



JUNEE SHIRE COUNCIL

# Development Control Plan 2021

VERSION 1.1 - OCTOBER 2023



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# Part A: Introduction

## AI.1 Name of this Plan

This Plan is identified as the Junee Shire Development Control Plan 2021 (DCP or Plan). This DCP has been prepared in accordance with [Section 3.43 of the Environmental Planning and Assessment Act 1979 No 203 \(EP&A Act\)](#).

## AI.2 Date of Commencement of this Plan

The Draft DCP was approved by Junee Shire Council (Council) on 20 April 2021 and came into effect on 23 April 2021 (Version 1.0).

A revision of this DCP was approved by Council on 17 October 2023, and came into effect on 18 October 2023 (Version 1.1).

## AI.3 Land to Which This Plan Applies

The land to which this DCP applies is identified as all land within the boundaries of the Junee Local Government Area (LGA), as shown in the figure below.

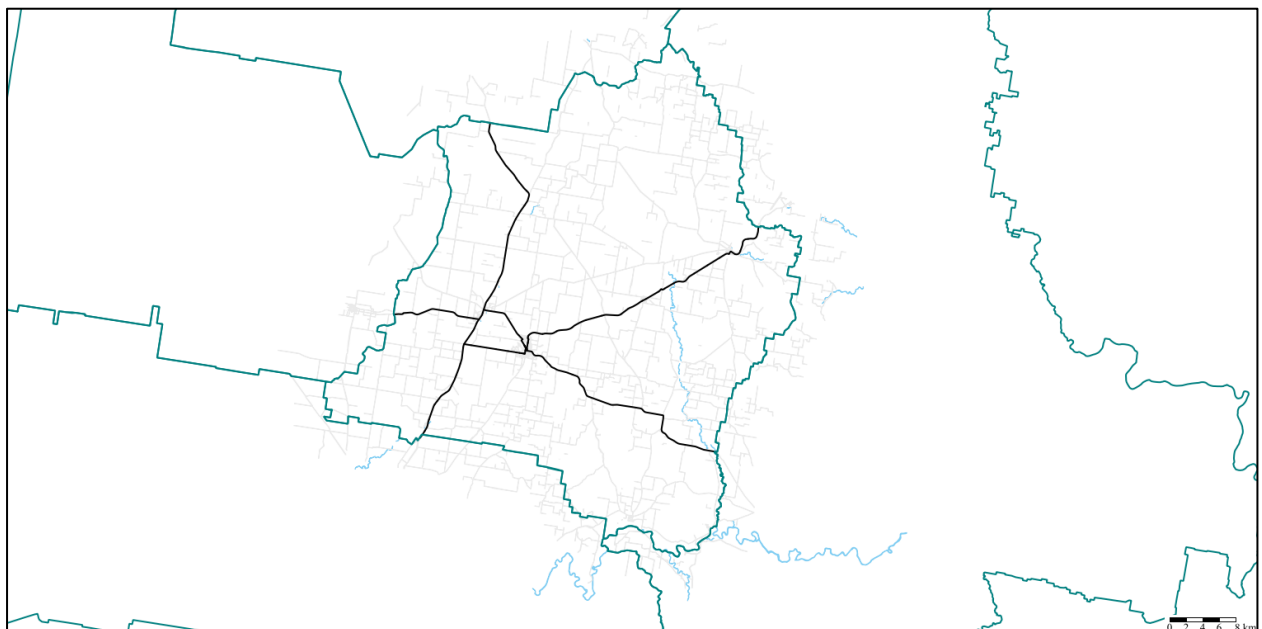


Figure 1: Junee Shire LGA

## AI.4 Purpose of the DCP

This DCP is intended to support the [Junee Local Environmental Plan 2012](#) (Junee LEP 2012) by providing more detailed controls relating to specific types of development. The DCP is also representative of the views of the community with regards to acceptable development outcomes. The

controls and guidance included in this DCP should be considered during the planning and design phase of development. These guidelines and controls will be utilised by Council as part of the assessment of Development Applications.

## AI.5 Relationship to other Planning Documents

The DCP is to be read in conjunction with other legislation, State Environmental Planning Policies (SEPP), Local Strategic Planning Statements (LSPS), Environmental Planning Instruments (EPI), Council policies, codes and specifications relevant to specific aspects of a development proposal.

In the event of an inconsistency between this DCP and any other legislation, SEPP, LSPS or Environmental Planning Instrument (EPI) applying to the same land, the provisions of the other state documents will prevail to the extent of the identified inconsistency.

Additionally, in the event of an inconsistency between this DCP and any current Design Guides published by the Department of Planning, Industry and Environment, the requirements of the current Design Guide are to prevail to the extent of the identified inconsistency.

In assessing a Development Application, in addition to the provisions of this DCP, Council must also make an assessment of those matters specified for consideration under [Section 4.15 of the EP&A Act](#).

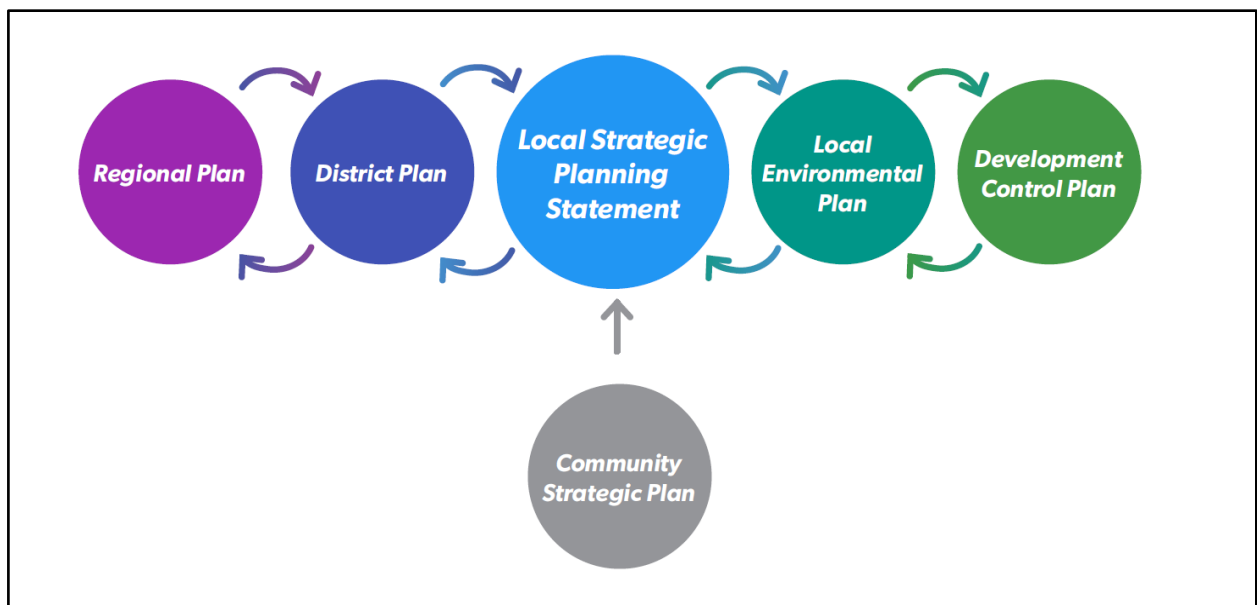


Figure 2: Planning Document Hierarchy

At the commencement date of this DCP, the following existing Development Control Plan is amended in accordance with [Section 16 of the Environmental Planning and Assessment Regulation 2021](#)

- Junee Development Control Plan 2021 (Version 1.0)

## AI.6 Aims and Objectives

The overarching aims of this DCP are:

- A. To implement and support the aims and objectives of Junee LEP 2012 by providing more detailed controls for development;
- B. To provide clear and concise development guidelines for various forms of development;
- C. To promote growth and development in the Junee LGA and ensure it occurs in an orderly, environmentally friendly and sustainable manner;
- D. To ensure positive planning outcomes are maximised for the benefit of the broader community.
- E. To assist in the preparation of development applications by providing applicants and owners the details of Council's development control requirements and standards.

The objectives of this DCP, relating to different types of development are included in the relevant parts of this Plan.

## AI.7 Structure of the DCP

The DCP has the following Parts:

PART A: Introduction

PART B: Notification/Advertising

PART C: Residential Development

PART D: Commercial, Community and Industrial Development

PART E: Other Land Uses

PART F: Subdivision

PART G: Environmental Management and Hazards

PART H: Heritage Conservation

For any development proposal, you may need to address more than one Part of this DCP depending on what development is proposed and the types of ancillary (or supporting) development, the site opportunities and constraints, and different notification and advertising requirements. You are encouraged to consult with Council for clarification as to which Parts or Sections in this DCP will apply to a particular development proposal.

The development controls contained within this DCP are structured to ensure zone objectives of the Junee LEP 2012 are achieved and the desired land use and/or development outcomes on a site are consistent with the corresponding objectives of the DCP. Therefore, the structure of each Part of this DCP includes:

### Objectives

Are located either at the start of each section and clearly state what Council is seeking to achieve and the desired outcomes for each Part or Section. If any of the Performance Criteria require variation, then the request for variation must address how each relevant Objective can be met.

### Performance Criteria

Set the requirements for achieving an outcome consistent with the corresponding objectives for each Section.

## AI.8 Development Types

Prior to applying the guidelines and controls of this DCP for the proposed land use, it is necessary to confirm the permissibility of the proposed land use in the relevant land use zone for the subject site.

Development may be:

- Exempt or Complying Development (where [SEPP Exempt and Complying Development Codes 2008](#) apply);
- Junee LEP 2012 identifies:
  - Permitted without consent;
  - Permitted with consent; or
  - Prohibited.

The Land Use Table of the Junee LEP 2012 identifies the permissibility of development types within each land use zone. Please contact and discuss your proposal with Council if you are unsure about permissibility.

## AI.9 Information to be Submitted with an Application

When submitting a development application to Council via the Planning Portal, various plans and supporting documentation are required to accompany an application. These can vary according to the type and complexity of the development being proposed. Suggested information to be submitted with various types of development is provided in the list below. This is not intended to be an exhaustive list of all attachments required by all developments. Please contact Council to determine what attachments may be applicable to your development.

1. Statement of Environmental Effects (required)
2. Site Analysis Plan
3. Floor Plan(s)
4. Elevation Plan(s)
5. Section Plan(s)
6. Demolition Plan(s)
7. Plan of Subdivision
8. BASIX Assessment Report
9. Geotechnical Report
10. Essential Servicing/Utilities Plan
11. Shadow Impact Plan
12. Vehicle Access Plan
13. Acoustic Impact Report
14. Traffic Impact Assessment
15. Bushfire Risk Assessment

Insufficient information provided with a development application may require Council to send additional information requests and delay the assessment of the application. Also note that some attachments are mandatory requirements for submission through the Planning Portal.

## AI.10 Pre-Lodgement Advice

It is recommended applicants seek pre-lodgement advice from Council to determine what information may be required to be provided with a development application. It is recommended that this advice is sought during the early stages of planning development to reduce unexpected delays or costs.

Development advice is not designed to replace the assessment process undertaken in determining the Development Application. Development advice should not be taken as a guarantee of approval or refusal of a proposal. Additional matters may need to be addressed during the development assessment.

## AI.11 Variation to Controls

Council accepts it is not possible to plan for all development scenarios. The controls in this DCP have been designed to be as flexible as possible. However, there will inevitably be situations where strict compliance is not able to be achieved, and or alternate solutions are preferred.

Council may consent to a Development Application involving departure from a control contained within this DCP, but only where Council has considered a written request from the applicant that seeks to justify the departure by demonstrating:

- A. Compliance with the particular control within this DCP is unreasonable or unnecessary in the circumstance of the case; and
- B. The objectives of the particular control are met or sufficiently addressed; and
- C. There are sufficient environmental planning grounds to justify the departure from the particular control within this DCP; and
- D. The impacts of the non-compliant proposal will not be significantly greater than a compliant proposal or may enhance the outcome.

When making a case for a variation an applicant must consider the merits of the particular development site and what is being proposed. Providing an example where a similar practice has previously been applied at another site or location will not be considered to be an adequate justification for a variation. Variations greater than 15% of numerical controls will be determined at a Council meeting by Councillors. A fee is payable in these instances in accordance with Councils adopted Fees and Charges.

## AI.12 Developer Contributions

Development may create a need for public services and facilities, such as open space, community facilities, utilities, and traffic management. Needs will vary depending on the scale of the proposal, the characteristics of the area, the relevant population and standard and capacity of existing services.

[Section 7.12](#) of the EP&A Act is the principal legislation that enables Council to levy contributions for amenities and services. Contributions are imposed by way of a condition of consent and can be satisfied by:

- A. Dedication of land;
- B. A monetary contribution;
- C. A material public benefit; or

D. A combination of the above.

As an alternative to the payment of a Section 7.12 contribution for larger scale development, the applicant may offer to enter into a Voluntary Planning Agreement with Council. Acceptance of an offer is at the sole discretion of Council. Where Council decides not to accept the offer; payment of the Section 7.12 contributions will be required. Please review Junee Shire Council's s7.12 Levy Contributions Plan for more detail regarding developer contributions.

Council and Goldenfields Water County Council are both able to levy contributions for amenities and services under [Section 64 of the Local Government Act 1993 \(LGA 1993\)](#) and the [Water Management Act 2000](#) which enables both organisations to levy contributions towards water and sewerage utilities.

### AI.13 Definitions

This DCP adopts the definitions listed in the Dictionary within the Junee LEP 2012. In addition, some Parts, or Sections of this DCP may have additional definitions to assist in interpreting or controlling specific issues / outcomes.

### AI.14 Mapping of Planning Considerations of Land

Certain planning considerations, such as flooding, biodiversity or bushfire that affects certain land will determine the sections of this DCP that apply and are required to be addressed when proposing development. These issues have been mapped and can be found via various layers on the ePlanning Spatial Viewer. These layers are based on the mapping contained in the Junee LEP 2012. To find out if your land is affected by these considerations, use the following steps:

- Go to the [NSW Planning Portal ePlanning Spatial Viewer](#);
- Insert the address of the relevant property in the search bar at the top left;
- Use the Layer drop down box to search and toggle layers on and off.
- Additionally, use the icon to the right of the search bar to Generate a Property Report – this will provide a summary of all the planning controls that affect the subject site.

A user guide can be accessed at the top right-hand corner of the window to provide guidance on how to use the ePlanning Spatial Viewer.

Contact Council if confirmation is required of the applicability of any planning consideration to land within the Junee LGA.

### AI.15 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 is for use by Council and the public. The DCP is aimed to allow participation by the public in the development of Council policy. 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. Always seek independent advice in relation to property purchases or investment decisions. This information should not be relied upon in reaching a decision to purchase a

property or undertake development. Consideration of any s88B instrument that applies to a property should also be considered when planning proposed development.

### **AI.16 Acknowledgements**

Council acknowledges that Development Control Plans and other Policies prepared by Blayney Shire Council, Coolamon Shire Council, Murrumbidgee Council, Snowy Valleys Council and Wagga Wagga City Council were researched in the preparation of this DCP. A number of provisions have been used or adapted from these DCPs or Policies.



# Part B: Notification

## BI: Notification & Public Exhibition of Development Applications

### BI.1: Application of this Part

This Part of the DCP applies to all land within the Junee Local Government Area (LGA) except for applications that fall into one or more of the following categories:

1. Exempt development;
2. Complying development;
3. Designated Development;
4. State Significant Development;
5. Integrated Development; and
6. Section 68 applications.

The above categories of development have their own requirements for advertising in the [Environmental Planning & Assessment Act 1979 No 203 \(EP&A Act\)](#), the [Environmental Planning and Assessment Regulation 2021 \(EP&A Regulation\)](#) and the [State Environmental Planning Policy \(Exempt and Complying Development\) 2008 \(Codes SEPP\)](#) and alternate or additional arrangements may be made or apply.

### BI.2 Objectives for Notification & Public Exhibition of Development Applications

- 1) To define development that is either notified or advertised development.
- 2) To outline the procedures for notified and advertised development.
- 3) To outline other relevant related procedures for Development Applications.
- 4) To ensure a consistent, transparent and effective development assessment process.
- 5) To provide an opportunity for public participation in the Development Application process.

### BI.3 Definitions

**Notified development** is where Council writes to owners of properties identified as requiring notification, advising of a proposed development, using Australia Post. Landowners may also elect to provide Council with an email address, which Council will utilise in addition to physical copies of notification sent by mail.

**Advertised development** is where Council, in addition to writing to owners of properties identified as requiring notification, places a notice on the Junee Shire Council website via the Application Tracking section. Additionally, development applications requiring advertisement will be exhibited on the Planning Portal.

## B2 Notified Development

### B2.1 Development Not Requiring Notification

Council or its delegated officers may decide not to follow the notification procedure in this DCP if the proposed Development Application (DA) is compliant with all of the legislation and controls in the Junee LEP2012 and this DCP (where relevant) and is:

1. A single storey dwelling house;
2. An addition to a single storey dwelling house;
3. Additions such as an open carport, pergola, or verandah;
4. Private swimming pool;
5. A detached garage or shed/outbuilding associated with a dwelling house that is behind the building line;
6. Any building on land within Zone RUI Primary Production where the land has an area greater than 5 hectares and/or the building is greater than 100 metres from a boundary with a different owner;
7. Subdivision creating less than 5 lots within Zones RUI Primary Production
8. Subdivision creating 1 additional lot only within Zones R5 Large Lot Residential and RU5 Village;
9. A boundary adjustment;
10. Commercial development or light industry within Zones IN2 Light Industrial or on a lot that does not adjoin an existing dwelling or a residential zone;
11. Development considered to have nil or minor impacts on adjoining landowners; and
12. A development that relates to a Section 4.55 of the Environmental Planning & Assessment Act 1979 (EP&A Act), being a modification that is a result of a condition imposed on an existing Development Application that has previously been notified in accordance with this DCP.

The above exemptions only apply if the proposed development is on a lot that is not a heritage item or in an identified heritage area.

All other development will require notification in accordance with this DCP.

### B2.2 Who will be Notified?

For Development Applications requiring notification under this DCP, written notification of the proposed development may be provided to:

1. The owner(s) and occupier (if different) of land immediately adjoining to the side and rear boundaries of the subject site;
2. The owner(s) and occupier (if different) of land adjacent to the subject land, including land that is separated from the subject site by a road, pathway, driveway, waterway and railway or similar thoroughfare;
3. The owner(s) and occupier (if different) of any other land which may, in the opinion of Council or its delegated officers, be affected by the proposed development, having regard to any relevant matter for consideration under Section 4.15 of the EP&A Act; and
4. Any other relevant stakeholder including utility providers and or government agencies.

## B2.3 Information to be Included with Notification Letters

For Development Applications requiring notification to landowners under this DCP the following information shall be included in the written notification letter to any person(s) entitled to be notified:

1. Council's Development Application Number;
2. The address, lot and deposited plan numbers of the land on which development is proposed to be carried out;
3. A brief description of the proposed development;
4. The name of the applicant;
5. The invitation to make a written submission, details of where the application can be inspected and the time within written submissions must be received by Council;
6. Advice that the substance of written submissions may be included in a report to Council and a copy of the submission (private information redacted) may be publicly available as an enclosure to the Council report;
7. Advice that Council is subject to the Government Information (Public Access) Act 2009 and that copies of written submissions may be made available to any persons entitled to lodge an application under this legislation (copies will withhold the identity of the submission maker); and
8. All notification letters may be accompanied by site and elevation plans and the Statement of Environmental Effects that are lodged with the Development Application. *Note: Floor plans or internal plan layout of residential development will not be provided.*
9. Where the proposal does not involve the erection of a building, a plan showing the general arrangement of development in relation to the site on which it is to be carried out.

## B2.4 Notification Period

For Development Applications requiring notification under this DCP, a notification period of not less than 14 days shall be provided by Council commencing from the day following the date of the notification letter. Days, for the purposes of this DCP, do not include public holidays.

The period for notification and exhibition of Development Applications may be extended up to 28 days during traditional holiday periods (e.g. December and January).

## B3 Advertised Development

### B3.1 What Development will be Advertised?

In addition to any requirements for advertising under state or federal legislation, the following kinds of development may be advertised:

1. Demolition of a building identified as a heritage item in Schedule 5 of the Junee LEP 2012;
2. Use of a heritage item for a purpose prohibited within the zone, as provided by clause 5.10(10) of the Junee LEP2012;
3. Major Council projects that are considered to be of significant community interest;
4. Subdivision creating 20 or more allotments;

5. New development for the purpose of: multi dwelling housing; residential flat buildings; seniors housing; hostels; boarding houses; group homes;
6. Development likely to have a significant impact on surrounding properties including intensive livestock agriculture; livestock processing industries; heavy industries; heavy industrial storage establishments; stock & sale yards; sex services premises; or restricted premises; and
7. Any development identified by Council staff considered relevant to be advertised in the public interest.

### **B3.2 Public Exhibition Period**

Where a Development Application is required to be placed on public exhibition under this part of the DCP, the Application shall be made available for inspection for a period of not less than 14 days, commencing from the date on which the public exhibition notice was first placed on the Council website.

The period for notification and exhibition of Development Applications may be extended up to 28 days during traditional holiday periods (e.g. December and January).

### **B3.3 Information to be Publicly Exhibited**

For Development Applications requiring public exhibition under this DCP the following information shall be included in the public exhibition notice:

1. Council's Development Application Number;
2. The address, lot and deposited plan numbers of the land on which development is proposed to be carried out;
3. A brief description of the proposed development;
4. The name of the applicant;
5. The invitation to make a written submission, details of where the application can be inspected and the time within written submissions must be received by Council;

During the public exhibited period, Council must make available for inspection the following extracts of the Development Application to any interested persons. This information shall include:

1. Site Plan and Elevation Plans that are lodged with the Application (*Note: No floor plans/internal layouts to be provided*);
2. The Statement of Environmental Effects that is lodged with the Application; and
3. Any other documents that are relevant.

