are required to address the issue of domestic dogs and other animals impacting on rural activities/stock.

### 3. Relevant Section C – Development Controls

The following other parts of **Section C – Development Controls** relevant to this Chapter include:

- Bushfire Prone Lands;
- Contaminated Land;
- Engineering Standards;
- Environmentally Sensitive Areas;
- Erosion and Sediment Control;
- Flood Prone Land;
- Industrial Development;
- Large Lot Residential Development;
- Notification of Development Applications;
- Residential and Village Development;
- Rural Development; and
- Sewage Management.

# Temporary Occupation of Land

## 1. Objectives

The objectives of these controls are to:

- Provide owner-builders an opportunity to live on-site during the construction of a dwelling house;
- Ensure an acceptable standard of accommodation is provided with adequate laundry and sanitary facilities;
- Ensure that temporary occupation is of a limited duration; and
- Ensure temporary occupation structures are environmentally, socially and economically appropriate to the surrounding area.

## 2. Temporary occupation of land

Council recognises that during construction of a dwelling house that the owners of the land may require temporary occupation. Council seeks to ensure that if temporary occupation is required it is provided to facilitate the completion of the house and to ensure public health standards are maintained during occupation.

## 3. Restrictions on temporary occupation of land

The following restrictions apply to the temporary occupation of land during construction of a dwelling house:

- Temporary Occupation is only permitted on land where a dwelling house or other residential development is permitted under the *Lockhart Local Environmental Plan 2012*;
- A current development consent and construction certificate have been issued by Council or a PCA
- Temporary occupation is limited to a period of 12 months only; and
- Connection to the sewer is approved by Council or a current licence to operate a Sewage Management Facility has been issued.

## 4. Application for temporary occupation

If temporary occupation is proposed the following information is to be submitted to Council with the application for a Construction Certificate:

- The development consent number and date of approval;
- Details of the proposed temporary dwelling to be occupied;
- Details of the number of persons to be accommodated;
- Details of the proposed arrangements for temporary laundry and sanitary facilities; and
- A schedule of construction for the proposed dwelling house.

## 5. Limitations to temporary occupation

Where temporary occupation is approved by Council an inspection will be carried out at the end of the temporary occupancy period to ensure that no further occupation is carried out. Council also has the ability to levy a bond to ensure that the temporary occupation structure is rendered uninhabitable at the end of the permitted time period. Any structure that is to be used for temporary occupation must be designed and constructed to comply with the relevant provisions of the Building Code of Australia in terms of domestic use (i.e. Class 1a dwelling).

## 6. Moveable dwellings

Council may permit the location and occupation of moveable dwellings (i.e. caravans) on sites as temporary occupation. Approval is required under the *Local Government Act 1993* for a moveable dwelling.

## 7. Relevant Section C – Development Controls

The following other parts of **Section C – Development Controls** relevant to this Chapter include:

- Bushfire Prone Lands;
- Contaminated Land;
- Dwelling Houses (Second Hand);
- Engineering Standards;
- Environmentally Sensitive Areas;
- Erosion and Sediment Control;
- Flood Prone Land;
- Large Lot Residential Development;
- Notification of Development Applications;
- Residential and Village Development;
- Rural Development;
- Sewage Management; and
- Subdivision.

## Section D – Definition of Terms

**Adjoining Land** means land where title boundaries abut an Application Site or is separated from the application site only by a road, pathway, driveway, easement, right of way or similar thoroughfare.

**Advertised development** means development other than designated development that is identified as advertised development by the *Environmental Planning and Assessment Act 1979 or Regulations 2000*, an environmental planning instrument or a development control plan.

**Advertising in relation this DCP**, means the placement of a public notice in a newspaper circulating at least once a week in the locality. The notice is to comprise a list of development applications received and the Council will include the following information:

- Address of the application site;
- Description of the nature of the application; and
- Advice that information concerning the closing date for the receipt of submissions is available from Council's office.

**Aisle** means an area of pavement used by vehicles to gain access to parking spaces.

**Applicant** means the person who has lodged a development application.

**Approved** means approved by Lockhart Shire Council.

**Articulated Vehicle** means a semi-trailer or the like.

**AS (Australian Standard)** is a published document which sets out technical specifications or other criteria necessary to ensure that a material or method will consistently do the job it is intended to do.

**AS/NZ** means the relevant Australian and New Zealand Standard.

**Asset protection zone (APZ)** means an area comprising an inner protection area and outer protection area which forms an area surrounding a development managed to reduce the bushfire hazard to an acceptable level. The width of an asset protection zone will vary with slope and construction level;

**Balcony** means an upper storey platform projecting from the wall of a building whether or not it is supported by posts or brackets, and enclosed by a balustrade.

**Battle-axe allotment** means an allotment at the rear of a subdivision with vehicular access being provided by an access corridor, access way, right-of-carriageway or the like.

**BCA** means the Building Code of Australia.

**Boundary Set Back** means the distance from a site boundary to the external wall of a building.

**Building alignment** means a line parallel to the external walls of the main building envelope, being either the front, side or rear wall/s.

**Bushfire prone area** means land recorded for the time being as bushfire prone land on a bushfire prone land map for the area

**Bushfire Prone Land map** means the map that shows bushfire prone land in the Lockhart local government area;

**Cleaning** is the physical removal of dirt from equipment surfaces by washing in detergent and warm water with mechanical action such as scrubbing.