### **B3.4 Making of Submissions during the Notification and Advertising Period**

Submissions in respect of a Development Application notified or advertised under this DCP must be received by Council within the period designated or alternatively within such additional period as may be determined by Council or its delegated officers.

A submission may be made by any person whether or not that person has been or is entitled to be given notification of the proposed development under this DCP. A person does not have to be an adjoining landowner or land occupier in order to make a submission.

Submissions must be made in writing and must clearly indicate the following:

1. Name and address of the person making the submission, including phone and email address. Anonymous submissions will not be considered; and
2. The submission should relate directly to the proposed development and if the submission is by way of objection, it must state the reasons for objection.
3. Any submission received by Council may be:
  - a. Summarised and issues referred to the applicant for consideration;
  - b. Subject of freedom of information requests under the Government Information (Public Access) Act 2009 (copies will withhold the identity of the submission maker);
  - c. Summarised as part of an Assessment Report in Council Business Papers; and
  - d. Included as submitted in Council Business Papers.

All submissions should be addressed to:

The General Manager  
Junee Shire Council  
PO Box 93  
JUNEE NSW 2663

The Council will accept submissions by post or hand delivered letter or email – at [jsc@junee.nsw.gov.au](mailto:jsc@junee.nsw.gov.au).

### **B3.5 Consideration of Submissions during the Notification and Exhibition Period**

Where a submission is received during the period in relation to a Development Application that has been notified or advertised under this DCP, Council must consider that submission prior to the Application being determined.

Council or its delegated officers may consider a submission received outside of the period allowed for making submissions under this Plan, provided the Development Application has not already been determined. Consideration of any such submission is at the discretion of the Director Planning & Community Development.

Submissions received by Council in relation to a Development Application that has been notified or advertised under this Plan will be considered in full as part of an Assessment Report for the proposed development.

### **B3.6 Notification of Determination of Development Applications**

Any person(s) who makes a submission in relation to a Development Application that is notified or advertised under this DCP must also be provided with written notification of the Council's determination of the Application as soon as possible after that determination has been made.

## **B4 Amendments to Notified and Advertised Development**

For Development Applications amended post notification/advertising period and at any time prior to determination, the Development Application will only be re-notified/advertised in accordance with

this DCP if it is considered by Councils delegated officers that there will be additional or significantly altered likely environmental or amenity impact.

## B5 Modification Applications

The requirements where Council receives a Modification Application under Section 4.55 of the EP&A Act in relation to an existing development consent is as follows:

### Section 4.55 (1) Modification

Applications are not required to be notified or placed on public exhibition.

### Section 4.55 (1A) Modification

Applications are not required to be notified or placed on public exhibition.

### Section 4.55(2) Other Modifications

Council is required to follow normal notification / advertising procedures in accordance with the requirements of this DCP, but only where the original Development Application was also notified/exhibited. All persons who made submissions in relation to the original application will be notified, where possible.

The EP&A Act and EP&A Regulation specify additional exhibition and notification procedures for Section 4.55(2) Modification applications.

### Section 4.56 Modification

Council is required to follow normal notification / advertising procedures in accordance with the requirements of this Plan, but only where the original Development Application was also notified/advertised. All persons who made submissions in relation to the original application will be notified, where possible.

## B6 Review of Determinations

Where an applicant requests Council to review a determination of a Development Application in accordance with the requirements of [Section 8.2 - 8.5 of the EP&A Act](#), the application must be notified and / or re-exhibited in the same manner as the original application. All persons who made submissions in relation to the original application must also be notified, if possible.

The Environmental Planning & Assessment Act 1979 and Regulations (as amended) specify additional advertising and notification procedures for Section 8.2 - 8.5 Review Applications.

If, however, in the Council's opinion, the alteration is of a minor nature, the Council may choose to dispense with the giving of notification in respect of that review.

## B7 Petitions

Where petitions are received in respect to Development Applications, Section 4.55 Modification Applications or Section 8.2 – 8.5 Review Applications, the head petitioner or where not nominated the first petitioner will be designated. Only the head petitioner will be contacted by Council regarding

the application. Those people signing petitions are encouraged to lodge an individual submission as petitions will be regarded as a single submission, regardless of the number of signatories.

## **B8 Notification Fees**

Please refer to the adopted fees and charges in the current version of Council's Rate, Fees and Charges.

# Part C: Residential & Rural Residential Development

## CI Introduction

### CI.1 Application of this Part

This Part applies to development applications for a wide range of dwellings<sup>1</sup>, dwelling houses<sup>2</sup> or residential accommodation<sup>3</sup> types and associated ancillary development like outbuildings, sheds etc. and alterations and additions to these buildings.

Reference is made to areas of Junee in this part that include the Crawley Estate and Tathra Drive Estate. These areas are shown in the figure below.

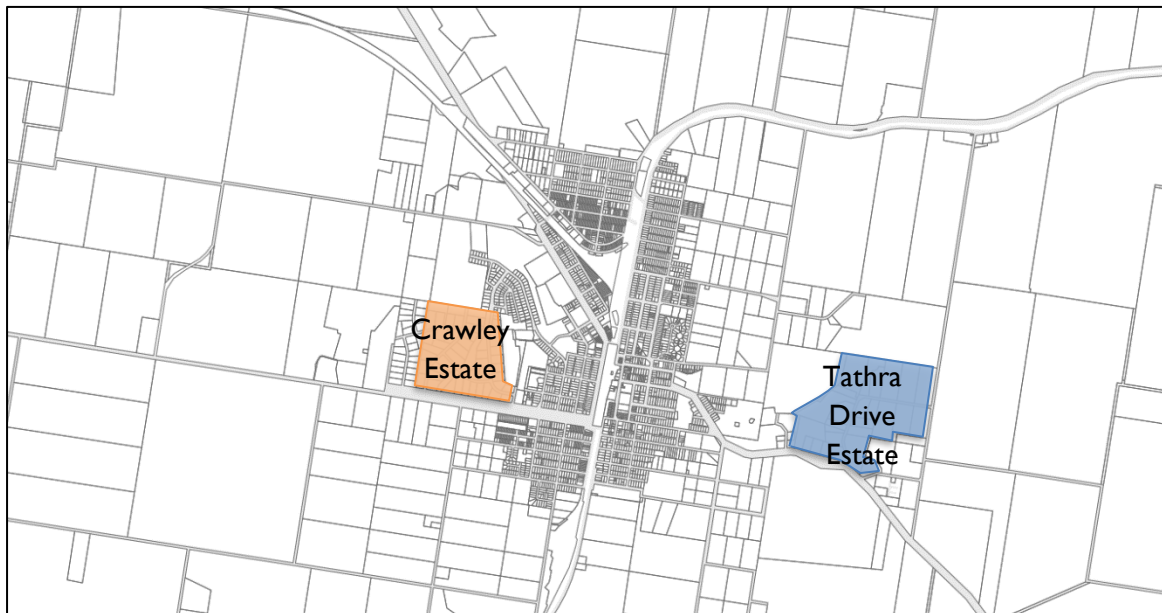


Figure 3: Tathra Drive and Crawley Estates

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<sup>1</sup> **dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

<sup>2</sup> **dwelling house** means a building containing only one dwelling.

<sup>3</sup> **residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following—attached dwellings, boarding houses, dual occupancies, dwelling houses, group homes, hostels, multi dwelling housing, residential flat buildings, rural workers' dwellings, secondary dwellings, semi-detached dwellings, seniors housing, shop top housing, but does not include tourist and visitor accommodation or caravan parks.



## CI.2 Other Parts of this DCP

Whilst Council has attempted to consolidate most of the controls relating to residential development in this Part, other Parts of this DCP may also apply depending on the type of development being proposed and the site constraints including, but not limited to:

- Part E – Other Land Uses (other land uses including, but not limited to, advertising & signage);
- Part F – Subdivision (where you are also proposing some type of subdivision of your land);
- Part G – Environmental Management & Hazards (depends on site constraints and potential impacts);
- Part H – Heritage (where the site is a heritage item or is in a conservation area or near a heritage item).

## CI.3 Setback Definitions

These definitions apply to Part C3 – Single Dwellings in Urban Areas and Part C6 – Medium Density Dwellings:

1. Allowable encroachments: Side and rear setbacks and setbacks from the boundary with a road do not apply to 'allowable encroachments' permitted under clause 3.7.1.7 of Volume 2 of the National Construction Code (NCC) or any eave or roof overhang that has a horizontal setback of not less than 450mm from a boundary.

'Allowable encroachments' include the fascia, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas meters, aerials, antennae, pergolas, sun blinds, unroofed terraces, landings, steps and certain ramps.

2. Existing Dwellings: These setbacks do not apply to alterations and additions to an existing dwelling that does not meet these setbacks as long as the setbacks are not further reduced by the alterations and additions and National Construction Code requirements are met.
3. Adjacent Dwelling Setbacks: When calculating setbacks based on the average of adjacent dwellings, the adjacent dwellings should be within 40m of the proposed site boundaries. Adjacent battle-axe lots (a lot that is accessed by an access handle rather than a full road frontage) can be disregarded and excluded from this calculation.
4. Variation to Setbacks: Council may consider a setback reduction where the applicant can demonstrate:
  - a. An adjoining dwelling is creating a significant anomaly in the average setback compared to the average of setbacks in the street or comparable streets; or
  - b. The shape of the lot and/or site constraints affect the placement of a building; and
  - c. There is sufficient setback for privacy and amenity of neighbouring dwellings and no significant impact on the consistency of built form in the street or road functions; and
  - d. National Construction Code requirements are met including, but not limited to, fire rating; and
  - e. Part AI.11 – Variations to Controls is addressed.

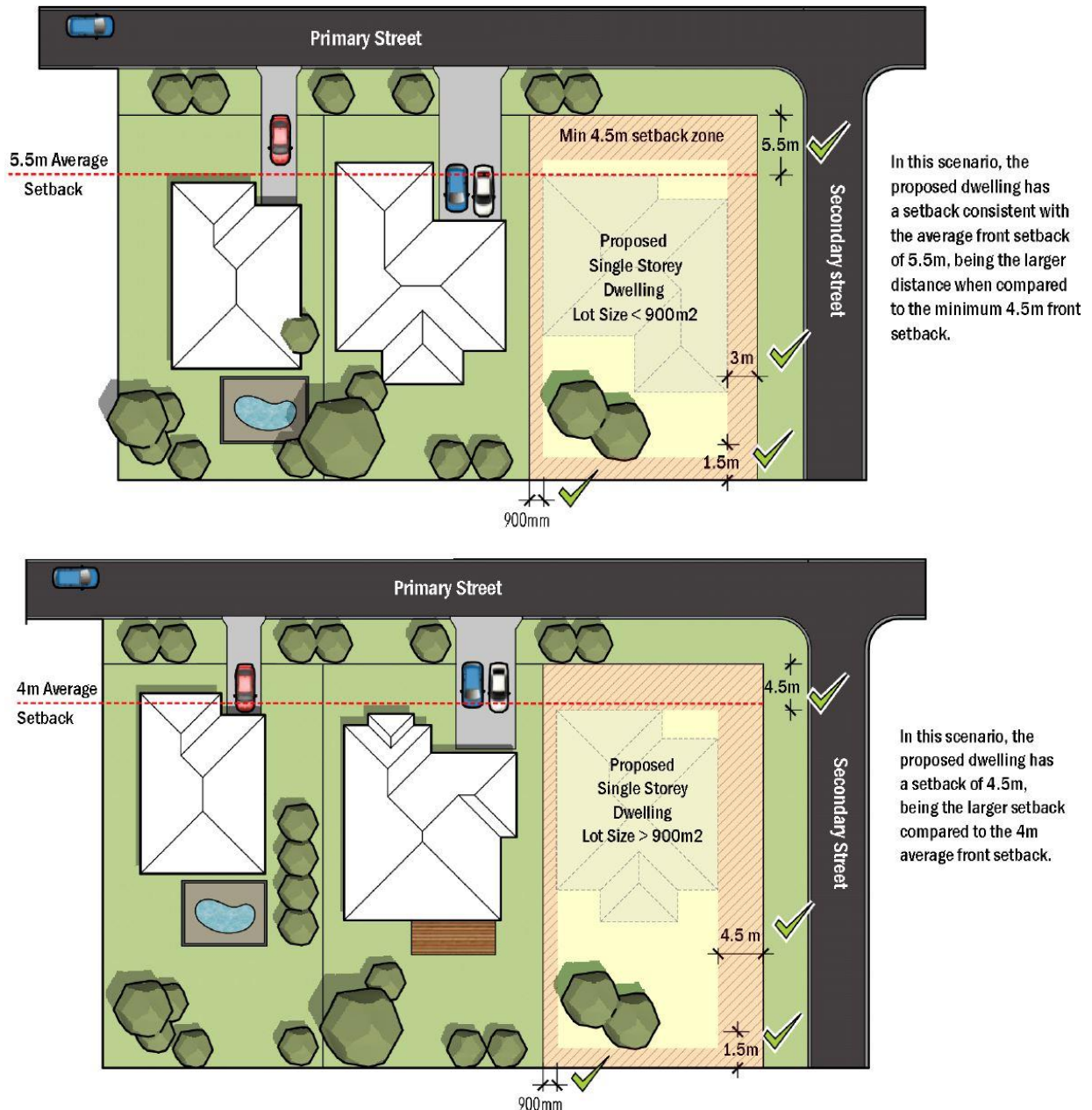


Figure 4: Setback Calculation Diagrams

## C2 Site Planning, Earthworks and Utilities

This section applies to all development that involves new development, earthworks<sup>4</sup>, or new connections to utilities, and may be applied at the discretion of Council.

For any development (other than minor alterations and additions to an existing building) one of the most important steps in preparing an appropriate design is the Site Planning stage where the location of any building/structures/works, its orientation, and how it responds to site opportunities and constraints is determined (prior to detailed design). It is also important to consider the location and costs of connection and/or construction of utilities at the Site Planning stage.

<sup>4</sup> **earthworks** means excavation or filling.

## C2.1 Site Planning

### Objective:

1. Ensure the design of any significant new development is based on a site analysis of any relevant opportunities and constraints of the site, taking into account any other relevant controls in the Junee LEP 2012 and this DCP, and:
  - a. Considers and responds to the topography, drainage, climate and natural environment of the site;
  - b. Avoids, or if it cannot reasonably avoid, minimises or mitigates against natural hazards
  - c. Avoids or minimises incompatible land uses;
  - d. Protects and enhances any heritage items or heritage conservation areas;
  - e. Integrates with the surrounding built form and landscape character; and
  - f. Maintains residential amenity for the site and adjacent dwellings, within the existing form, context and precedent of the locality.

The preparation of a site analysis plan that identifies the key features and constraints of the site, as outlined above, will aid in addressing the requirements of this section.

## C2.2 Water and Energy Efficiency

### Objective:

1. Promote dwelling design that is water and energy efficient, thermally comfortable, and minimises the need for mechanical heating and cooling in accordance with NSW State Government requirements and guidelines.

### Performance Criterion:

1. A BASIX Certificate may need to be submitted with the Development Application in accordance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, prepared either by the applicant or a suitably qualified consultant.

## C2.3 Earthworks

### Objectives:

1. To ensure earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, or cultural or heritage items.
2. To minimise cut and/or fill of sites and potential erosion and sediment entering stormwater systems or watercourses or impacting on adjoining properties. Earthworks may be exempt or complying development under [SEPP \(Exempt and Complying Development Codes\) 2008](#). Review legislation for works that can be conducted under the provisions of that SEPP.
3. Avoid contaminated fill being relocated or used on sites. Ensure all contaminated fill is disposed of appropriately

### Performance Criteria:

1. Cut and/or fill should be minimised by appropriate site planning, building orientation and design, taking into account the slope of the site, proximity to adjacent properties and environmentally sensitive areas, access, utilities and drainage requirements.

The maximum cut and fill on site is not to exceed + or – 1200mm. Larger cut may be permitted where directly associated with the building design, e.g. basement garage.

Where practical, retaining walls should incorporate terracing in accordance with Figure 5 & 6 and not exceed a height of 600mm. The separation between adjacent retaining walls should be twice the height of the tallest retaining wall.

In cases where there are significant site constraints due to an irregular or small size lot and a taller retaining structure is the lone option the council may consider via a variation to this DCP a suitably designed alternative from a structural engineer having regard to structural adequacy, adjoining properties, subsurface drainage to the street, appearance, and landscaping.

Where there are restricted setback conditions to side boundaries of less than 3.6m the requirement for terracing is not required.

On corner lots where the restricted setback conditions to secondary boundary is less than 3.6m the requirement for terracing is not required. The council may require the installation of safety features in such situations.

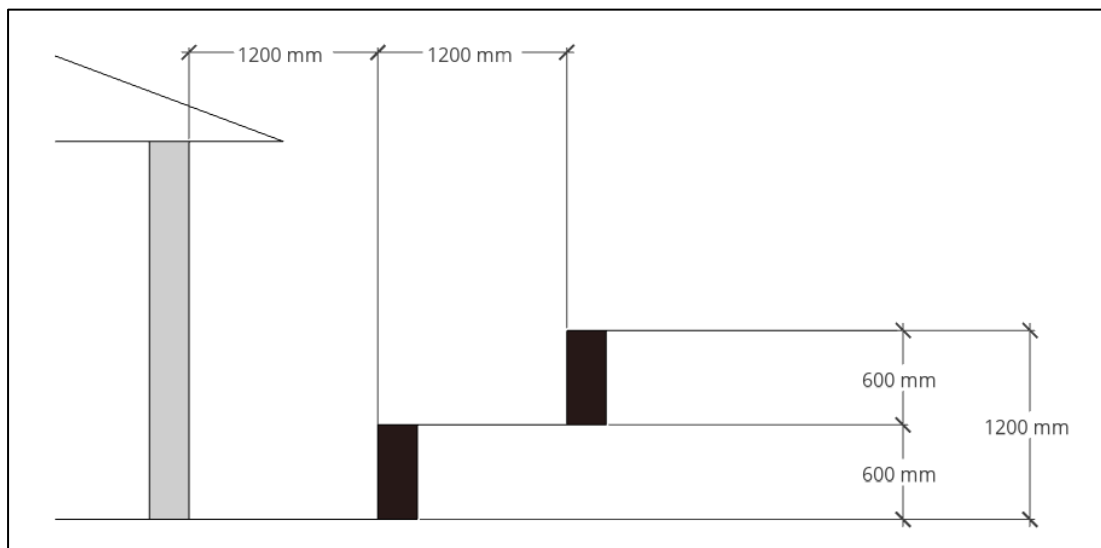


Figure 5: Cut Diagram

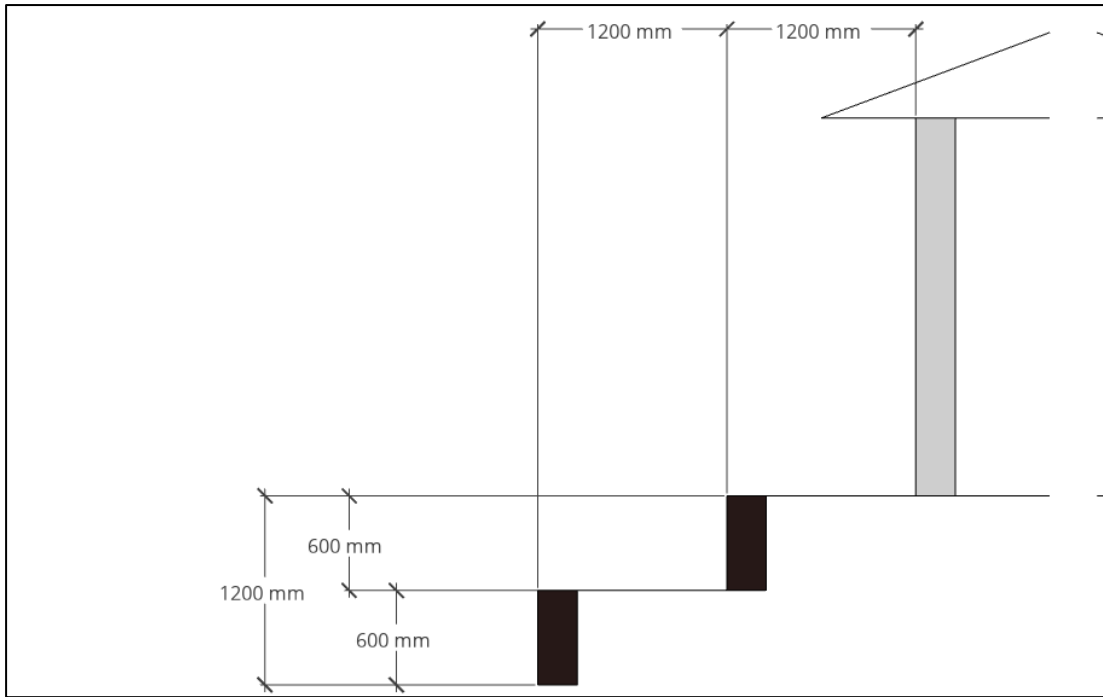


Figure 6: Fill Diagram

2. Cut and/or fill for residential uses greater than 600mm in depth or height, and/or closer than one (1) metre to a lot boundary may require additional design certification to avoid impacts on adjacent properties.
3. Retaining walls must be suitably designed to allow drainage from behind the structure
4. Batter slopes of 3:1 that are suitably landscaped are preferred if retaining walls are not proposed.
5. Applicants must identify in the SEE if cut and/or fill will result in the net export or import of fill from sites other than the subject site and demonstrate that fill requirements meet the EPA regulation of fill material.
6. All earthworks and site preparation should employ appropriate measures to mitigate erosion and sediment runoff entering Council's stormwater infrastructure. The EPA guide *Managing Urban Stormwater: Soils and construction - Volume 1* should be used to determine what measures are appropriate for development. The type and location of these measures should be identified where relevant in any submitted supporting documentation or plans.

## C2.4 Utilities

### Objectives:

1. All buildings and structures must be located and designed so they do not obstruct access to, or impact on the safe operation of, existing or proposed utilities such as sewer, stormwater, water, electricity, gas, and telecommunication, whether above ground or underground.
2. To address the requirements of Clause 6.9 - Essential Services in the Junee Local Environmental Plan 2012.
3. To ensure new developments are appropriately serviced depending on service availability.
4. To require development to connect to and support existing utility infrastructure in accordance with service provider's requirements and guidelines.
5. Where reticulated services are available within reasonable proximity to the lot, any new buildings must connect to those reticulated services unless the applicant can demonstrate why

that connection would not be appropriate and/or propose an alternative system that is acceptable to Council.

6. Minimise the visual impact of any new utilities, connections, or associated structures if visible from public areas.
7. To ensure dwellings have sufficient potable water to cater for the number of people/ likely consumption and any ancillary uses.

Performance Criteria:

1. Permanent buildings or structures or works must not be located over or in the vicinity of an easement without express written authorisation from the responsible utility authority.
2. Where an easement does not exist, the structure must be located a minimum distance equivalent to the invert depth of the pipeline plus one (1) metre from the known utility location, and in accordance with the relevant utility authority requirements.
3. All dwellings in Zone RU5 Village and R5 Large Lot Residential must connect to reticulated services where available or directed to by Council.
4. New development must be connected to Essential Energy electricity infrastructure, unless the applicant can demonstrate a sufficiently sized and appropriate alternative system to meet the reasonable needs of that type of development.
5. All utilities must be installed and/or connected in accordance with the relevant Council guidelines or the requirements of the appropriate utility provider.
6. Utilities should be located underground (particularly in heritage conservation areas or main streets) or utilise existing poles (at the discretion of Council) unless other constraints make this unsuitable.
7. Utility boxes and cabinets (e.g. electricity substations, meter boxes etc.) on private land are to be integrated into the development and screened, where appropriate.
8. Dwellings reliant on rainwater for drinking water must have a minimum tank capacity of 60,000L or the requirements set out in the BASIX Certificate (whichever is greater). Additional capacity may be required for garden watering and other purposes.
9. Where direct discharge of stormwater to specific Council stormwater infrastructure such as kerb and gutter or inter-allotment drainage cannot be achieved, or when such infrastructure is not provided on sites within the RU5 Village zone, the development must include an onsite stormwater detention tank with reduced flow outlet installed and connected to all (new and existing) roof areas over 20sqm.

The required detention tank size shall be calculated at 2500L per 100sqm of roof area, or part thereof. The maximum diameter of the reduced size outlet shall not exceed 20mm.

This detention capacity is to be provided in addition to any rainwater retention or domestic storage to fulfill BASIX or Council requirements.

Contact Council to determine whether this requirement will apply to your development.

## C2.5 Residential Waste Management

Objectives:

1. To ensure all new development has an appropriate liquid waste management system to protect public infrastructure and the environment.

2. To ensure all solid waste is collected and disposed of at an appropriate waste management facility, preserving the amenity and safety of residential development.

Performance Criteria:

1. All residential development is required to connect to a reticulated sewage system, in accordance with the Local Government Act 1993.
2. Where a lot is unable to connect to a reticulated sewage system, the applicant must provide an Effluent (Geo-technical) Report prepared by a suitably qualified geo-technical engineer that supports the design, size and location of any on-site system in accordance with any relevant Australian Standards and Part G2.5 On-Site Effluent Disposal of this DCP.
3. Any water for reuse-use must be treated in accordance with the relevant NSW Health Guidelines and any other relevant Australian Standards using certified systems and may need to be addressed in an Effluent (Geo-technical) Report.
4. Applicants must determine (in consultation with Council) what solid waste collection services are available, other appropriate methods of disposing of solid waste and suitable storage location(s).

## C2.6 Letterboxes and Street Numbering

Objectives:

1. All properties are accurately identifiable by clearly visible street numbers to aid in the delivery of mail and access by emergency services.

Performance Criteria:

Separate letterboxes for each dwelling must:

1. Be located where it is easily visible from the road frontage and accessible for Australia Post employees;
2. Be clearly marked with the correct house number;
3. Provide an additional letterbox for the Owners' Corporation for Strata/Community Title (if required).
4. Each dwelling must have an appropriate street number that is clearly visible from the street (as determined by Council).
5. Rural properties must clearly display a rural addressing number at the main access point/s (as determined by Council)

## C3 Single Dwellings in Urban Areas and Villages

This section applies to development applications for new single dwelling houses, semi-detached dwellings<sup>5</sup>, or attached dwellings<sup>6</sup> (where there is a single dwelling house on any lot) or alterations and additions to these existing dwellings in:

1. Zone RU5 Village
2. Zone R5 Large Lot Residential - where lots are identified as being part of the Tathra Estate, the Crawley Estate or Wantabadgery

### C3.1 Dwelling Siting and Setbacks

#### Objectives

1. To increase residential amenity for both the proposed dwelling(s) and adjacent dwelling(s) through appropriate building separations that minimise overshadowing and maximise privacy of primary living and open spaces and separation from noise sources.
2. To provide sufficient building separations or design mechanisms for fire protection in accordance with the National Construction Code (NCC).

#### Performance Criteria:

1. Dwelling setbacks should be provided in accordance with the table below. Development elements to which road setback do not apply include:
  - a. Entry feature or portico
  - b. Balcony, deck, patio, pergola, terrace or verandah
  - c. Window box treatment
  - d. Bay window or similar feature
  - e. Awning or other feature over a window
  - f. Sun shading feature
  - g. An eave, if constructed within 1m of the dwelling
  - h. Driveways, paths or paving
  - i. Retaining walls
  - j. Sheds or Outbuildings

Locality	Primary Street Front Setback	Secondary Street/Corner Lots	Side Boundary	Rear Boundary
Crawley Estate	20m	20m	10m	10m
Tathra Estate	20m	20m	10m	10m
RU5 Village Zone	4.5m for lots to 1500sqm or average	3m for lots to 1500sqm	900mm or NCC for ground level	NCC standard

<sup>5</sup> **semi-detached dwelling** means a dwelling that is on its own lot of land and is attached to only one other dwelling.

<sup>6</sup> **attached dwelling** means a building containing 3 or more dwellings, where— each dwelling is attached to another dwelling by a common wall, and each of the dwellings is on its own lot of land, and none of the dwellings is located above any part of another dwelling.



	setback of adjacent dwellings, whichever is greater 10m for lots >1500sqm or average setback of adjacent dwellings, whichever is lesser	5m for lots >1500sqm	1.5m for second level	
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2. Attached Garages/Carports: must:

- a. Be located at least 0.5m behind the front building line or 5.0m from the front boundary and not forward of the front building line of the dwelling; and
- b. not exceed:
  - i. 50% of the front elevation of the building; or
  - ii. Garage door 6 metres in width  
whichever is greater.
- c. Attached carports in the front setback of existing buildings will need to demonstrate there are no other suitable locations and address the visual impact.

### C3.2 Site Coverage

Objective:

- I. All dwellings must provide sufficient site area without impermeable, hard surfaces:
  - a. To encourage development that responds to the site opportunities and constraints;
  - b. To avoid overdevelopment of the site and protect the area character;
  - c. To protect existing significant trees and their root systems and promote additional landscaping;
  - d. To allow for infiltration of water, and significant landscaping and plantings;
  - e. To provide ground level open spaces and recreation areas;
  - f. To encourage passive solar design and energy efficiency; and
  - g. To maximise building separations and residential amenity and privacy.

Performance Criterion

- I. Driveways and off street parking shall occupy no more than 50% of the area of the lot

### C3.3 Height and Scale

Objectives:

- I. To ensure the height and scale of proposed dwellings and ancillary buildings is sympathetic or consistent with the existing and/or desired future character of urban streets and adjacent buildings.

Performance Criteria

- I. For dwellings in the RU5 Village Zone, a maximum of height of two storeys, or 8.5m, are permitted

2. Where there is a steeply sloping site, the proposed building design should not protrude from the landscaping but be staggered or stepped down the natural slope of the land, where possible. Alternative foundations to on ground slabs will be considered on sloping sites.
3. Where a dwelling is:
  - a. Greater than two storeys in height; or
  - b. Greater than 8.5m in height (measured from existing ground level to the highest point of the building excluding antennae or chimneys or similar); or
  - c. Less than the setbacks prescribed above,

Then the applicant must demonstrate the following:

- i. How the height and scale of the building fits within the existing and/or desired street character of the area;
- ii. That it will comply with the visual and acoustic privacy requirements of this Section; and
- iii. That there is at least 2-3 hours solar access to key living spaces/private open spaces of the proposed/adjacent dwelling(s) at the winter solstice (21 June) between 9am and 3pm (through the provision of Shadow Diagrams).

### C3.4 Building Elevations

Objective:

To promote variations in building elevations (especially those facing street frontages) to:

1. Minimise the bulk and scale of larger buildings;
2. Avoid large blank walls and facades and provide visual interest;
3. Encourage casual surveillance of public spaces for safety; and
4. Integrate with the desired character of the area and street.

Performance Criteria

1. Building facades facing a public road cannot have large areas of blank wall(s) and must incorporate:
  - a. Window(s) to a habitable room facing the street to allow for casual surveillance of any street frontage;
  - b. Variation of materials and/or colours on larger surfaces;
  - c. Variation of building setback and roof lines;
  - d. Any other articulation acceptable to Council.
2. Side elevations visible from a public road or place should not be blank for more than 10m without a feature listed above.
3. External materials must have low reflectivity if they are visible from a public road or neighbouring dwelling and there is a reasonable probability of glare affecting driver safety, residential amenity, or the building being too visually intrusive. Factory pre-coloured non-reflective materials are preferred (or galvanised iron where required by Council).

## C3.5 Noise and Visual Privacy

### Objective:

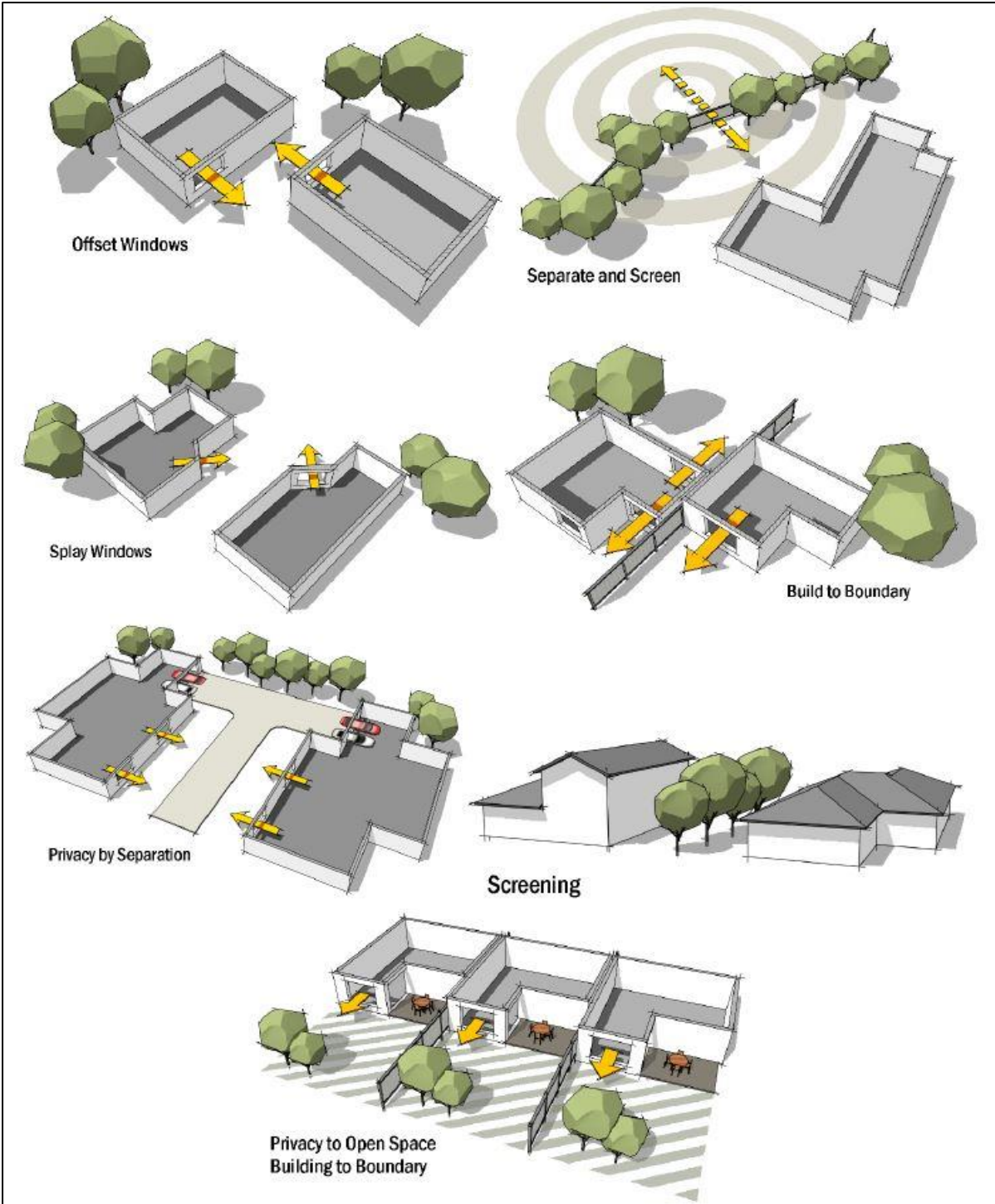
1. To increase residential amenity for both the proposed dwelling and adjacent dwelling(s) through reasonable building separations and window alignments that minimise noise impacts and maximise privacy of primary living and open spaces.

### Performance Criteria

#### Development that:

1. Is greater than one-storey in height; or
2. Has habitable room windows of adjacent dwellings within a distance of 9 metres; or
3. Where there is a risk of overlooking of adjacent properties due to floor and window sill levels higher than fences / adjacent properties; or
4. That does not meet the minimum building setbacks,

Must be designed to locate and size windows to habitable rooms or balconies to avoid looking directly into windows, balconies, courtyards, and primary private open space(s) of adjoining dwellings or demonstrate how overlooking will be minimised. Screening, translucent glazing and other design solutions may be used to minimise privacy impacts where suitable.



**Figure 7:** Noise and Visual Privacy Potential Performance Solutions

## C3.6 Fencing

### Objective:

1. Fencing must seek to balance security and privacy with the community need for new development to:
  - a. Provide opportunities for casual surveillance of the street;
  - b. Avoid large solid fence sections unsympathetic to the street character;
  - c. Ensure sightlines for vehicle and pedestrian safety.

### Performance Criteria

1. Height (Front Fences): Fences within the front primary setback area to the building line are to:
  - a. Be a maximum 1.2m high above existing ground level
  - b. Be open for at least 20% of the area of the fence that is more than 400 millimetres above ground level (existing), with any individual solid elements of the fence above this height being no more than 350 millimetres in width with a minimum aperture of 25 millimetres
  - c. if constructed of metal components – be of low reflective, factory pre-coloured materials
  - d. Not have a gate that opens outwards onto the road reserve
  - e. Not to be electrical fence or barbed wire
2. Height (Corner Allotments): Fences on corner allotments forward of the front building line must:
  - a. Be either splayed, set-back, reduced in height or semi-transparent to maintain visibility for motorists and views of the front of the house
  - b. Not be higher than 1.2 metres above ground level (existing) for a length of not less than 50% of the secondary road boundary, measured from the corner with a primary road
  - c. If it includes an entrance gate – not have a gate that opens outwards onto the road reserve
  - d. If constructed of metal components – be of low reflective, factory pre-coloured materials
  - e. Not be an electrical fence or barbed wire.
3. Height (Other Fences): Other side or rear boundary fences may
  - a. be up to 1.8m high
  - b. not be of masonry construction to a height that is more than 1.2 metres above ground level (existing)
  - c. If constructed of metal components – be of low reflective, factory pre-coloured materials
  - d. Not be an electrical fence or barbed wire.
4. Fences on Sloping Sites: Fences on sloping sites that are stepped to accommodate the fall in the land may
  - a. For fences that are required to be not more than 1.2 metres in height shall not exceed 1.5 metres above ground level (existing) at each step, and
  - b. For fences that are required to be not more than 1.8 metres in height shall not exceed 2.2 metres above ground level (existing) at each step.

5. **Materials:** The materials for street frontage fences must be consistent with or sympathetic to those used in adjoining developments, particularly when located in a heritage conservation area, adjacent to a heritage item or on a main street
6. **Surface Water:** Fencing must not redirect the flow of surface stormwater or floodwaters onto an adjoining property.
7. **Flood Prone Land:** If the land is affected by flood related development controls, the fence types must be designed to allow flood conveyance and prevent additional flooding on adjacent properties.

### C3.7 Landscaping and Private Open Space

#### Objective:

1. To ensure all dwellings are provided with appropriate areas of landscaped private open space that promotes recreation, environmental, privacy benefits, reduces the visual impact of buildings and allows water infiltration

#### Performance Criteria:

1. **Water & Energy Efficiency:** Landscaping must comply with that shown on the approved BASIX Certificate for the dwelling.
2. For the Crawley Estate, outdoor service areas such as clothes drying are to be sited on the lot so as not to be directly visible from an adjoining property or public place
3. For the Crawley Estate, a small courtyard (not forward of the building line) and contiguous with the dwelling of no more than 400sqm may be fenced with solid materials for the purposes of private open space and/or screening of service areas

## C4 Large Lot & Rural Dwellings

This section applies to applications for a new dwelling house or dual occupancies (or alterations and additions to existing dwelling houses or dual occupancies) in:

1. Zone RUI Primary Production
2. Zone R5 Large Lot Residential - where not identified in the Tathra Estate, Crawley Estate (as identified in Figure 3) or Wantabadgery.

### C4.1 Building Setbacks

Objective:

1. To maximise residential amenity on larger lots with appropriate setbacks from road noise and/or dust and visual and acoustic privacy between adjacent dwellings.

Performance Criteria:

Setbacks in RUI and R5 Zones are to meet the minimum setback requirements as identified in the table below. The setback distances do not apply to sheds or outbuildings. Setback distances do not apply to additions and alterations to existing dwellings in the RUI zone, where the setback distances in Section C3.1 will be applied. Additional setback distance may be required where there is a higher risk of conflict including, but not limited to:

1. public roads/noise,
2. adjacent unsealed driveways/dust,
3. proximity of other dwellings,
4. buffers to intensive agriculture or other activities,
5. watercourses, and
6. bushfire prone areas or other matters discussed in this Section.

Zone	Primary Street Front Setback	Secondary Street/Corner Lots	Side Boundary	Rear Boundary
RUI Primary Production	20m	20m	50m	50m
R5 Large Lot Residential	20m	20m	10m	10m

### C4.2 Building Siting and Buffers

Objectives:

1. Land Use Conflict: To minimise conflict between land uses within this zone and land uses within adjoining zones, particularly impacts on agricultural activities from demands for residential amenity, by appropriate building siting, setbacks and landscaping buffers.
  - a. Buffers can be in the form of simple setbacks between developments. Dense tree plantings may be required to provide a more effective barrier. Consideration may also be had for topography, noise, and prevailing winds etc.
  - b. The extent of the buffer required will also be determined by the type of impact from which protection is sought (e.g. odour, noise, dust, chemical spray drift etc.).

- c. Council supports the 'right to farm', so standard agricultural activities on rural lands must not be impacted by locating more sensitive dwellings in close proximity to adjacent farms.
2. Rural Setting: To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality through appropriate building siting, height, scale, and use of materials that blend into the natural environment.
3. Environment: To ensure all buildings are sited in locations where impacts from natural hazards or impact to environmentally sensitive areas are avoided, or if not avoided, mitigated and minimised.
4. Amenity: To protect and enhance the residential amenity of the proposed dwelling(s) and any adjacent dwelling(s) on neighbouring lots.

#### Performance Criteria:

1. Environmental Hazards: Buildings must be sited so as to avoid, or if not avoid, mitigate or minimise the impacts from natural hazards (including but not limited to flooding, stormwater hazards, bushfire etc.) or impacts on sensitive environment areas (including but not limited to significant vegetation, biodiversity, watercourses etc.)
2. Existing Trees: Buildings should be sited so as to minimise disturbance or removal of existing significant trees (including for asset protection zones to minimise bushfire risk) and buildings should be located outside the drip line of any retained trees to protect root structures.
3. Buffers: Where dwellings are located adjacent to existing or potential higher impact activities (including, but not limited to agriculture, intensive agriculture, mineral resources etc.) then applicants must address the recommended buffer distances in Part G – Environmental Management & Hazards. If these buffer distances cannot be met, then there must be additional justification that addresses how impacts will be avoided or minimised.
4. Dual Occupancy Access: All dual occupancies must utilise the same driveway access from a public road. Note: Dual occupancies (by definition) must be located on the same lot (i.e. they cannot be on separate lots even if they are part of the same holding) or lots will be required to be consolidated.
5. Privacy & Amenity: Buildings must be sited to reduce any overlooking of the living rooms and primary private open spaces of adjoining dwellings and appropriately screened to protect privacy, noise separation and residential amenity of adjoining dwellings. If dwellings must be sited in close proximity to adjoining dwellings then privacy measures such as landscaping or screening, offsetting of windows, opaque windows etc. should be utilised.

### C4.3 Visual Impacts

#### Objective:

1. The scale, footprint, height and materials of any building must seek to integrate any buildings into the landscape and protect important skyline views.



### Performance Criteria

1. **Ridgelines:** Dwelling must be located away from ridgelines or seek to minimise their visual impact on the skyline.
2. **Scale, Colours and Materials:** Building must be designed and constructed to integrate with the surrounding rural landscape and not detract from the rural amenity.
3. **Reflectivity:** External materials must have low reflectivity if they are visible from a public road or neighbouring dwelling and there is a reasonable probability of glare affecting driver safety, residential amenity, or the building being too visually intrusive.