**Council** is Lockhart Shire Council, which includes Council staff properly exercising delegation by the Council from time to time.

**Delegated Authority** means authority to make a decision resolved by Council under Section 377 of the *Local Government Act 1993* or as described in Council's Delegation Manual.

**Design Requirements/Suggestions** means the prescriptive ways to achieve the desired outcome of the performance criteria.

**Driveway** means a paved area providing vehicular access between a public road and a parking or loading area.

**Façade** means the face or front of a building.

**Food Handler** means a person who directly engages in the handling of food, or who handles surfaces likely to come into contact with food.

**Food premises** means a business, enterprise or activity that involves the handling of food intended for sale or the sale of food.

**Gross Floor area (GFA)** has the same meaning as the *Lockhart Local Environmental Plan 2010*

**Ground level** means the level of the site before development is carried out.

**Heritage Impact Statement** means a document consisting of a statement demonstrating the heritage significance of a heritage item, and assessment of the impact that proposed development will have on that significance and proposals for measures to minimise that impact.

**Heritage significance** means a historic, scientific, cultural, social, archaeological, natural or aesthetic significance.

**Illuminated** in relation to an advertisement or advertising structure, means designed to be illuminated by an internal or external artificial source of light.

**Impervious** means impermeable to water, moisture or grease.



**Land** includes any building or part of a building erected on the land.

**Landscape plan** means a plan outlining the extent, type and location of proposed landscaping on a site.

**Loading Bay** means an area of suitable dimensions, either within or outside a building designed for the standing of vehicles whilst loading or unloading goods.

**Major Road** means a state or regional road, where:

- State road means a road that predominantly carries through traffic from one region to another whose primary function is to service large traffic volumes; and
- Regional road means a road that connects the state roads to areas of development and carries traffic directly from one part of a region to another. It may also relieve traffic on state roads in some instances.

**Minor Road** means a collector or local road where:

- Collector road means the road which connects the sub-arterial roads to the local road system in developed areas; and
- Local road means the subdivisional road within a particular developed area. Local roads are used solely as local access roads, but traffic volumes and types of vehicles will depend on the intensity and nature of the development.

**Natural Surveillance** means the ease of observation by people of buildings, spaces and activities undertaken by other people. People should be able to casually see what others are doing and this should deter crime.

**Neighbouring land** means any land, other than adjoining land, which in the opinion of the authorised council officer may be detrimentally affected by the use of an application site or the erection of a building on an application site (and includes properties in a neighbouring local council area).

**Notification** means written notice to selected property owners advising that a development application has been received by Council and that they can make a submission in accordance with the written advice.

**Notification plan** means the A4 plan accompanying the letter of notification.

**Owner** means the name and address of the proprietor as registered in Council's rating records.

**Owners' Corporation** means the group of people representing the owners of strata titled land.

**Parapet** a low wall or barrier, placed at the edge of a platform, balcony, roof.

**Parking Space** means an area of pavement of suitable dimensions which is designed and marked for the parking of a car.

**PCA** means the Principal Certifying Authority under the *Environmental Planning Authority Act 1979*.

**People with a disability** means people of any age who, as a result of having an intellectual, physical, psychiatric or sensory impairment, either permanently or for an extended period, have substantially limited opportunities to enjoy a full and active life.

**Performance criteria** means a clear statement of the desired outcomes a development should achieve and is used in the assessment of development proposals.

**Planning for Bushfire Protection (PBP)** means the document developed by the NSW Rural Fire Service in consultation and collaboration with NSW State Government;

**Private open space** means that part of a site designed to meet the outdoor needs of dwelling occupants.

**Public land** means any land (including a public reserve) vested in or under the control of the council

**Public place** is defined under the *Local Government Act 1993* as a public road, bridge, jetty, wharf, road-ferry, public reserve, public bathing reserve, public baths, public swimming pool or other public place which the public are entitled to use.

**Service Bay** means an area within or outside a building specifically designed or intended for the servicing of vehicles or the installation of accessories.

**Setback** means the distance from a site boundary to the external wall of a building, not being a balcony or balustrade.

**Site analysis** means the process of identification and analysis of key features of the site and immediate surroundings to assist in understanding how future dwellings will relate to each other and to their locality. A site analysis diagram typically includes:

- Physical characteristics of the site (slope, drainage, etc);
- Context of the site (adjacent buildings or structures, relationship to the street etc);
- Overshadowing;
- Orientation of true solar north;
- Prevailing winds; and
- Trees on or affecting the site.

**Stack Parking** means parking spaces in a line, one behind the other.

**Stormwater** means rainwater which drains off roofs, roads, driveways and other solid surfaces

**Stormwater management** means the implementation of both structural and best management practices to minimise the effects of stormwater on the environment.

**Streetscape** means the character of a locality (whether it is a street or precinct) defined by the spatial arrangement and visual appearance of built and landscape features when viewed from the street.

**Subdivision of land** has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

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

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

**The DCP** means this Development Control Plan.

**Wheelchair access** in relation to any 2 points means a continuous path of travel between those points which can be negotiated by a person using a wheelchair.