## C5 Ancillary Development: Sheds, Garages, Carports, Outbuildings and Pools/Spas

This Section applies to detached garages and carports, sheds, and a range of 'outbuildings' as well as pools and spas that are ancillary to a residential use. Many ancillary development types may be either exempt development or complying development. See [State Environmental Planning Policy \(Exempt and Complying Codes\) 2008](#) for more details. In all other cases, a development application will be required.

### C5.1 Use

Objective:

1. To preserve the residential nature of residential areas and minimise unlawful use and associated impacts to amenity.

Performance Criterion:

1. Outbuildings, detached garages and sheds are not to be used as a dwelling, habitable room, or home business/industry (without approval).

### C5.2 Visual Impact and Amenity

**Objectives:** To ensure outbuildings and detached garages/carports will:

1. Not unreasonably impact or dominate views from the street or key public places;
2. Be in keeping with the scale and setting of the relevant land use zone, street and locality character;
3. Integrate with the dwelling design and surrounding landscaping and buildings;
4. Not significantly impact on the amenity of neighbouring properties (e.g. overshadow, noise)

Performance Criteria:

Any garages, carports, outbuildings, sheds or pools/spas must:

1. **Visibility:** Demonstrate their size and location will not dominate the street and will be in keeping with the residential scale and setting. Generally, larger buildings will be more acceptable behind the dwelling (rear building line).
2. **Setbacks/Amenity:** Setbacks from boundaries and height are subject to assessment of the impacts on adjacent properties including, but not limited to: shadow/solar access, noise and visual amenity/privacy, colour and visibility, and addressing the National Construction Code (NCC) / fire separation requirements.
3. **Streetscape:** Where buildings are located to the side of or in front of dwellings facing a street they must:
  - a. Be subsidiary in bulk, height, scale and footprint to the principal dwelling or other buildings on the land;
  - b. Incorporate articulation to break down larger blank walls or facades; and
  - c. Use colours and materials that integrate with and complement the existing dwelling (though not necessarily replicate it), landscaping and street character.
4. **Colour/Materials:** If the buildings are made of metal components and are visible from adjacent residences, public spaces or heritage items/heritage conservation areas, then they must be

constructed using low reflectivity/ factory pre-coloured external materials (or galvanised iron where required by Council).

5. Other Standards: Comply with any relevant requirements in the National Construction Code and Australian Standards.

### C5.3 Detached Garages, Carports, Outbuilding and Sheds in RU5 Village Zones

Objective:

See Objectives of C5.2 above.

Performance Criteria:

1. Detached Garages/Carports/Sheds/Shipping Containers:
  - a. Should generally be located behind any existing or proposed dwelling or towards the rear of any property;
  - b. Must not exceed a ridge height of 4.8m from existing ground level;
  - c. Must not exceed the floor area of the existing or proposed dwelling
  - d. Must not exceed 10% of the allotment area or 200sqm in area, whichever is the lesser.

### C5.4 Detached Garages, Carports, Outbuilding and Sheds in R5 Large Lot Residential Zones

Objective:

See Objectives of C5.2 above.

Performance Criteria:

In addition to the visual impact/amenity controls above, any detached garages, carports, outbuildings or sheds in Zone R5 Large Lot Residential areas, must not exceed:

1. A ridge height of 4.8m from existing ground level;
2. The floor area of the existing or proposed dwelling;
3. Must not exceed 10% of the allotment area or 200sqm in area, whichever is the lesser.
4. A minimum setback of:
  - a. 10m; or
  - b. Where the dwelling on the allotment is within 50m of a public road, the outbuilding should be located behind the front building line of any dwelling.

### C5.5 Rural Sheds

Sheds and Outbuildings proposed in RUI Primary Production Zones - Maximum size subject to merit based assessment.

### C5.6 Stables

Objective:

To minimise impacts to adjoining residents as a result of the keeping of horses or other large animals in R5 Large Lot Residential or RU5 Village Zones.

Performance Criteria

1. Horse stables will require certain construction requirements to prevent the breeding of flies with solid stable linings up to 1.2m in height above the floor.
2. The stables may require specific siting requirements from adjoining allotments including houses and extend to a minimum clearance distance from any dwelling building located upon the allotment. Typical clearances from any residence upon the allotment would be 30m.
3. The number of horses being calculated on a land envelope, allowing for 30m clearances to houses and boundaries, at 3 horses per 0.5ha.

## C5.7 Shipping Containers

### Objective:

To minimise the visual impact of shipping containers and ensure that where visible they are modified to appear as a shed.

### Performance Criteria:

1. In RU5 Village and R5 Large Lot Residential Zones:
  - a. Shipping container style sheds or storage are prohibited in heritage conservation areas, on a heritage item, or on lots with a classified road frontage.
  - b. A maximum of one (1) shipping container is permitted per lot or ownership holding, or the development must appear as one (1) shed form if multiple containers are enclosed; and
  - c. Must be located behind the primary dwelling; and
  - d. Where visible from any public place, it must be integrated into a shed structure, clad in shed materials, and/or painted to make it appear like a standard shed.
2. In RUI Primary Production Zone (unless the business moves goods by shipping containers) the shipping container(s) should be unobtrusive, have branding removed and/or their visual impact reduced through siting or landscaping.
3. Where shipping containers are intended to be permanent structures, a permanent concrete footing or slab must be installed capable of supporting the weight of the shipping container and contents. The shipping container must be securely fastened to the footing or slab, and
4. Must be provided with a means of exit whereby persons within the container can exit should it be closed from the outside, and
5. Are to be in a structurally sound condition. Any modifications made to the structure of the container (windows, doors etc) may need an engineer's certification to ensure structural integrity.

## C5.8 Water Tanks, Pools and Spas

### Objectives:

To ensure water tanks, pools and spas are appropriately located and designed to:

1. Minimise visual impacts from a street or public space and integrate with the residential development;
2. Minimise impacts on a heritage conservation area or nearby heritage items (if applicable);
3. Minimise noise impacts from associated machinery or the use of pools/spas near sensitive areas of adjacent development;
4. Ensure materials and colours are compatible with the surrounding character (if visible from a public area).

### Performance Criteria:

1. Considerations: Council will consider any applications for water tanks, pools and/or spas on their merits, with regards to the relevant controls in the [SEPP \(Exempt & Complying Development Codes\) 2008](#) and the visual impact / amenity objectives in this section.
2. Water tanks are preferred to be of a muted, non-reflective colour where visible from a public place
3. Front Setback: Generally, in RU5 Village and R5 Large Lot Residential zones, water tanks, pools and spas should be located behind the front building line (i.e. not in the front setback to a public street).
4. Heritage: In heritage conservation areas pools and spas should be located behind the rear building line (i.e. in the rear yard) or where they are suitably screened from a public street or space.
5. Noise: Machinery (e.g. pumps, filtration equipment, generators or heat pumps) must be located away from sensitive areas of adjacent dwellings (e.g. bedrooms) in urban areas or suitably shielded to meet standard noise requirements.

## C6 Medium Density Dwellings

This Section applies to any application for ‘medium density housing’ in any zone generally where there is more than a single dwelling on any lot. This includes the following types of residential accommodation where they are permitted with consent in accordance with the June 2012 LEP:

1. dual occupancies <sup>7</sup>(except when on rural land under Section C4),
2. secondary dwellings<sup>8</sup>,
3. multi-dwelling housing<sup>9</sup>, and
4. residential flat buildings<sup>10</sup>.

### C6.1 State Environmental Planning Policies

Objective:

1. The applicant must address any other relevant State Environmental Planning Policies ('SEPPs') and any other guide that may apply to the particular type of residential accommodation proposed.

Performance Criteria

1. All residential flat buildings must address the requirements of [SEPP No.65 \(Design Quality of Residential Apartment Development\)](#). If they are multi-level developments and not a residential flat building (e.g. shop top housing) they will be considered on their merits with regard to the principles of SEPP No.65.
2. Where any controls in this DCP are inconsistent with any State Policy then the State Policy overrules the DCP provision, only to the extent of any inconsistency.
3. The Low Rise Housing Diversity Code may allow certain development types to be considered as complying development under SEPP (Exempt and Complying Codes) 2008. Discuss this with Council before lodging your application. Council may consider these controls for any relevant medium density application
4. The Department of Planning, Industry and Environment's *Low Rise Housing Diversity Design Guide for Development Applications* sets out requirements for the development of medium density developments. To the extent the DCP is inconsistent with this Design Guide (as amended or succeeded), the Design Guide requirements are to prevail over the provisions of this DCP.

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<sup>7</sup> **dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached). **dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling. **dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

<sup>8</sup> **secondary dwelling** means a self-contained dwelling that— is established in conjunction with another dwelling (the **principal dwelling**), and is on the same lot of land as the principal dwelling, and is located within, or is attached to, or is separate from, the principal dwelling.

<sup>9</sup> **multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

<sup>10</sup> **residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

## C6.2 Suitability of the Site

### Objective:

1. To promote higher dwelling densities in areas that are suited to higher densities without significantly compromising the existing amenity and character of the town and villages.

### Performance Criteria

1. Applicants must address why the proposed site is well-suited to the intended density of dwellings including:
  - a. The site's access to services, transport, recreation and amenity;
  - b. The existing and/or desired future character of the area including heritage and landscape qualities (where applicable).

## C6.3 Minimum Street Frontage

### Objective

1. To ensure sufficient street frontages to accommodate vehicle and pedestrian access and promote dwellings that present to the street.

### Performance Criterion

1. All multi-dwelling housing and residential flat buildings must have a minimum street frontage of 18 metres at the front building line.

## C6.4 - Density and Site Area

### Objective

1. To ensure lot size is of sufficient size to promote good site planning, vehicle access and parking, open space and landscaping, building separations and solar access, dwelling design, and street / visual amenity.

### Performance Criteria

1. Effluent - Dual Occupancies/Secondary Dwellings: Any application for a dual occupancy or secondary dwelling on a lot without access to reticulated sewer will require additional justification (as part of the Geo-technical (Effluent) Report) that demonstrates there is sufficient space for both dwellings, on-site effluent disposal, landscaping, parking and buffers to adjacent lots.
2. Effluent – Multi-Dwelling Housing/ Residential Flat Buildings: Multi-Dwelling Housing or Residential Flat Buildings must be connected to a reticulated sewer system.
3. Residential Flat Buildings: Any application for a residential flat building should have a minimum site area of 1,500sqm (assessed on its merits).
4. Multi-Dwelling Housing: The minimum site area / maximum number of dwellings permitted on a site for multi-dwelling housing is calculated by dividing the site area by the site area required for each proposed dwelling size as set out in the following table.

(For example: a proposal for two 2-bedroom dwellings and one 3-bedroom dwelling would require  $(2*300) + (360) = 960\text{sqm}$ ).

<b>Dwelling Size</b>	<b>Site Area Per Dwelling</b>
Studio / 1 Bedroom	240sqm
2 Bedrooms	300sqm
3+ Bedrooms	360sqm

## C6.5 Setbacks

### Objectives

1. Objectives: Medium density housing must have suitable building setbacks/separations to:
  - a. Minimise noise impacts from adjacent roads & neighbours;
  - b. Maximise visual privacy;
  - c. Maintain reasonable solar access to primary living spaces and open spaces & minimise overshadowing to/from other dwellings on the site and adjacent sites;
  - d. Promote natural cross ventilation;
  - e. Encourage useable private (and possibly communal) open spaces that are accessible from primary living spaces and capable of supporting some significant landscaping;
  - f. Provide opportunities for water and energy efficiency.
2. All new dwellings must meet the minimum setbacks from the lot boundaries as set out in the following table and in accordance with the Setback Definitions in Part C1.3 including the averaging of setbacks. Any variations must be justified in accordance with Part A1.11 Variation to Controls

### Performance Criteria

<b>Boundary</b>	<b>Setback</b>
Classified Roads (RU5 Village Zone)	8m
Primary Street Front Setback	4.5m – single storey OR average setback of adjacent dwellings (whichever is greater) 6.0m – two or more storeys OR average setback of adjacent dwellings (whichever is greater)
Secondary Street Front Setback	3m – single storey 4.5m – two storeys or greater
Side and Rear Boundary	900mm - single storey 1.5m - two storeys or greater



## C6.6 - Site Coverage

### Objective

1. To ensure development allows sufficient areas for deep soil for landscaping and water infiltration that softens larger developments.
2. To encourage development with good open space, residential amenity, and energy efficiency.

### Performance Criterion

1. Development must not exceed a site coverage of 70% (including all ancillary buildings and impermeable, hardstand and/or driveway areas).

## C6.7 Height and Solar Access

### Objectives

1. To ensure the height and scale of development integrates into the existing and desired streetscape and minimises impacts on adjacent properties from shadow, acoustic and visual privacy, and cut and fill.
2. To encourage innovative medium density housing design that has good residential amenity, integrates with the existing and/or desired future neighbourhood character, and is responsive to the site and surrounds.

### Performance Criteria

1. Maximum Height: Any proposal that exceeds 9m in height (measured from natural or existing ground vertically) or two (2) storeys (including attics with dormer windows) will need to provide:
  - a. Detailed site analysis that demonstrates it will not significantly impact on the amenity of neighbouring properties or other dwellings that form part of the development;
  - b. Elevation drawings with Reduced Level (RL) for the maximum ridge, eave, floor, ceiling height(s) and existing/proposed ground level(s);
  - c. Shadow Diagrams to demonstrate there is a minimum of 3 hours solar access between 9am and 3pm on 21 June (Winter Solstice) in the primary living spaces and open space(s) of adjacent dwellings;
  - d. Justification of building transitions to adjacent lower scale dwellings within 40m of the proposed development and how it fits within the existing and/or desired street character.
2. Solar Access: The primary living space of any adjacent dwelling must receive at least 2 hours of solar access at the Winter Solstice (21 June) between 9am and 3pm or not decrease solar access if it is already less than this amount.

## C6.8 Presentation to Street and Driveways

### Objective

1. Higher density or innovative and different building forms must demonstrate how the building siting and driveway layout:
  - a. promote casual surveillance of the street;
  - b. create clear entrances and a sense of address for each dwelling;
  - c. avoid blank walls to public or semi-public areas and create visual interest;
  - d. promote good orientation for solar access to living spaces and private open spaces;

- e. reduce visibility of maintenance areas and soften driveways with landscaping and screening

#### Performance Criteria

- I. Development must address any public road frontage and internal driveway as follows:
  - a. Ensure each dwelling (especially when attached) reads as a separate dwelling with its own clear entrance facing the street or internal access-way.
  - b. Avoid repetition in the dwelling types and layouts where the building forms become monotonous and/or mirrored with little differentiation between different dwellings.
  - c. Building facades facing a public road or internal driveway cannot have large areas of blank walls.
  - d. There is at least one window to a habitable room (not a bathroom or laundry) facing the street or internal driveway that allows for casual surveillance of public and semi-public areas.
  - e. Blank walls (or walls with little or no articulation) to public streets, internal driveways, or side setbacks are not supported.
  - f. Garages and carports are integrated into the design so they do not dominate the street frontage or internal driveways;
  - g. Soften the visual impact of large areas of hard stand / driveway by varying driveway alignment when servicing more than six (6) dwellings and adding significant landscaping.

## C6.9 Noise and Visual Privacy

### Objective

- I. To recognise and respond to potential noise and privacy constraints by designing to minimise acoustic (noise) impact and maximise visual privacy on proposed and adjacent development.

### Performance Criteria

- I. Windows & Balconies: Development:
  - a. That is more than one storey (including habitable attic rooms with dormer windows);  
or
  - b. Where the floor level is greater than one (1) metre above the existing ground level;  
or
  - c. That does not meet the minimum building setbacks; or
  - d. Involves multiple dwellings on the one lot and/or strata/community title subdivision, must be designed to locate dwellings/rooms and locate/size windows to habitable rooms or balconies to avoid looking directly into windows, balconies, courtyards, primary private open space(s) or access walkways of adjoining dwellings or demonstrate how overlooking will be minimised.
2. Pathways / Driveways: Where an access-way to another dwelling / parking area is in close proximity to a dwelling window there must be sufficient setback between the access-way and any windows to enable landscape plantings for privacy and acoustic amenity, particularly for bedroom windows.
3. Adjacent Dwellings: Dwellings that are attached should minimise noise transmission by locating active / day rooms (living, dining, kitchen, bathrooms) together, quieter rooms / bedrooms together, and garages together.

4. Facilities: Noise generating areas of developments (e.g. air conditioning plant, swimming pool areas, pumps, communal areas etc.) must be located away from bedroom areas of adjacent dwellings and adequately screened or sound-proofed (if required).

## C6.10 Private Open Space

### Objective

Private open space is the primary outdoor space associated with a dwelling (either ground level yard or upper balcony/terrace) that is solely for use of the occupants of that dwelling and separated / screened from other public spaces.

1. Medium density housing must incorporate sufficiently sized and suitably located outdoor private open space and landscaping areas:
  - a. To maximise amenity for each dwelling; and
  - b. To maximise solar access to private open spaces and living areas.

### Performance Criteria

1. Area/Dimension: For each dwelling in dual occupancies, or multi-dwelling housing (at ground level):
  - a. The minimum dimension of the one area of 'primary' open space is 4m by 4m; and
  - b. The minimum combined open space area is 40sqm (only areas with a minimum depth of 1.5m are included).

The private open space area calculation excludes intrusions e.g. drying areas, garbage bin storage areas, electricity substations, water tanks, hot water systems, retaining walls, driveways, etc. that would make the space unusable but may include covered 'alfresco' outdoor dining areas and decks as long as there is a significant area of permeable landscaping/deep soil provided.

2. Solar Access: The 'primary' private open space must receive at least 2-3 hours of solar access over 50% of the area at the Winter Solstice (21 June) between 9am and 3pm.
3. Access to Primary Living Space: Private open space for each dwelling should be directly accessible from the living areas of the associated dwelling.
4. Screening/Privacy: The 'primary' private open space should be suitably screened from direct view from a public place, adjacent dwellings and adjacent common open space within any development.

## C6.11 Landscaping and Deep Soil Zones

### Objectives

1. To encourage deep soil areas that can support significant landscaping to:
  - a. Retain and protect existing significant trees;
  - b. Allow for water infiltration and reduce stormwater issues;
  - c. Reduce the bulk and scale of larger developments and hardstand areas;
  - d. Improve privacy and shading whilst allowing solar access in winter;
  - e. Utilise species suitable to the climate with lower maintenance;
  - f. Assist in defining the boundary between public, semi-public, and private land and promote good sightlines and safety

## Performance Criteria

1. Landscape Design: The applicant is required to lodge a Landscaping Plan(s) that demonstrates how the proposed landscaping addresses:
  - a. Retention and incorporation of any significant existing trees on the site (if possible);
  - b. The likely height and size of existing (retained) and proposed species and their ability to integrate with the scale of the development and avoid future incompatibility due to proximity to buildings and falling limbs;
  - c. Whether the species is deciduous or perennial and how this will facilitate solar access in winter and shade in summer;
  - d. Whether the species will screen less visually appealing areas such as long driveways, car parks, garbage storage areas, clothes drying areas as well as providing privacy for dwellings;
  - e. How any screening may impact on casual surveillance of the street and public spaces;
  - f. Whether the species is suited to the climate (frost and drought tolerance) and local ecology (avoiding, where possible, weeds or invasive species);
  - g. Provide details of maintenance and watering requirements for multi-dwelling housing and residential flat buildings;
  - h. Proposed levels and surface types for drainage.
2. Access Sightlines: Driver visibility / sightlines along public roads and footpaths at the entrance /exit of any lot must not be impaired by any fences or proposed landscaping (existing significant trees may be retained).
3. Large Hardstand Areas: Landscaping must be provided to shade and soften the visual impact of large hard surfaces and allow for water infiltration including:
  - a. Along driveways for multi-dwelling housing and residential flat buildings; and
  - b. Around outdoor car parking areas.
4. Water & Energy Efficiency: Landscaping must comply with that shown on the approved BASIX Certificate for the dwelling.
5. Earthworks / Retaining Walls: Earthworks and retaining walls must be designed to promote access through the site and minimise impacts on neighbouring sites.

## C6.12 Fencing

Fencing for medium density residential developments should meet the objectives and performance criteria outlined in C3.6.

## C6.13 Solid Waste Management

### Objectives:

1. Ensure solid waste management is integrated into the design of more complex developments and will provide:
  - a. Safe and efficient access for waste collection vehicles to the waste storage area;
  - b. Suitable locations and accessibility to promote effective waste management and recycling;
  - c. Appropriately sized waste storage areas for the potential waste generation of the development and collection periods;
  - d. Screening of waste storage areas to minimise visual and odour impacts.

#### Performance Criteria

1. Multi Dwelling Housing: For all multi dwelling housing there must be:
  - a. Individual bin storage areas nominated for each dwelling on the lot for that dwelling (preferably in the garage or side or rear setbacks where they are not visible from the internal driveway); and
  - b. Where there are more than four (4) dwellings, communal bins storage area(s) nominated for all dwellings adjacent to the front / street boundary of the property that are:
    - i. Located and designed in accordance with the collection requirements of a standard waste collection vehicle and allow for vehicles to access and empty bins safely; and
    - ii. Suitably screened from the street and internal driveway (shown on any Landscape Plan(s)).
2. Other Medium Density Housing: For all other medium density housing applications garbage bins associated with dwellings are to be stored in the rear yard, side setback or garage of the dwelling and/or suitably screened (i.e. not visible from the street).

### C6.14 Adaptability

#### Objective

1. To require larger residential developments to provide a percentage of dwellings capable of being adaptable to meet changing needs of residents and the community.

#### Performance Criteria

1. Any development of six (6) or more units/dwellings in multi-dwelling housing or a residential flat building must provide one (1) unit for every six (6) units capable of conversion to adaptable housing in accordance with Australian Standard AS4299 – Adaptable Housing (as amended) to a Class C Level (all essential features incorporated).

### C6.15 Rear Lanes

#### Objective

1. To protect existing rear lanes from excessive impacts from traffic and stormwater.

#### Performance Criteria

1. Primary vehicular access or egress shall not be permitted from or to a rear lane for new residential dwellings, dual occupancies, or multi dwelling development unless augmented upgrades to rear lane infrastructure can be addressed to a primary public street intersection eg. kerb and gutter, drainage.

## C7 Other Residential Development Types

This section applies to temporary accommodation (during construction), second-hand (relocatable) dwellings, manufactured homes (transportable dwellings), and shop-top housing<sup>11</sup>/mixed-use developments.

### C7.1 Temporary Accommodation

#### Objective

Council will permit in limited circumstances for the owner of a site and their immediate family to erect or inhabit a temporary residence on the development site to live in during the construction of a proposed dwelling.

1. To ensure temporary accommodation is appropriately constructed and serviced and only used for the limited time needed to construct the permanent dwelling.

#### Performance Criteria

1. **Permissibility:** Temporary accommodation (during construction) is only permissible on lots or holdings that are  $\geq 4,000\text{sqm}$  (i.e. they are prohibited in urban residential zone(s) and villages).
2. **Number of Buildings:** A temporary residence may comprise of one (1) shed (Council approved and National Construction Code compliant); one (1) Caravan (with or without annex); or combination of one (1) shed and one (1) caravan.
3. **Street Setbacks:** The temporary accommodation must not be built or placed within the front setback to any street frontage of the proposed permanent dwelling.
4. **Visual Impact:** The arrangement of temporary accommodation must seek to minimise visual impact from any public space/road.
5. **Fixtures:** The temporary accommodation must be provided with:
  - a. Kitchen with cooking and dish-washing facilities with running water;
  - b. Shower and toilet facilities;
  - c. Points of connection for a washing machine;
  - d. Smoke detectors;
  - e. All facilities installed in accordance with the National Construction Code (NCC).
6. **Effluent Disposal:** There must be provision for adequate effluent disposal facilities (either an approved on-site effluent management system or connection to reticulated sewer).
7. **Prior to Occupation:** Temporary accommodation must not be occupied until:
  - a. Council has approved the development application and issued a Construction Certificate for the permanent dwelling on the site;
  - b. Council has inspected the temporary accommodation (prior to occupation) to ensure it has been constructed / installed in accordance with the plans and specifications or Council has been given notice of intent to live on the site (if it is a caravan);
  - c. All sewer drainage for the temporary accommodation has been approved and connected to the town sewerage system or Council approved on-site waste management system (where applicable).
8. **Length of Use:** The maximum period that temporary accommodation may be used as a habitable building is (whichever is the shortest time of):

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<sup>11</sup> **shop top housing** means one or more dwellings located above ground floor retail premises or business premises.

- a. 12 months from the date of approval of the permanent dwelling; or
- b. 3 months from the date the final Occupation Certificate is issued for the permanent dwelling; or

Council will only grant one six (6) month extension to the above timeframes that is supported with justification and a clear construction program agreed to by the builder.

- 9. Finalisation: At the end of the maximum period in subclause (8) the temporary accommodation must be:
  - a. Completely demolished / removed and the area remediated; or
  - b. The applicant must have Council approval to extend the maximum period for the temporary accommodation; or
- 10. There must be a development approval for the building to remain (either as a permanent dwelling / dual occupancy or shed / outbuilding where the components that make it habitable have been removed).

## C7.2 Second Hand (Relocated) Buildings

### Objectives

Existing second-hand buildings can be moved to the site and often placed on elevated footings. It does not include 'manufactured homes' or 'relocatable dwellings' or any other 'moveable dwelling' that may be approved under Section 68 of the Local Government Act outside of a caravan park (see next section).

- 1. To ensure second-hand (existing) buildings are safe for occupation and use prior to their delivery to the site.
- 2. To ensure second-hand buildings are located and/or designed to reduce their visual impact and integrate with the surrounding area character.

### Performance Criteria

- 1. Approvals: A Development Application and Construction Certificate will be required. You will require Section 68 Application(s) (Local Government Act) for installation of the building, connection to utilities and on-site sewage management.
- 2. Other Controls: The building location and design for the second-hand dwelling must comply with the other relevant controls in this DCP.
- 3. Visible Locations: In general, sites that have a frontage to a classified road (highways and regional roads) or a key public space or community facility must ensure that the second-hand building will appear as a permanent structure with good articulation and materials.
- 4. Lodgement: Applications for a second-hand building must include:
  - a. A site plan showing the proposed location of the second-hand building in accordance with the setbacks in the relevant section of this DCP.
  - b. Elevations of the second-hand building (as it is to be constructed);
  - c. A Structural Report prepared and/or certified by an accredited Structural Engineer certifying the structural soundness of the building and design and certification of the footings;
  - d. A Hazardous Building Material Survey prepared and/or certified by an accredited Occupational Hygienist/ Asbestos Assessor certifying either there is no asbestos or other hazardous material in the building, or it has been removed, or it is safe/stable for transport and use of the building ;

- e. Photographic evidence of the building (prior to its relocation to site) supported by a description of its condition prepared by a qualified consultant;
- f. Evidence of how the building will be transported to the site and a copy of any permit(s) to ensure safe passage of the dwelling in accordance with the relevant acts / legislation (e.g. Roads Act);
- g. Evidence of screening to obscure any elevated footings from public view, usually with a sub-floor 'curtain' around the base of the building.

Second-hand buildings must not be moved onto the site before development consent is issued for the use of the land.

Council will issue a Final Occupation Certificate at the completion of the installation & any associated works. Second-hand dwellings will generally be required to complete their on-site installation and any associated works within a 6-month period from arrival at the site and Council may require a bond or bank guarantee.

A BASIX Certificate is not required as it is not within the definition of a 'building' under the EP&A Act.

If the land is bushfire prone land, then additional assessment of bushfire risk and building construction will be required.

## C7.3 Manufactured or Transportable Dwellings

### Objective

Under the Local Government Regulation 2005 this includes a 'relocatable home' which is either a 'manufactured home' or any other 'moveable dwelling' (but does not include a tent, caravan or campervan or other moveable dwelling capable of being registered on the road). This section does not apply to flat-pack / kit homes.

- I. To meet statutory requirements for manufactured homes / transportable dwellings.

'Manufactured home' is defined in the Local Government Act as:

*a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling—*

- a. that comprises one or more major sections, and*
- b. that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the Road Transport Act 2013,*

*and includes any associated structures that form part of the dwelling.*

### Performance Criteria

- I. Approval: The installation of a manufactured or transportable home (outside a caravan park or manufactured housing estate) requires development consent for the residential use of the land and approval(s) under Section 68 of the Local Government Act for the placement of the dwelling and any connections to reticulated sewer and water. This includes plans and specifications as set out in Clause 79 of the Local Government Regulations.



2. **Screening of Footings:** The application must include evidence of screening to obscure any elevated footings from public view, usually with a sub-floor 'curtain' around the base of the building.
3. **Residential Controls:** The building location and design for manufactured dwellings must comply with the other relevant controls in the residential controls of this DCP.
4. **Visible Locations:** In general, sites that have a frontage to a classified road (highways and regional roads) or a key public space or community facility must ensure the manufactured dwelling will appear as a permanent structure with good articulation and materials.

A construction certificate and/or occupation certificate is not required for the installation of the home. A BASIX Certificate is not required as it is not within the definition of a 'building' under the EP&A Act. If the land is bushfire prone land, then additional assessment of bushfire risk and building construction will be required.

## C7.4 Mixed Use Developments

### Objective

1. To ensure mixed use development is designed to integrate with the associated commercial/retail function whilst providing suitable residential access and amenity.

[SEPP65 \(Design Quality of Residential Apartment Development\)](#) applies to a building of 3 or more storeys and 4 or more dwellings including shop top housing or mixed-use developments.

### Performance Criteria

1. **Commercial Controls:** The commercial and/or retail element of any shop-top housing / mixed-use proposal must address the relevant Commercial & Community Uses controls in this DCP.
2. **Residential Setbacks:** If a dwelling is on top of or attached to a commercial component the same setbacks as the commercial component should be adopted as long as the applicant confirms:
  - a. The requirements of the National Construction Code and fire rating are met;
  - b. There is residential amenity for the proposed and adjacent (if any) dwellings in accordance with the relevant residential controls in this DCP and subclause (4) below; and
  - c. Setbacks have minimised overshadowing of adjacent dwellings and their private open spaces.
3. **Residential Access:** A separate access must be provided to the residential component of the building from the main street frontage and/or from any rear parking area with an alternative street frontage.
4. **Residential Amenity:** The controls in the Sections above relating to residential amenity including, but not limited to noise & visual privacy, solar access to living spaces, and facilities (such as letterboxes and garbage bin storage and collection areas) will generally be applicable to shop-top housing but the requirements may be varied on merit with justification.
5. **Car Parking:** For any new building/dwelling(s) the residential component of any new shop top housing requires at least one (1) off street car parking space per dwelling but preferably two (2) spaces. In addition, the site needs to accommodate any commercial car parking requirements set out in this DCP.

## C8 Access and Parking

This section applies to any proposed car parking, driveways and pedestrian access requirements for new residential development or associated with new garages and carports

### C8.1 Vehicle Parking

#### Objective

1. Ensure there is sufficient on-site car parking for the proposed use(s) so there is not an unreasonable reliance on on-street or off-site parking that impacts on other users.

#### Performance Criteria

Each dwelling must provide:

1. The number of off-street car parking spaces for each development type set out in the rows below; OR
2. If the use is not listed below – in accordance with the Guide to Traffic Generating Developments on the Roads & Maritime Services website (as amended);
3. Parking spaces, manoeuvring areas, and driveways must be designed in accordance with Australian Standard AS2890 – Parking Facilities and the RMS - Guide to Traffic Generating Developments

Development Type	Parking for Residents	Visitor Parking
Single dwelling houses, secondary dwellings, dual occupancies, semi-detached dwellings, and attached dwellings (townhouses) including second-hand (relocatable) and transportable dwellings.	Minimum one (1) off-street car parking space on the property for each dwelling located behind the dwelling setback to the street lot boundary ('building line'). Two (2) car spaces are preferred and may include use of the driveway area in front of any garage/carport.	Not required. On-street or in driveway sufficient.
Multi-dwelling housing and residential flat buildings	Minimum one (1) off-street car parking space for each unit plus an additional one (1) space per four (4) units or part thereof.	Minimum one (1) space per five (5) units or part thereof.

### C8.2 New Driveways and Entrances in Urban Areas

#### Objectives

1. Ensure new driveways and garage entrances are located to maximise vehicle and pedestrian safety with appropriate sightlines and separations from intersections / other driveways / pedestrian access paths.
2. Ensure for developments (other than a single dwelling, secondary dwelling, or dual occupancy on a lot) all vehicles can enter and leave the site in a forward direction.
3. Ensure driveways, garages and carports do not dominate the street or the proposed development, are integrated with the design, and there is sufficient landscaping to soften visual impact.

#### Performance Criteria

In RU5 Village Zones and any R5 lots < 1 hectare in area:

1. Safety: Any driveway must provide sufficient separation from nearby intersections and sightlines for pedestrian and vehicle safety.
2. Driveway Width:
  - a. Driveways serving one (1) dwelling shall be a minimum width of 3m.
  - b. Shared driveways serving three (3) or more dwellings shall have a minimum width of 4.5m increasing to 5.5m forward of the front building line or for passing bays (as required) justified based on the size of the development.
3. Vehicle Turning: There must be sufficiently sized and appropriately located vehicle turning space(s) to enable all vehicle sizes that are expected to access the development to enter and leave the site travelling in a forward direction (not required for dwellings with direct single driveway access to the street).

### C8.3 New Access, Entrances and Driveways in Rural Areas

#### Objective

1. To ensure all lots have a safe and effective access / entrance and any new driveway minimises impacts on public roads and adjacent dwellings.

#### Performance Criteria

1. Guidelines: In R5 Zoned lots  $\geq$  1ha in area, Zone RUI any entrance or driveway must be constructed in accordance with the RMS Guide to Traffic Generating Developments.
2. Entrance Seal: If there is an existing bitumen sealed road adjacent to a new lot, all newly constructed vehicle entrances are to be bitumen sealed from the edge of the existing road to the entrance / gate.
3. Entrance Setback: Entrances are to be setback from the edge of the existing road formation to permit a small truck or car and trailer to park in the entrance without blocking the road, not less than the following distances (see diagram below):
  - a. 15m (where the lot has an area of more than 1 ha);
  - b. Entrance setbacks to a highway or classified road must meet RMS standards.

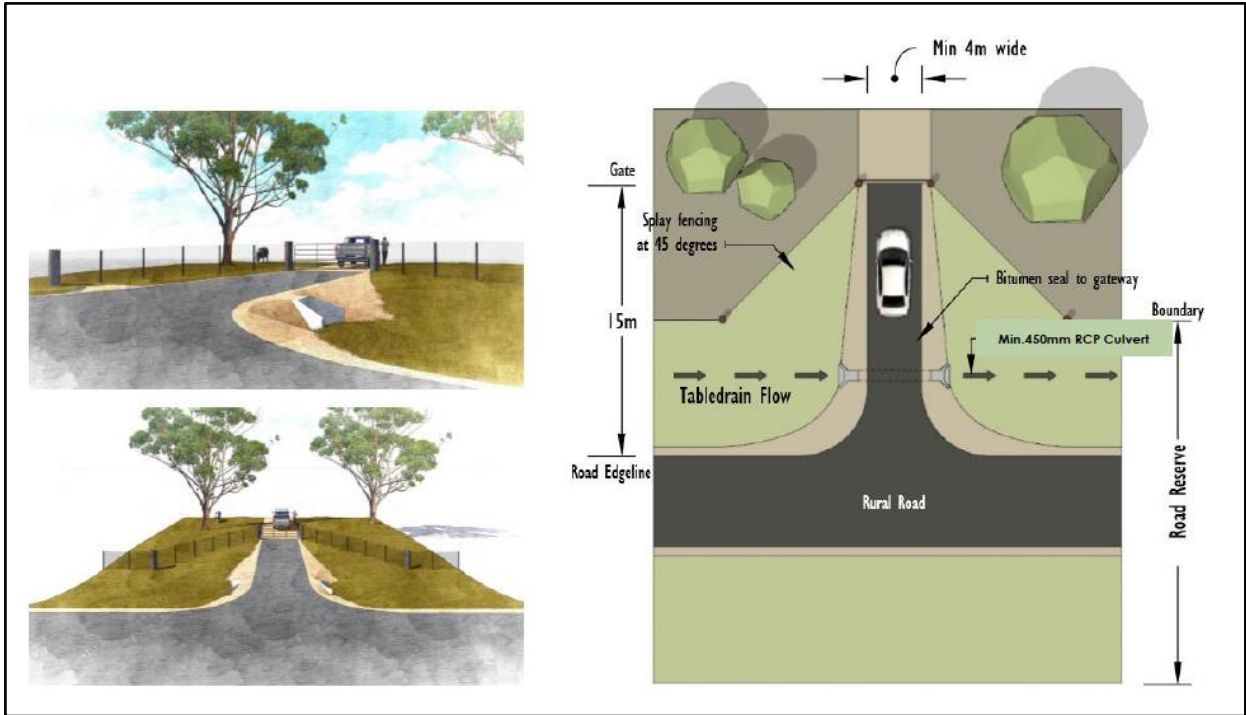


Figure 8: Rural Access Standard

# Part D: Commercial, Community and Industrial Development

## DI - Introduction

### DI.1 Application of this Part

This Part applies to any commercial premises<sup>12</sup>, community facilities<sup>13</sup> and related uses or industrial development<sup>14</sup> as well as alterations, additions and extensions, or ancillary development to those uses.

Commercial, community and industrial uses are permitted in a wide range of zones across the Junee LGA. The overarching aim is to facilitate these uses where they do not impact unduly on neighbouring areas or incompatible land uses. This Part can also be used to guide developments where the other Parts of this DCP do not clearly apply or the proposed land use is not specifically covered.

### DI.2 Change of Use

The change of use of a premises may be exempt or complying development under [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#). If the Applicant is unable to meet these requirements and needs to lodge a Development Application, then Council will assess each application on its merits. The general controls in this Part need to be addressed in as much detail as possible. Supporting documentation and plans should clearly identify numerical controls where applicable, such as overall height and setbacks etc.

### DI.3 Other Parts of this DCP

Whilst Council has attempted to consolidate most of the controls relating to commercial, community and industrial development in this Part, other Parts of this DCP may also apply depending on the type of development being proposed and the site constraints including, but not limited to:

1. Part E – Other Land Uses (other land uses including, but not limited to, advertising & signage);
2. Part F – Subdivision (when also proposing some type of subdivision of land);

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<sup>12</sup> **commercial premises** means any of the following— business premises, office premises, retail premises.

<sup>13</sup> **community facility** means a building or place— owned or controlled by a public authority or non-profit community organisation, and used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

<sup>14</sup> **industry** means any of the following—general industry, heavy industry, light industry, but does not include— rural industry, or extractive industry, or mining.

3. Part G – Environmental Management & Hazards (dependent on-site constraints and potential impacts);
4. Part H – Heritage (where the site is a heritage item or is in a conservation area or near a heritage item).

## D2 Site Planning, Earthworks and Services Provision

### D2.1 Site Planning

#### Performance Criteria

1. To ensure the design of any significant new development is based on a site analysis of any relevant opportunities and constraints of the site and (taking into account any other relevant controls in the June 2012 LEP and this DCP):
  - a. Considers and responds to the topography, climate and natural environment;
  - b. Avoids, or if it cannot avoid, minimises or mitigates against natural hazards and land use conflicts;
  - c. Protects and enhances any heritage items or heritage conservation areas;
  - d. Integrates with the surrounding built form and landscape/streetscape character; and
  - e. Maintains reasonable residential amenity (for the site and adjacent dwellings).
2. Site Analysis Plan: A Site Analysis Plan must be lodged in accordance with Council's Development and Building Guide and any issues addressed adequately in the Statement of Environmental Effects. In particular, consider any potential environmental opportunities and constraints under *Part G – Environmental Management & Hazards*.

### D2.2 Earthworks

#### Performance Criteria

All development should seek to address the following:

1. Site Planning: To minimise cut and/or fill and potential erosion and sediment entering stormwater systems or watercourses by appropriate site planning, building orientation and design, taking into account the slope of the site, proximity to watercourses, and access and drainage requirements;
2. Impacts: To ensure earthworks (for which development consent is required) will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items, or features of the surrounding land.
3. Contamination: To ensure fill that is brought onto or leaves any site is uncontaminated and will not increase the risk or spread of contamination. Council may require a Soil Analysis Report and/or Contamination Review / Site History, in accordance with [State Environmental Planning Policy No 55—Remediation of Land](#), to ensure only clean fill or virgin excavated natural material (VENM) is utilised on site or taken to another site.

If the site is within a flood prone area, then there may be additional earthworks controls in Part G – Environmental Management & Hazards.

### D2.3 Building near Utilities

#### Objective

1. All buildings and structures must be located and designed so they do not obstruct access to, or impact on the safe operation of, existing or proposed utilities such as sewer, stormwater, water, electricity, gas, and telecommunications (whether they are above ground or underground).

#### Performance Criteria

1. **Building over Easement:** Permanent buildings or structures must not be located over or in the vicinity of an easement without express written authorisation from the responsible utility authority.
2. **Setbacks from Utilities:** Where an easement does not exist, the structure must be located a minimum distance equivalent to the invert depth of the pipeline plus one (1) metre from the known utility location, and in accordance with the relevant utility authority requirements.

Council recommends applicants lodge a 'Dial Before You Dig' Application to ascertain the approximate location of all services on site and, where there is any chance development will be near those services, identify those services accurately on a Survey Plan.

### D2.4 Connection to Utilities

#### Performance Criteria

1. Address the requirements of Clause 6.9 - Essential Services in the June LEP 2012.
2. All utilities must be installed and/or connected in accordance with the requirements of the relevant utility provider.
3. Where reticulated services are available, any new buildings must connect to those reticulated services unless the applicant can demonstrate why that connection would not be appropriate and/or propose an alternative system that is acceptable to Council.

### D2.5 Siting & Visibility of Utilities

#### Objective

1. The applicant must try to minimise the visual impact of any new utilities, connections, or associated structures if visible from public areas.

#### Performance Criteria

1. **Underground:** Utilities should be located underground (particularly in heritage conservation areas or main streets) or utilise existing poles (at the discretion of Council) unless other constraints make this unsuitable.
2. **Screening:** Utility boxes and cabinets (e.g. electricity substations, meter boxes etc.) on private land are integrated into the development and screened (where appropriate).

### D2.6 Liquid Trade Waste

Development activities that generate and discharge liquid trade waste (excluding domestic waste from a hand basin, shower, bath, toilet or laundry) to a reticulated sewerage system must obtain the relevant Liquid Trade Waste approval from Council. The industrial and commercial activity must comply at all times with the requirements of the Liquid Trade Waste Regulation Guidelines and any conditions of the Liquid Trade Waste Approval. Where there is no reticulated sewerage system there must be suitable methods for disposal.

### D2.7 On-Site Sewage Management

Where reticulated / centralised sewage management systems are not available the applicant must provide an Effluent (Geotechnical) Report prepared by a suitably qualified geotechnical engineer



supporting the design and location of any on-site system in accordance with *Part G2.5 On-Site Effluent Disposal*. This includes existing systems that require enhancement or replacement.

## D2.8 Water & Energy Efficiency

### Objective

1. To minimise water and energy use and maintain thermal efficiency through site planning, building design and integration with utilities and services.

### Performance Criteria

1. **Energy Efficiency:** Where applicable, buildings may need to be compliant with the National Construction Code – Section J relating to energy efficiency. All new commercial buildings (or the commercial part of mixed-use development) are required to have a compliance report completed, generally at construction certificate stage, to demonstrate they comply with Section J. This may include:
  - a. Building Fabric
  - b. External Glazing
  - c. Building Sealing
  - d. Air Movement
  - e. Air-Conditioning and Ventilation Systems
  - f. Artificial Lighting and Power
  - g. Hot Water Supply
  - h. Access for Maintenance
2. **Water Efficiency:** Council encourages non-residential development to review ways to consume less water, install water-saving devices and look at ways of capturing and retaining rainwater for re-use for non-potable and irrigation requirements.

## D3 Commercial and Community Buildings and Design

### D3.1 Site Selection and Land Use Conflicts

Whilst Council will consider all applications for commercial and community use(s) on their merits in any zone where the particular land use is permitted under the June 2012 LEP, the development application must ensure the chosen site and building design will:

1. Avoid, minimise or mitigate any potential impacts on other land uses in the vicinity of the site having regards to:
  - a. The land use zone and the desired development outcomes for each locality; and
  - b. Environmental impacts in Part G – Environmental Management & Hazards, including but not limited to Part G2: Buffers to Sensitive Land Uses (noting that Buffers may increase the required setbacks for buildings or activities).
2. Address Part D2: Site Planning, Earthworks & Utilities.

### D3.2 General Building Setbacks

Performance Criteria:

1. Road Frontages: Setbacks to road frontages (other than rear lanes) should:
  - a. Reinforce the desired built form pattern, street character and function and not dominate the street whilst allowing variability where it can be justified;
  - b. Respond to the level of pedestrian activity required for any proposed retail frontage(s);
  - c. Respond to adjacent development and adjacent building setbacks;
  - d. Minimise impacts on adjacent lots;
  - e. Provide areas to service these uses whilst minimising the impact of large parking, utility, or storage areas on street character/activity;
  - f. Accommodate (where appropriate) outdoor dining areas, disabled access and landscaped setbacks; and
  - g. Provide adequate sight distances for vehicle and pedestrian safety, particularly on corner lots.
2. Rear Lanes: If a lot has frontage to a rear lane then setbacks from the rear lane should consider adjacent building setbacks/impact and encourage access for service and delivery vehicles and parking at the rear of the site by accommodating potential vehicle turning circles on-site, and sightlines.
3. Side & Rear Setbacks: Side and rear setbacks must meet the National Construction Code ('NCC') requirements and may depend on the fire rating of the building materials chosen and the adjacent development and the need for access to the rear part of the lot.

In addition, where applicable, the guidelines for the following site-specific areas/land use zones should be addressed.

### D3.3 Setbacks - Junee Central Business District

The Central Business District (CBD) is found in the Town of Junee predominantly along Lorne Street or Broadway Street and includes a range of retail and other commercial uses that are permissible with consent in the RU5 Village Zone. If a proposal falls within this general area or consists of a retail or commercial use, please contact Council to determine if this section applies to the development.

#### Objective

- I. The desired character is for buildings that have consistent setbacks to clearly define the street, provide active street frontages, provide good pedestrian amenity and weather protection, and have limited impacts on car parking and services fronting Lorne Street or Broadway Street. It also sits within a Heritage Conservation Area, as identified in the Junee LEP 2012.

#### Performance Criteria

- I. Primary Street Setbacks:
  - a. New commercial and community buildings fronting Lorne Street or Broadway Street should generally have zero or limited street setbacks at ground level in the core business district between Crawley Street and Belmore Street to reinforce active street frontage and allow for continuous footpath awnings for weather protection where appropriate.
  - b. Possible exceptions to zero setbacks may be justified if a new commercial or community building is adjacent to:
    - i. A heritage item that has a greater setback to the main street frontage and sightlines are maintained to this item (subject to heritage advice); or
    - ii. An adjacent building is setback from the street and the proposal would seek to create a setback the average of the adjacent setbacks.
  - c. Front setbacks are not to be used for the provision of on-site car parking unless it is adaptive re-use of an existing building and Council approves traffic access directly to the street.
  - d. Upper level setbacks from the main street frontage (generally two storeys or more) may be required where adjacent buildings have a consistent street frontage height and it is required to reduce the visual impact of the proposed building.
2. Side Setbacks: New buildings fronting Lorne Street or Broadway Street (particularly if adjacent to a zero-setback building) should have zero side setbacks to the adjacent lots to reinforce a continuous retail precinct.
3. Rear Setbacks: Rear setbacks should consider servicing and off-street staff parking requirements and the provision of some landscaping or screening to reduce the visual impact of large parking and service areas.

### D3.4 Setbacks - RU5 Village Zone Other than Junee CBD

In the Junee LEP 2012, Zone RU5 Village is used in all towns and villages throughout the Junee Shire Local Government Area (LGA). This section applies to all commercial development in these zones, other than the CBD of Junee as identified in the previous section.

## Objectives

There are different characters in each village and in different streets. For example:

1. In core retail streets, there will often be zero front and side setbacks in the historic narrow subdivision patterns;
2. Where villages have less established retail centres then there is a mix of front and side setbacks;
3. In the residential areas of most villages the setbacks increase considerably to preserve the rural village and landscape character of these areas.

## Performance Criteria

1. Primary Street Setbacks:
  - a. Front primary street setbacks should generally be a minimum of the average of the setbacks of buildings on adjacent lots within 40m of the lot boundaries and justified according to the existing street character and setback pattern and the functions of the buildings.
  - b. Views to heritage items and provision of front landscaping must be considered where this forms part of the character of the village and streetscape.
2. Side & Rear Setbacks: Where there is an existing dwelling or community use on an adjacent lot, the applicant must demonstrate how side setbacks avoid, minimise or mitigate impacts on that adjacent lot including, but not limited to, overshadowing from buildings higher than 6m, traffic, noise, dust, odour, visual and acoustic privacy, and large blank walls.

## D3.5 Building Design

### Objective:

1. To promote the good design of commercial and community buildings that respond to adjoining and nearby development and nearby heritage items or areas.
2. To encourage developments to consider safety by design elements to improve safety and crime prevention in our community

### Performance Criteria:

1. Variation: Building elevations (especially for larger buildings or those facing public spaces or vacant land) should provide variations ('articulation') in building or wall setbacks (including projections or recesses), roof lines, openings (doors and windows), and building materials and colours to provide visual interest and reduce the perceived bulk and scale of the building.
2. Blank Walls: Large expansive blank walls are not preferred unless the applicant can demonstrate the majority of the wall would not be visible from a public space (e.g. the wall is adjacent to the wall of a neighbouring building with limited or no openings) and it meets the requirements of the National Construction Code.
3. Activation/Safety: Activation of main streets and pedestrian safety is to be encouraged through:
  - a. Consistent street setbacks and encouragement of awnings in key pedestrian areas;
  - b. Windows/glazing areas to the street being able to encourage casual surveillance and active retail frontages with well-lit views into the shop-fronts;
  - c. Well-defined and lit entrances with good sightlines for safety and security.
4. Security Grilles: Security grilles must be see-through and not solid type structures, discreet, and not dominate the shopfront without compromising security.

5. Safety by Design: For larger developments (>2000sqm site area) or where there is a higher potential risk of crime or impacts on pedestrian safety, Council may require the applicant to address NSW Guidelines for Crime Prevention Through Environmental Design ('CPTED') or Safer by Design (see the NSW Police website). CPTED is based on four (4) principles:
  - a. Surveillance;
  - b. Access control;
  - c. Territorial reinforcement;
  - d. Space/activity management and maintenance.
6. Servicing Areas: Vehicle parking and servicing areas and fire exits/service cupboards etc. should be located to the side or rear of developments (where possible) to minimise impacts on active street frontages.
7. Corner Sites: New commercial or retail development on corner sites with limited setbacks must incorporate splays, curves, building entries and/or other architectural elements to reinforce the corner as a landmark feature of the street and activate both street frontages, whilst maintaining sightlines for safety.
8. Utilities: The visual impact of all external infrastructure/services (including air conditioning units, plant rooms, ducting, solar panels etc.) must be minimised when viewed from a public place or road and integrated into the roof design.

### D3.6 Structures over Public Footpaths/Roads (Awnings & Balconies)

The reinstatement of, or repairs to, original building structures over public footpaths is encouraged (where supported by heritage advice).

Heritage advice may be required to determine the suitability of a new awning, balcony or verandah on any proposed building in a heritage conservation area or on or in proximity to heritage items.

Council's conditions of consent will require public liability insurance to Council's requirements.

#### Objective

1. To encourage continuous street awnings in appropriate main street locations for pedestrian weather protection and amenity or to restore original historic building fabric.

It is the responsibility of the building owner to ensure the structural capacity of awnings, verandas, and works in the public domain and that they comply with all relevant standards e.g. Australian Standard AS1170 and the National Construction Code.

For further information, please consult the following and any other relevant guides:

- Department of Local Government Circular to Councils No.99/33 (1999);
- NSW Government Planning Circular BS13-001 (8/3/13); and
- Association of Consulting Structural Engineers of NSW (2008) Practice Note No.18 – Inspection and Assessment of Existing Tied Awnings.

#### Performance Criteria

1. Locations: Continuous street frontage awnings are to be provided for all new developments with a zero-front street setback that are adjacent to a building with an existing awning and/or in a high pedestrian activity area (subject to Council's discretion).
2. Posts in Public Footpaths: Posts required to support building extensions over public footpaths must not interfere with vehicle parking or pedestrian safety and must be structurally adequate

such that if any one of the supporting posts were removed or damaged by vehicle impact, the structure would not collapse.

3. Street Trees: Building extensions must be located to ensure no conflict with street trees.
4. Design: Building extensions must be coordinated with building facades, materials and colours and be complementary in alignment and depth to the adjoining buildings and its building extensions over public footpaths.
5. Dimensions: These structures must comply with the following dimensions, subject to advice from Council's engineers and the specific site circumstances:
  - a. A minimum soffit height of 3.3 metres above the footpath;
  - b. A low profile, with slim vertical fascia or eaves (generally not to exceed 300mm in height)
  - c. A setback minimum of 600mm from the kerb.
6. Lighting: Under awning recessed lighting may be required to facilitate night use and public safety (subject to Roads & Maritime Services input on classified roads).
7. Safety: For new awnings, significant alterations and additions to a building with an existing awning, or when an awning's safety is brought into question – Council will request a Structural Certificate for the awning to confirm it meets current standards.

### D3.7 Street Trading / Footpath Dining

This part applies to the commercial use of the public road reserve (footpath) area. It does not apply to commercial uses on private lands. Under NSW legislation a number of statutory approvals may be required for the proposed activities on footpaths.

Council's conditions of consent will require a Section 68 application and public liability insurance to be provided to Council's requirements.

#### Objectives

1. To ensure any ancillary use of the footpath does not interfere with the safety and functioning of the footpath or any nearby road.
2. To enable the appropriate use of footpaths so they contribute to the diversity and attractiveness of the area.
3. To ensure the use of footpaths contribute to the expression of local character and identity.
4. To ensure the use of footpaths is compatible with other commercial or community uses of the footpath and does not adversely impact upon the amenity of the area.

#### Performance Criteria

1. All Footpath Uses: Subject to advice from Council's engineers and the specific site circumstances:
  - a. Footpaths must have a minimum footpath width of 3.0m;
  - b. Footpaths should maintain a minimum clear pedestrian zone of 1.0m, but 2m is preferred where achievable;
  - c. A minimum distance of 600mm shall be maintained between the limit of any private footpath use and the face of kerb of the road or any other area (to provide room for vehicles to reverse angle or parallel-park and open car doors); and
  - d. Footpaths must be of a suitable and level surface.
2. Outdoor Dining (see diagrams below):

- a. The use for outdoor dining or trading is to be ancillary to an approved business or retail activity on the adjoining lot.
  - b. Tables and chairs, other furniture, and moveable signage are to be on the street frontage of the relevant business lot and not extend to other lot frontages that are not part of the business.
  - c. Furniture must be removed and stored away inside the shop when the business is closed.
  - d. The furniture should complement and enhance the streetscape, the types and designs should be of high quality materials with finishes that are attractive and durable.
3. Display of Goods:
- a. Maximum of two (2) goods display structure (racks, shelves or similar) per commercial business/approval.
  - b. Goods displays must sit against the relevant shopfront, not out against kerb or verandah posts.
  - c. The maximum height of any display is 1.8 metres, however, within 9 metres of a street corner the height must not exceed one (1) metre.
  - d. Goods display structures must be of safe and stable construction.
  - e. Display stands or goods must not be fixed to the footway or any street sign, pole, veranda post or other item.
  - f. Goods display structures must only be placed on a public footpath during the normal hours of trade of the business to which they relate.
4. Advertising Signage (A – Frame Signs): Signage must generally be up against the building within street trading/ footpath dining zone. See the controls for Advertising and Signage in Part E – Other Land Uses of this DCP.

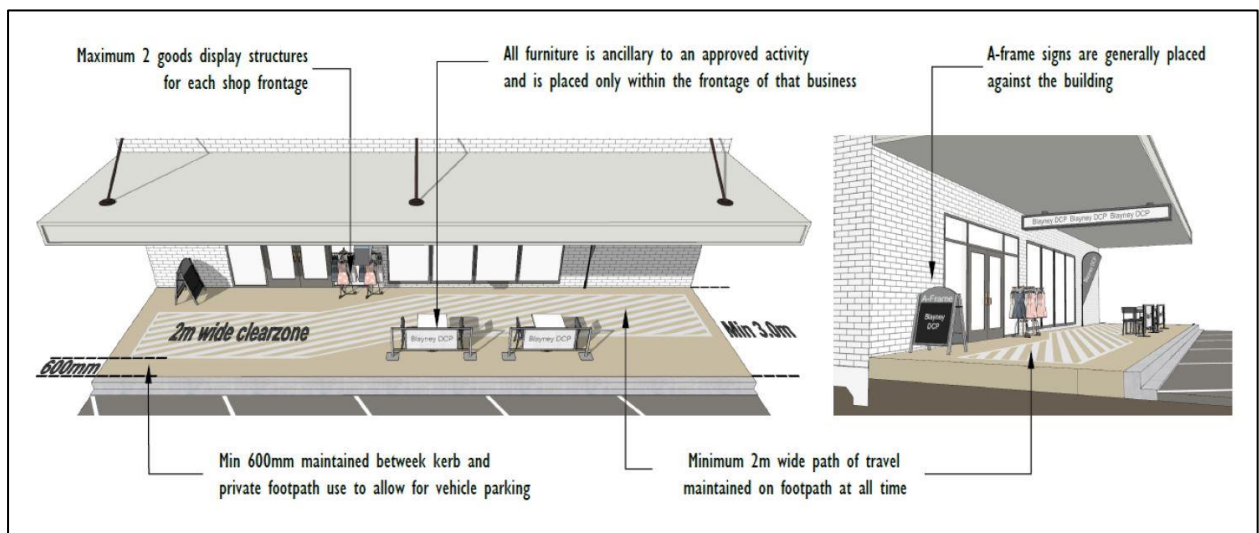


Figure 9: Footpath Trading Requirements

## D4 Industrial Building and Design

### D4.1 Site Selection and Land Use Conflicts

#### Objectives:

1. Encourage industrial developments in areas where they have the greater potential for expansion and widest range of uses/ activities for economic development and employment.
2. Ensure that industrial developments do not have an adverse impact on surrounding land use(s) or the environment.
3. Encourage a development layout, design and function, and construction that minimises impacts on adjoining and nearby properties, particularly sensitive uses such as residential uses.

#### Performance Criteria

Whilst Council will consider all applications for an industrial use on its merits in any zone where the particular land use is permitted under the June LEP 2012, the development application must ensure that the chosen site and building design will:

1. Avoid, or minimise/mitigate any potential impacts on other land uses in the vicinity of the site having regard to:
  - a. The land use zone and the desired development outcomes for each settlement/area; and
  - b. Environmental impacts in *Part G – Environmental Management & Hazards*, including but not limited to *Part G2: Buffers to Sensitive Land Uses* (noting that buffers may increase the required setbacks for buildings or activities).
  - c. Allowing for any foreseeable/desirable growth or expansion of the industrial use without significantly increasing impacts on adjacent properties;
  - d. Part D2: Site Planning, Earthworks & Utilities.

### D4.2 Setbacks

#### Objectives:

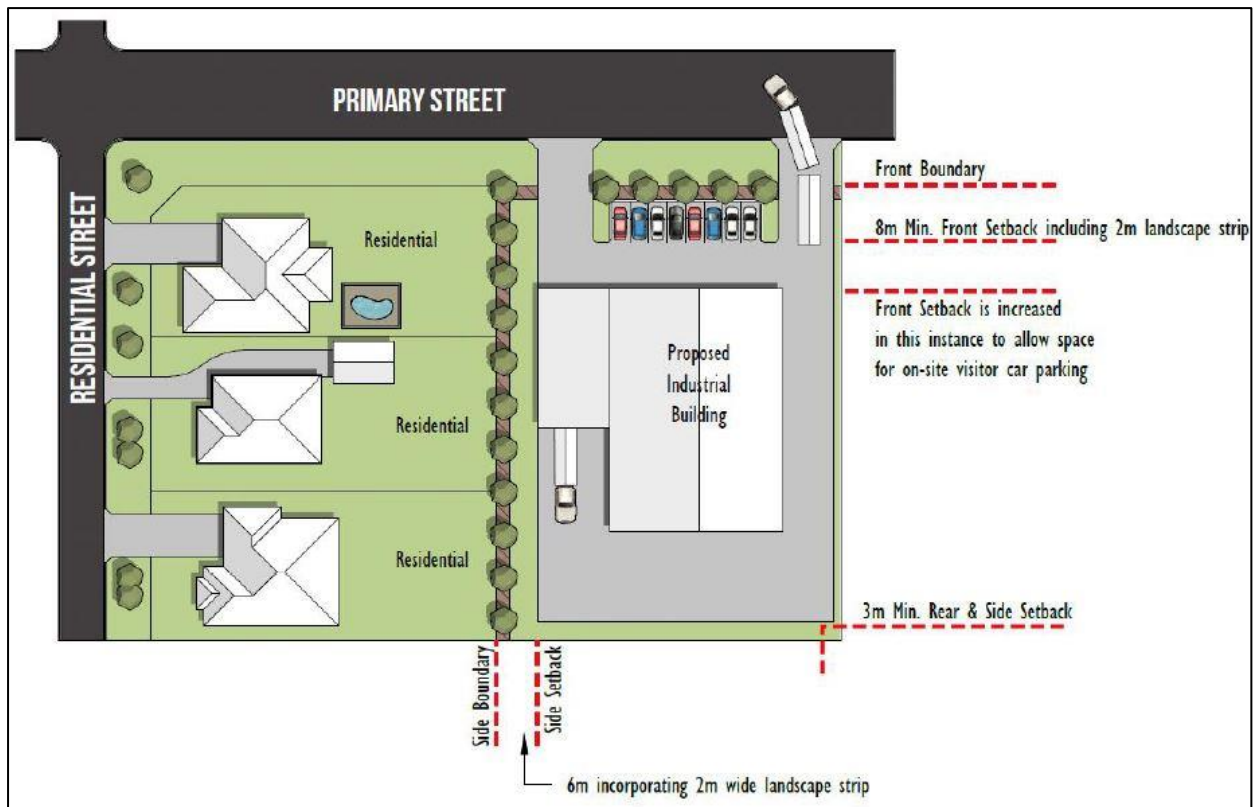
1. Building setbacks should be sufficient to:
  - a. Minimise impacts on adjacent lots.
  - b. Minimise the visual impact of larger buildings fronting public spaces or neighbouring residential dwellings.
  - c. Provide areas for landscaping as buffers to neighbouring lots and public spaces.
  - d. Provide areas for vehicle parking, loading/unloading and manoeuvring/turning areas whilst minimising the impact of large parking areas on street character/activity.
  - e. Provide areas for outdoor storage or ancillary activities that are suitably screened.
  - f. Allow stormwater management and water infiltration to soil.

#### Performance Criteria

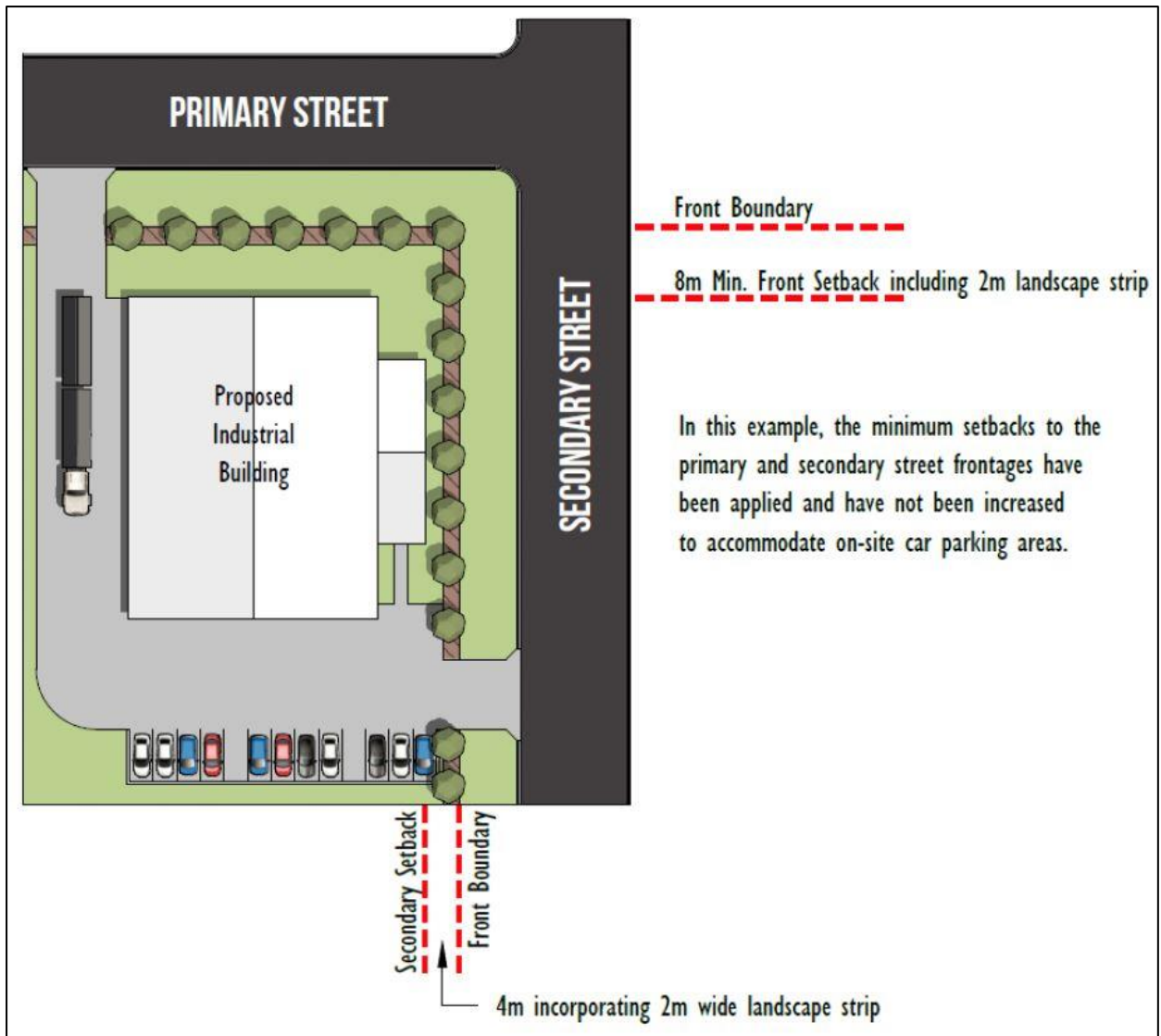
1. Front Setbacks
  - a. Front setback areas must be a minimum of 8m, incorporating a minimum 2m wide landscaping strip.
  - b. Front setback areas larger than the minimum are encouraged where this area is used for on-site car parking.



- c. Front setback areas must not be used for storage or display of goods, excessive signage, or loading /unloading areas.
  - d. New developments on sites with a corner frontage are to provide an 8m front setback to the primary frontage and a minimum 4m setback to the secondary frontage.
2. Side and Rear Setbacks
- a. Industrial buildings must be setback 3m from side and rear property boundaries.
  - b. Where the adjoining property is used for a residential purpose, the side and rear setback must be a minimum of 6m, incorporating a minimum 2m wide landscaping strip.
  - c. Zero or reduced side and rear setbacks will only be permitted subject to compliance with the National Construction Code and additional evidence provided to ensure any impacts are deemed acceptable in relation to the proposed use or activity and adjoining or adjacent properties.



**Figure 10:** Industrial Development Setback Requirements – Adjoining Residential Land Use, Parking in Front Setback



**Figure 11:** Industrial Development Setback Requirements –Parking to Rear

### D4.3 Building Height & Bulk

#### Objectives:

- I. Building height and bulk must seek to:
  - a. Integrate with the existing/desired scale and street character for the relevant land use zone and location.
  - b. Be sympathetic to heritage buildings and conservation areas (where applicable).
  - c. Be sympathetic to and if necessary, provide a transition in height to adjacent buildings to minimise visual impact.
  - d. Minimise visual impacts of larger buildings or overshadowing of key public spaces or the living spaces and private open spaces of adjacent dwellings.

#### Performance Criteria

1. **Visual Impact:** Building height and bulk should not adversely impact on the visual amenity of the locality.
2. **Solar Access:** Building height should not result in the unreasonable loss of solar access to the living and private open space areas of adjoining and adjacent dwellings between the hours of 9:00am and 3:00pm on 21 June.

### D4.4 Building Design

#### Objectives

1. To encourage high quality, sustainable and innovative industrial design which adds to and enhances the quality of the surrounding land use and environment.
2. To encourage the use of building design and materials that mitigate noise impacts on adjoining land-uses, particularly residential areas.

#### Performance Criteria

1. **Offices:** Office components should be located at the street frontage of the structure and should be architecturally differentiated from the main industrial building to break up the façade, unless the office component is internal to the building.
2. **Variation:** Long blank walls and unbroken roof lines must be avoided facing the street or key public spaces. This can be achieved by incorporating one or more of the following techniques into the building elevations:
  - a. Wall plane projection or recesses;
  - b. Windows, doors or other openings;
  - c. Variation of roof height;
  - d. Material changes.

### D4.5 Building Materials & Colours

#### Objective

1. To ensure materials and colours are used to reduce the visual impact of buildings and integrate with the surrounding built form and street character

#### Performance Criteria:

1. **Reflectivity:** External materials (particularly metal clad roofs and walls) must have low reflectivity if they are visible from a public road, public place or residential area, and where there is a reasonable probability of glare affecting driver safety or residential amenity.
2. **Colour:** All external building materials including roofing should be of a neutral colour finish.
3. **Logos:** Corporate colours and logos should be incorporated into the overall colour scheme and not be the dominant feature. For example, bright logos and colours should not be across the whole front façade.

## D5 Access and Parking

### D5.1 General Controls

#### Objectives

1. To ensure developments are supported by good vehicle access, circulation, loading and unloading areas, and vehicle parking areas that:
  - a. Promote safety and efficiency for users, the general public, and surrounding road systems;
  - b. Are well-integrated with the site and building design and appropriately screened and/or landscaped to protect street character;
  - c. Provide adequate provision of off-street parking consistent with the parking demand generated by the development and NSW Government policy;
  - d. Minimise impacts on neighbouring sites (e.g. noise, dust, vehicle lights, vibrations etc.).

#### Performance Criteria

1. To ensure all traffic generating developments are designed in accordance with the requirements of this DCP and:
  - a. RTA (now RMS) (2002) Guide to Traffic Generating Developments; and/or
  - b. Relevant Australian Standards including but not limited to *AS2890 – Parking facilities* including:
    - i. AS2890.1 (1993) – Off-street car parking;
    - ii. AS2890.2 (1989) – Commercial vehicle facilities;
    - iii. AS2890.3 (1993) – Bicycle parking facilities.

These guidelines/standards are applicable to all relevant control(s) below.

### D5.2 Vehicle Access

#### Objectives

1. To ensure all lots have appropriate and safe provision for access to and egress from a site.
2. To ensure development is provided with appropriate access, circulation, loading and unloading areas and vehicle parking areas are safe and efficient and integrated with the site and building design.
3. The applicant must demonstrate any proposed site vehicle access location and design has considered public safety including, but not limited to:
  - a. The type of road the access will front onto and its design;
  - b. Sight distances and vehicle speeds;
  - c. Proximity to intersections or pedestrian crossings;
  - d. Existing and proposed landscaping design;
  - e. Potential conflicts with other vehicles and pedestrians/ bicycles on and off-site.

#### Performance Criteria

1. **Public Safety:** The applicant must demonstrate any proposed site access location and design has considered public safety including, but not limited to:
  - a. The type of road the access will front onto and its design;
  - b. Sight distances and vehicle speeds;
  - c. Proximity to intersections and pedestrian crossings;

- d. Existing and proposed landscaping design;
  - e. Potential conflicts with vehicles and pedestrians.
  - f. Ingress/egress in a forward direction.
2. Access: Vehicle access must be located to:
    - a. Avoid direct access to a classified road unless there is no suitable alternative;
    - b. Provide suitable separation from intersections and sightlines;
    - c. Provide clear separation between customer and vehicle traffic.
  3. Design: Vehicle access must be designed to:
    - a. Cross the footpath or footway at right angles to the centreline of the road;
    - b. Be clear of obstructions, which may prevent drivers having a timely view of pedestrians;
    - c. Be properly signposted, where there are separate access and exit points;
    - d. Take into consideration any requirements in the former RTA (2002) *Guidelines for Traffic Generating Development* (as amended or replaced) – Section 6.2 Access requirements.
  4. Gates: Access or security gates must:
    - a. Be set back from the public roadway a sufficient distance to allow a vehicle and trailer to stand without hindering vehicular or pedestrian traffic on the public road whilst the gate is being opened and closed.
    - b. Not open outwards onto any public space.

### D5.3 Circulation & Loading/Unloading

#### Objective

1. To provide parking areas which promote ease of access as well as safe and effective internal circulation patterns.

#### Performance Criteria

1. Safety: The design of all internal vehicle manoeuvring areas should demonstrate consideration of the safety and access for all users (vehicle, pedestrian and bicycle) and minimise potential conflicts.
2. Pavement: All vehicle manoeuvring areas on-site must be sealed. Gravel will not be permissible except in rural areas where there are no conflicts (noise and dust) with adjacent lots and suitable drainage is provided.
3. Direction of Travel:
  - a. For all developments there should be sufficient manoeuvring areas to enable all vehicles (regardless of size) to enter and leave the site in a forward direction.
  - b. Reversing of vehicles onto public roads will not be permitted unless there are exceptional circumstances, for e.g. emergency vehicles.
4. Vehicle Sizes: Internal vehicle manoeuvring areas should be designed to accommodate the turning radii and the pavement loading of the largest vehicle that will potentially utilise the manoeuvring area.
5. Loading / Unloading Facilities:
  - a. All new development should provide sufficient numbers and size of spaces on-site for delivery vehicles, where appropriate, based on the expected frequency of deliveries and the likely vehicle size/type of delivery vehicle (see Section 5 of the former RTA

- (2002) Guidelines for Traffic Generating Development (as amended or replaced) relating to courier, delivery and service vehicles.
- b. Deliveries and unloading from the street frontage will not be acceptable unless there are site constraints that would prevent off-street deliveries from occurring.
6. Loading / Unloading Design: Loading and unloading areas must be located and designed so they:
- a. Can be accessed in a safe and efficient manner;
  - b. Do not extend over public roads or footpaths during loading and unloading operations;
  - c. Do not utilise or crossover vehicle circulation or parking spaces unless all loading/unloading occurs outside the normal business hours of the premises;
  - d. Are suitably screened from public spaces where there may be on-site storage of goods.

## D5.4 Parking

### Objective

1. To provide adequate off-street parking consistent with the parking demand generated by the development so there is not an unreasonable reliance on on-street parking or impacts to other users.

### Performance Criteria

1. Parking Location:
  - a. Minimising visual impact of off-street parking areas on street character, the amenity of the development and adjacent sites and providing screening that can minimise this impact (where appropriate);
  - b. Proximity of customer parking to customer entrances and proximity of staff parking to staff entrances including accessible parking and access;
  - c. Minimising impacts on any neighbouring dwellings/residential areas;
  - d. Addressing site conditions such as slope and drainage;
  - e. Ease of access to and from the street in a forward direction;
  - f. Separation of customer parking from courier and service delivery vehicle parking and/or loading and unloading facilities for safety and accessibility.
2. Operation Hours: Free and uninterrupted access to car parking areas should be maintained at all times during the hours of operation of the proposed development.
3. Stacked Parking: Generally stacked parking will not be acceptable unless there were special site considerations and parking management arrangements made to justify stacked parking.
4. Circulation: Larger car parking areas must provide rational circulation patterns and minimise the use of dead-end aisles.

## D5.5 Pedestrian Access and Mobility

### Objective

1. To improve equity of access for the entire community.
2. New buildings, substantial alterations and additions, parking and access must comply with the *Disability (Access to Premises — Buildings) Standards 2010* (as amended or replaced) under the

*Disability Discrimination Act 1992* and the National Construction Code and Australian Standards.

#### Performance Criteria

1. Standards: New buildings, substantial alterations and additions, parking and access must comply with the *Disability (Access to Premises – Building) Standards 2010* (as amended and replaced) under the Disability Discrimination Act 1992 and the National Construction Code and Australian Standards.
2. Separation: Pedestrian and vehicle access to sites must be separated and clearly marked.
3. Access ramps: Access ramps must be integrated into building design and located outside the road reserve/public footpath (unless otherwise agreed with Council).

### D5.6 Parking and Safety

#### Performance Criteria

1. Parking Navigation: Signage should take into consideration the following:
  - a. Parking areas should be well sign-posted to indicate the location of off-street parking and exit and entry points, visible from both the street and the circulation spaces on the site, with directional signposting from the building entrance/exit (where necessary);
  - b. Pavement arrows should clearly indicate the direction of traffic circulation (if one-way);
  - c. Parking areas shall be clearly delineated as well as parking spaces for specific users (e.g. disabled spaces/staff/visitors).
2. Pedestrian Connections: The parking design should take into account the following for pedestrians:
  - a. Footpaths should be designed to enhance access to and within the development;
  - b. Footpath gradients should be minimised and cater for shopping trolleys, prams, mobility scooters etc. (where applicable).
3. Safety Principles: Development proposals involving large car parking areas or night-time parking areas should be assessed against general principles of Crime Prevention through Environmental Design (CPTED) / Safety by Design.
4. Lighting: The use of lighting should be considered where night use of parking areas is involved and where existing street lighting is inadequate subject to avoiding impacts on adjacent residential uses and classified roads (see Part D6.6 External Lighting).

### D5.7 Off Street Car Parking

#### Objective

1. To ensure there is adequate off-street parking to meet the needs and size of the development.

#### Performance Criteria

1. Each development should provide the number of off-street car parking spaces set out in the Table of Car Parking Requirements (below) - unless the proposed development meets the exemptions in accordance with Section D5.8

2. Stacked/ tandem parking will not be acceptable (particularly for customer parking) unless there are special site considerations and parking management arrangements made to justify stacked parking.

## D5.8 Exemptions to Off Street Car Parking Requirements

Off-street parking will generally be required for most new developments and some adaptive re-use of existing buildings in accordance with the clause below. However, it may not be required for:

1. Change of Use: The proposed development is for a 'change of use' where there is no additional space for on-site car parking and the impacts on on-street parking would be minimal;
2. Heritage Item: The proposed development involves the restoration and/or conservation of a listed heritage item in the Junee LEP 2012. This is an incentive and will only be applied where the applicant can demonstrate that the conservation of the item depends upon the use of this clause;
3. Existing Building: The proposed development involves alterations and additions to an existing building, and the alterations and additions have a gross floor area of less than 25sqm and do not encroach on existing off-street parking areas;
4. Alternative Parking: The applicant can demonstrate there is alternative parking on another public or private site (not the proposed development site) that is in close proximity to the development and can accommodate the parking requirements without affecting other users;
5. Site Constraints: It is not physically possible to comply with the off-street parking requirements. The applicant will need to provide a Traffic and Parking Report that addresses the following matters:
  - a. A description of the proposal and the expected hours of operation;
  - b. An assessment of the traffic generation and expected vehicle parking demand (customer, staff and service vehicles);
  - c. Reasons why the lot(s) used for the proposed development cannot accommodate the off-street parking requirements
  - d. An assessment of the impacts of on-street parking on the public road system and adjacent lots and their existing or potential land uses.
6. Contributions: A parking contribution is paid in lieu in accordance with an adopted Council Policy or a Voluntary Planning Agreement (VPA)

## D5.9 Table of Car Parking Requirements

**Mixed Uses:** A development comprising a combination of two or more uses will be assessed as if the two uses exist independently (i.e. the total parking spaces required is the sum of the parking spaces required for each use). Variation to this requirement will only be considered where the applicant can demonstrate the peak demand for each land use component of the development is staggered or the development as a whole generates less parking than the sum of its component parts.

**Calculations:** Where a calculation results in the requirement for a percentage of a space then the number of required spaces must be rounded up to the next full space.

**Other Land Uses:** The following table is based on the parking requirements of Section 5 of the RTA (2002) *Guidelines for Traffic Generating Development* (as amended or replaced) with definitions adapted



to the June LEP 2012. Where a land use is not listed below then Council will have regard to the *Roads & Maritime Services (2002) Guide to Traffic Generating Developments* (as amended).

This table is intended to be a guide for applicants and Council staff in assessing car parking requirements and actual requirements may be more or less than outlined in the table below.

<b>Business Premises</b>	
Business Premises	1 space per 45sqm of Gross Floor Area (GFA).
<b>Office Premises</b>	
Office premises	1 space per 40sqm GFA + Delivery vehicle parking.
<b>Retail Premises</b>	
Bulky Goods Premises	1 space per 55sqm of Gross Floor Area (GFA).
Hotels (Pubs), Function Centres & Registered Clubs	1 space per 5sqm of bar, lounge, beer garden, auditorium, games room, restaurant + 1 space per 3 staff (peak staff level) + 1 space per bedroom/unit.
Restaurants & cafes	1 space per 6.5sqm of customer service area (including outdoor dining areas)
Takeaway food & drink premises	Developments with no on-site seating: 10 spaces per 100sqm GFA. Developments with on-site seating: 10 spaces per 100sqm GFA + 1 space per 3 seats (internal or external). Developments with on-site seating & drive-through facilities: 1 space per 3 seats (internal and external) + queuing area for 5 to 12 cars.
Shops (including neighbourhood shops)	1 space per 35sqm of customer service area or display.
Hardware & building supplies & rural supplies	1 space per 130sqm of GFA dedicated to display (indoor & outdoor).
Vehicle sales or hire premises	1 space per 100sqm site area + 2 spaces per work bay (for vehicle servicing).
<b>Commercial Premises (Other)</b>	
Amusement centres & Entertainment facilities	1 space per 10sqm OR 1 space per 10 seats, whichever is the greater.
Service stations	Adequate space adjoining each bowser + queuing area for 3 to 5 cars + 5 spaces for any convenience store

<b>Education Establishments</b>	
Child care centres	1 space per 10 children + 1 space per 2 employees
Education establishment	<p><b>Infants &amp; Primary Schools:</b> 1 space per staff member + adequate student set down/pick up areas, bus turning areas parking for auditoriums and sportsgrounds.</p> <p><b>Secondary Schools:</b> 1 space per staff member + 1 space per 10 students (17 years of age or older) + adequate student set down/pick up areas, bus turning areas + parking for auditoriums and sportsgrounds.</p> <p><b>Tertiary Schools &amp; Colleges:</b> 1 space per staff member + 1 space per 5 students + adequate parking and turning areas for auditoriums and sportsgrounds.</p>
<b>Health Service Facilities</b>	
Hospitals	1 space per resident or staff doctor + 1 space per staff member on duty at any one time + ambulance parking + 1 space per 10 beds (visitor parking).
Medical centres	3 spaces per surgery room + 1 space per staff member
Health consulting rooms	1 space per 65sqm of GFA with a minimum of 3 spaces per surgery room + 1 space per staff member.
<b>Community Facilities</b>	
Community facilities/place of public worship/place of assembly	1 space per 10sqm of GFA OR 1 space per 4 seats (whichever is greater).
Funeral homes/mortuaries	1 space per 10sqm of GFA OR 1 space per 10 seats (whichever is greater).
<b>Tourist and Visitor Accommodation</b>	
Bed and breakfasts / Short-term holiday lets	1 space per bedroom.
Backpackers accommodation or hostels	1 space per 5 beds + 1 space per staff member present.
Hotels/motels	1 space for each unit + 1 space per 2 staff. If restaurant - Add 1 space per 6.5sqm of GLFA of restaurant. If function room – Add 1 space per 3 seats.
Serviced apartments	1 space per apartment + 1 space per 2 staff.
Caravan parks	1 space for manager + bus parking + 1 space per site + 1 space per 5 sites (visitor parking).

<b>Miscellaneous</b>	
Home business	1 space per dwelling + 1 space per 2 staff.
Home occupation & Home occupation (sex services)	1 space per dwelling + 1 space (visitor).
Other Land Uses	To be determined on merit having regard to the nature of the development and traffic generation. Council may require a Traffic & Parking Report with three (3) cases / examples from the region.
<b>Industries</b>	
Rural industries	To be determined on merit having regard to the nature of the development and traffic generation
Heavy/Light/General Industries	To be determined on merit having regard to the nature of the development and traffic generation
Vehicle body repair workshops	1 space per 55sqm of GFA + 2 spaces per work bay (for vehicle servicing facilities)
Vehicle repair station	1 space per 55sqm of GFA
Freight transport facilities/passenger transport facilities/transport depots/truck depots	To be determined on merit having regard to the nature of the development and traffic generation

## D6 - Ancillary Development

### D6.1 Open Storage, Utility and Service Areas

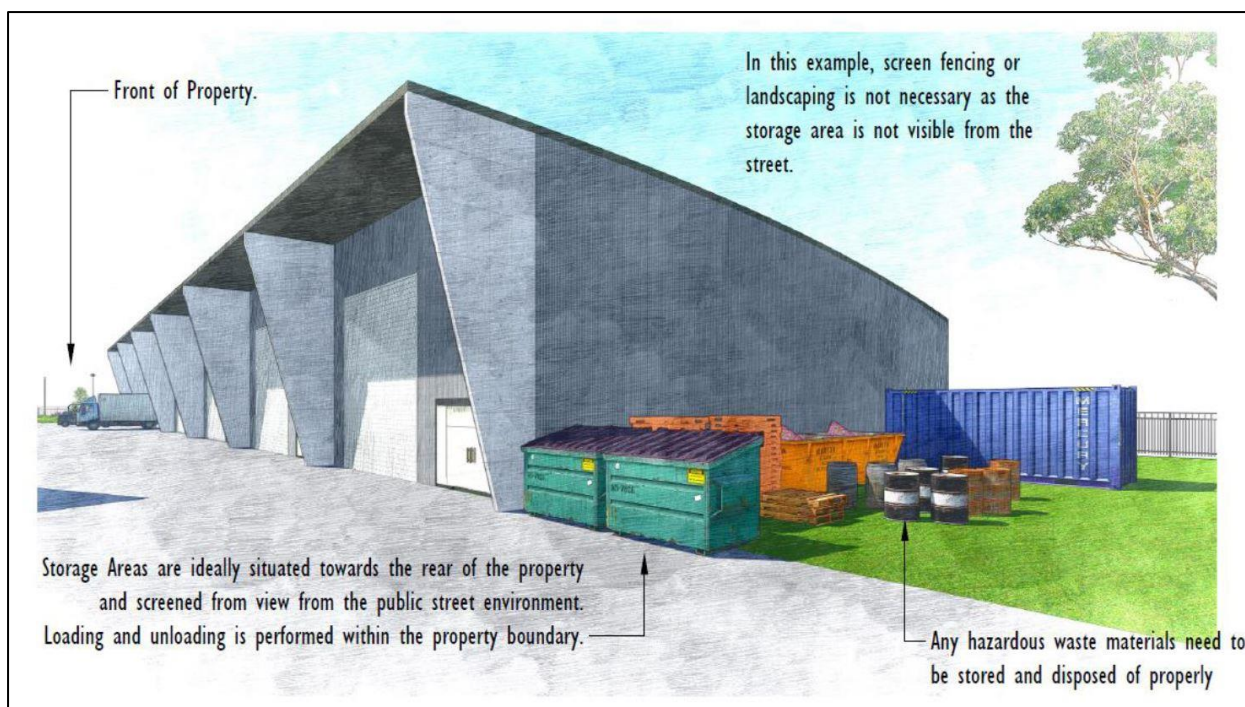
#### Objectives

To ensure goods and waste storage areas:

1. Are appropriately located, designed and screened (with fencing and/or landscaping) to minimise the visual impact and clutter of these areas from key public areas and streets.
2. Limit environment impacts and impacts on the amenity of neighbouring sites.

#### Performance Criteria

1. Location & Screening: Storage areas should be located behind the building or another part of the site that cannot be seen from the street, unless suitably screened from public view.
2. Dust: Open storage areas must seek to minimise dust impacts on neighbouring properties with ground surface treatment to minimise dust emissions from vehicle movements (see *Part G2.4 Odour & Dust*).
3. Fencing: Screen fences should be a maximum of 2.4 metres in height and goods should not to be stacked higher than the fence.
4. Landscaping: Landscaping is generally not an acceptable method of screening, unless it is well established, or the applicant can demonstrate the storage area will be effectively screened using advanced plantings in conjunction with fencing, and other screening devices.
5. Hazardous Materials: The storage of hazardous goods, materials or wastes will not be permitted in areas that adjoin residential or other sensitive land-uses, unless screened from view and there are suitable protections to avoid impacts on adjoining sites.
6. Materials: Full details of the materials likely to be stored on the site are to be provided to Council for assessment as part of the development application.
7. Loading/Unloading: Sufficient space should be provided on-site for the safe loading and unloading of wastes. This activity is not to be undertaken on any public place.



**Figure 12:** Industrial and Commercial Storage Areas

## D6.2 Solid Waste Management

### Objectives

1. Goods & waste storage areas are appropriately located, designed and screened (with fencing and/or landscaping) to minimise the visual and odour impact of these areas from key public areas and streets.
2. There is sufficient waste storage for the required types and volumes of solid waste.
3. There is sufficient access and/or circulation space to waste storage areas for collection by waste vehicles.

### Performance Criteria

1. Waste Management Plan: Any application that would generate significant volumes of waste during the demolition, construction and/or operation of the development should provide a Waste Management Plan that demonstrates how waste (general waste, recycling, and green waste) will be stored on-site and disposed of whilst minimising impacts on the natural environment and neighbouring land uses.
2. Loading Areas: Sufficient space must be provided on-site for the storage, loading and unloading of wastes based on standard waste generation rates, standard waste vehicle sizes and access/turning requirements, for the relevant business or industry.
3. Screening: Waste storage areas should be screened from public spaces in accordance with the controls in D6.1 Open Storage, Utility & Service Areas.

## D6.3 Landscaping

### Objectives

1. Use of appropriate landscaping to provide a pleasant environment that complements the design of the buildings and provides buffers to neighbouring lots and the public domain.

2. Landscaping should be provided in setback areas where it is necessary to:
  - a. Retain existing significant trees;
  - b. Screen the visual bulk of larger buildings;
  - c. Soften the visual impact of large hardstand / car parking areas;
  - d. Provide shaded open space for staff;
  - e. Provide shade and amenity for parked cars, buildings, and open spaces; and
  - f. Provide deep soil zones for water infiltration and stormwater management.

#### Performance Criteria

1. Application requirements: All new proposals for industrial development should be accompanied by a Landscaping Plan.
2. Front setback for Industrial uses: A two (2) metre landscaping strip must be located at the front boundary of the site.
3. Setbacks: Front and side setbacks are to be landscaped where appropriate, to soften the appearance of buildings, storage, service and parking areas.
4. Parking Areas for Commercial uses: Except where space is extremely limited, all new off-street parking areas for commercial uses and most community uses should incorporate landscaping plantings that address the objectives of this control.

## D6.4 Fencing

#### Objectives

1. Fencing must be designed and maintained:
  - a. To meet the security needs of a development and its staff and customers;
  - b. To maximise interaction (avoid barriers during operational hours) and promote casual surveillance between the development and key public spaces.
  - c. To minimise visual impact of fences on street character and heritage items or conservation areas.

#### Performance Criteria

1. Junee CBD: Fencing of commercial or retail properties in the Junee CBD will generally not be permitted in front of the building line facing any street unless:
  - a. The building is setback from the street; and
  - b. The fence is justified for security reasons; and
  - c. The fence utilises transparent materials or apertures of minimum width 25mm; and
  - d. The fence does not exceed 1.8m in height; or
  - e. It is adaptive re-use of an existing dwelling/heritage item with an existing fence.
2. Other Commercial Uses: In all other zones, fencing that is forward of the building line or facing a public street:
  - a. Should be constructed with a combination of solid and/or open/landscaped elements in a style that complements the building;
  - b. Is not permitted to be solid fencing (including Colorbond sheets);
  - c. May include chain link fencing, open mesh fencing or wrought iron/pool fencing;
  - d. Must not be erected to a height greater than 2.4 metres.
3. Security Fencing: Fencing shall not be an electric fence or incorporate barbed wire due to the visual appearance and safety issues of these fence types.

4. Sight Distances: Fencing should preserve safe sight distances for all vehicle entry and exit locations, including those on adjoining properties, especially on corner lots.
5. Visual Impact: Fencing should incorporate the use of landscaping to reduce visual impact, particularly on large sites that have long street frontages.

## D6.5 Advertising and Signage

Developments proposing signage must comply with the controls contained in *Part E – Other Land Uses* of this DCP relating to Advertising and Signage.

## D6.6 External Lighting

### Objectives

1. To facilitate safety and security for each development.
2. To minimise impact on adjoining properties from light-spill or inappropriate lighting.

### Performance Criteria

1. Adjoining Properties: Any external lighting of buildings or the site must avoid any significant impacts (e.g. light spill) onto adjoining properties including sensitive residential uses and vehicle and pedestrian safety in adjacent road reserves.
2. Other Controls: External lighting that could impact on adjoining properties must demonstrate compliance with:
  - a. AS/NZS 11583.1 Pedestrian Area (Category P) Lighting;
  - b. AS4282 Control of Obtrusive Effects of Outdoor Lighting;
  - c. If on a classified road, any Roads & Maritime Services (RMS) Guidelines.
3. Limited Hours: External lighting may need to be designed to turn off outside the approved operating hours of the business or use (or in accordance with hours approved by Council) if any light spills onto adjoining residential properties and avoid movement sensitive lighting unless absolutely necessary.
4. Colour temperature of external lighting is preferred to be of a Daylight or warmer temperature (5500K or warmer) in urban areas to improve safety during foggy weather

# Part E: Other Land Uses

## EI: Introduction

### EI.1 Application of this Part

This part of the Plan applies to all land within the Junee Local Government Area (Junee LGA) and provides standards for other specific land uses or activities that may not be covered by the previous parts of this DCP.

### EI.2 Other Parts of this DCP

Whilst Council has attempted to consolidate most of the controls relating to other land uses in this Part, other Parts of this DCP may also apply depending on the type of development you are proposing and the site constraints including, but not limited to:

1. Part C – Residential (where you are also proposing some type of residential development);
2. Part D – Commercial, Community and Industrial (where you are also proposing some type of commercial, community or industrial development);
3. Part F – Subdivision (where you are also proposing some type of subdivision of your land);
4. Part G – Environmental Management & Hazards (dependent on-site constraints and potential impacts); and
5. Part H – Heritage (where the site is a heritage item or is in a conservation area or near a heritage item).



## E2 Advertising and Signage

### E2.1 Application of this Section

This section applies to all advertisements and signage<sup>15</sup>, except signage that is exempt development under an environmental planning instrument that is applicable.

In order to use this section please review:

1. Section E.2.5 General Controls for Advertising and Signage – to see the types of signs permitted for each use or activity; and
2. Section E.2.6 Types of Signs – to see additional controls for each sign type that is permitted.

### E2.2 Relationship to other Plans or Policies

Under [State Environmental Planning Policy No.64 – Advertising and Signage \(SEPP 64\)](#), Council cannot grant development consent to an advertising sign or structure unless it is consistent with the aims of SEPP 64 and satisfies the assessment criteria listed in Schedule 1 of SEPP 64.

This document has been prepared with consideration of the provisions of SEPP 64 and should be read in conjunction with the SEPP and any applicable Guidelines.

### E2.3 Signs that do not Require Development Consent

The [State Environmental Planning Policy \(Exempt and Complying Development Code\) 2008](#) outlines signage that is exempt from the requirement of obtaining development consent.

Proposals that do not satisfy the requirements of the SEPP are required to be the subject of a Development Application (DA) seeking approval from Council.

### E2.4 Objectives

The objectives of this section are to:

1. Provide guidelines for the design, erection and display of signage and advertising structures.
2. Ensure signage is well designed, appropriately sized and positioned in a consistent manner.
3. Encourage relevant and appropriate signage which complements the character of the area and the site or building on which it is located.
4. Ensure signs are structurally safe and well maintained.
5. Minimise visual clutter caused by the proliferation of signage and encourage the rationalisation of existing and proposed signage.
6. Ensure signage does not compromise pedestrian, cyclist or vehicle safety.

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<sup>15</sup> **signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following— an advertising structure, a building identification sign, a business identification sign, but does not include a traffic sign or traffic control facilities.

## E2.5 General Controls for Advertising and Signage

The general controls for advertising and signage throughout the Junee LGA are contained in the table below. Additional Guidelines for signage within heritage conservation areas are available from Council.

Land Use	Advertising and Signage Types Permitted with Development Consent
Home Business, Home Industry or Home Occupation	<ol style="list-style-type: none"> <li>1. One (1) business identification sign is permitted per property to be constructed or installed in relation to a home business, home industry or home occupation.</li> <li>2. The sign must be no greater than 600mm by 900mm, except if a window sign, with a maximum coverage of 20% of the surface of the window in which is displayed or 6m<sup>2</sup>, whichever is the lesser.</li> <li>3. The sign must not be illuminated.</li> </ol>
Commercial and Retail	<ol style="list-style-type: none"> <li>1. A single business premises is permitted to have a maximum number of signs on each street frontage of the building (in accordance with the controls below) as follows:               <ol style="list-style-type: none"> <li>a. One under awning sign;</li> <li>b. One top hamper sign or flush wall sign;</li> <li>c. One fascia or awning fascia sign;</li> <li>d. One A-Frame sign on the footpath;</li> </ol> </li> <li>2. Window signage may be provided in addition to the list above as long as it does not take up a significant area of the street window or significantly reduce visibility between the inside of the shop and the street.</li> <li>3. Each tenancy in a multiple tenancy on the same lot may have the same signage as set out in subclause (1) above as well as a single directory board /pylon sign naming the facility and listing some or all of the tenancies at or near the primary customer entrance.</li> </ol>
Industrial	<ol style="list-style-type: none"> <li>1. For each single occupant industrial site/building advertising signs will be permitted as follows:               <ol style="list-style-type: none"> <li>a. One (1) free standing advertisement within the 2 metre landscaped road setback;</li> <li>b. Two (2) advertisements integrated on the façade of the building (one per wall).</li> </ol> </li> <li>2. For each multiple occupant industrial site/ building advertising signs will be permitted as follows:               <ol style="list-style-type: none"> <li>a. One (1) index board near the customer entrance or within the 3m landscaped road setback; and</li> <li>b. One (1) advertisement integrated within the façade of each unit.</li> </ol> </li> </ol>
Highway Services and Service Station	<p>Highway services or service stations are permitted the following signs:</p> <ol style="list-style-type: none"> <li>1. Two (2) fascia signs or flush wall signs;</li> <li>2. One (1) pylon sign at the primary road frontage boundary where the building is setback from the road, with a maximum height of 7 metres;</li> <li>3. One (1) A-Frame sign on the footpath.</li> </ol>

Rural and Environmental Zones	Advertising in rural and environmental zones (excluding Zone RU5 Village) is only permitted if there is: <ol style="list-style-type: none"> <li>1. One (1) sign per business; or</li> <li>2. Each sign advertises a facility, activity or service located on the land or directs travelling public to a tourist facility/building/place of scientific, historical or scenic interest within the area.</li> </ol>
Subdivision and Multi Dwelling Development	Where a subdivision creates more than 10 lots or where all the dwellings in a multi dwelling development has 10 dwelling or more the following signs are permitted: <ol style="list-style-type: none"> <li>1. One (1) sign located at the main entrance to the subdivision/multi dwelling development;</li> <li>2. The sign is not more than 5m<sup>2</sup> in area;</li> <li>3. The sign is not more than 2m above ground level (existing).</li> </ol>
Temporary Event Sign	<ol style="list-style-type: none"> <li>1. One (1) banner and one other type of temporary sign facing on any road frontage is permitted.</li> </ol> <p>Each sign must:</p> <ol style="list-style-type: none"> <li>2. Not have a surface area of more than 6sqm;</li> <li>3. Be located wholly within the boundaries of the property or, if attached to a building, fence or wall, not project more than 100mm from the building, fence or wall;</li> <li>4. Not be higher than 5m above ground level (existing);</li> <li>5. Not be permanently fixed to a building, fence or wall;</li> <li>6. If advertising a commercial or retail event, not be constructed or installed in a residential zone;</li> <li>7. Not be illuminated;</li> <li>8. Not be displayed earlier than 14 days before the event; and</li> <li>9. Be removed within 2 days after the event.</li> </ol>

## E2.6 Types of Signage

The following additional controls apply to specific types of signage:

### E2.6.1 Under Awning Sign

**Under awning signage:** a sign attached to the underside of an awning.

Under Awning sign(s) must:

1. Not exceed one (1) sign per property street frontage.
2. Be attached to the building in which the business identified in the sign is located.
3. Not be more than 1.5m<sup>2</sup> in area and not more than 2.5m<sup>2</sup> in length.
4. Be erected with the lower edge at least 2.6m above ground level (existing).
5. Not extend beyond the edge of the awning.



Figure 13: Under Awning Signage

## E2.6.2 Above Awning Sign

**Flush wall signage:** attached to the wall of a building above awning level and not projecting more than 0.3 metres from the wall.

**Projecting wall signage:** attached to the wall of a building above awning level and projecting horizontally more than 0.3 metres from the wall.

**Roof signage:** erected on or above the roof, parapet or eaves of a building.

Above Awning Sign(s) must:

1. Be of a size that is consistent with the bulk and scale of the building and character of the streetscape.
2. Be located at first floor level where the building is more than one level.
3. Not include above awning illuminated signage, where shop top housing is located.



Figure 14: Above Awning and Rooftop Signage

### E2.6.3 Temporary Content Sign or A Frame Sign

Temporary content signs (external to building):

- 1) May be a flush wall permanent sign e.g. Blackboards which allow for temporary content such as weekly specials and deals.
- 2) May be moveable e.g. Display specials to diners at a restaurant but must not be located on the road reserve at any time.
- 3) Must have maximum dimensions of 900 x 620mm.

**A-frame signs** are more commonly known as sandwich board signs. A-Frame are free standing structures that are temporarily placed on the footpath outside the business to which they relate.

A-Frame sign(s) must:

1. Not exceed one (1) sign per commercial business;
2. Only contain content that relates directly to an activity carried out on or associated with the related business premises;
3. Be of safe and stable construction and must comply with the diagram below;
4. Only be placed during the normal hours of trade of the business to which they relate.
5. Not be illuminated;
6. Only be located on footpaths with a minimum footpath width of 3.0m;
7. Be accompanied by a Section 68 application for the display of goods on Council's footpath and a public liability insurance policy that:
  - a. Is for a sum of not less than \$20 million;
  - b. Includes a cross liability clause, in the sum of not less than \$20 million;
  - c. Specifically indemnifies Council against any public liability claims;
  - d. Is renewed annually; and

- e. Is kept on the premises as proof of currency and produced on demand to any authorised Council officer.



Figure 15: Temporary Content and A Frame Signage

## E2.6.4 Fascia Sign

**Fascia signage** means an advertisement attached to the fascia or return of an awning.

Fascia sign(s) must:

1. Not exceed one (1) sign per property;
2. Not project above or below the fascia to which it is attached; and
3. Be at least 600mm behind the alignment of any kerb within the adjacent road.



Figure 16: Fascia Signage

## E2.6.5 Pylon and Pole Sign

**Pylon and pole signage** means an advertising structure erected on a pylon or pole which is independent of any building or other structure.

Pole and/or pylon sign(s) must:

1. Not exceed one (1) sign per property street frontage;
2. Not be located within the main streets of Towns and Villages within the Junee LGA, except for Service Stations which may seek special permission from Council and Roads and Maritime Services (RMS);
3. Have a height that is consistent with the scale of surrounding buildings and is a maximum height of 7 metres;
4. Be designed to reflect the scale of the building to which it relates and the streetscape characteristics of the area;
5. Be contained wholly within the site and must not overhang any public space or land;
6. Not be illuminated.

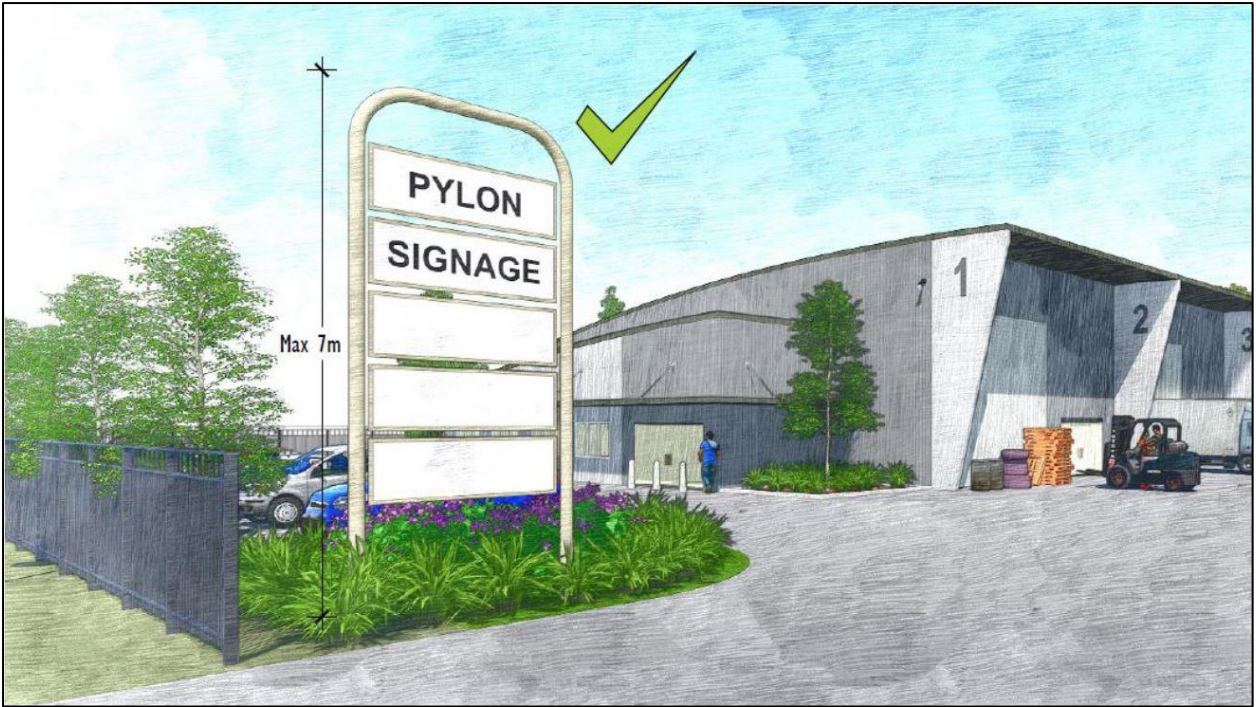


Figure 17: Pylon and Pole Signage

## E2.6.6 Top Hamper Sign

**Top hamper signage** means a sign attached above the doorway or display window of a building.

Top hamper sign(s) must:

1. Not exceed one (1) sign of this type for each ground floor tenancy; and
2. Not extend beyond any wall/boundary and/or below the top of the door/window head.



Figure 18: Top Hamper Signage



## E2.6.7 Portable Signs

**Portable signage** means signage that can be readily moved and includes portable flags, trailers and any similar device, but excludes any A-Frame sign.

Portable sign(s) must:

1. Not be displayed on the footpath of any road or in any public place unless the premises of the relevant business or person has direct ground floor frontage and direct ground floor access to that road or public place;
2. Not unreasonably hinder or obstruct the access and use of the footpath or any road or of any public place;
3. Be removed from the road or public place each day at the close of business;
4. If displayed on a trailer, it is not to be parked on any footpath, road related area, or road, whether attached to a vehicle or not, when the primary purpose for the placement of the trailer is for promotion or advertising in accordance with the requirements of State Environment Planning Policy 64 – Advertising and Signage.



Figure 19: Portable Signage

## E3 General Controls for all Other Land Uses

Whilst Council will consider all applications on their merits in any zone where the particular land use is permitted under the June 2012 LEP, a development application must ensure it complies with Part D – Commercial, Community and Industrial, Sections D2 Site Planning, Earthworks and Utilities and D5 Access and Parking and the other specific land uses or activities controls that are covered in Section E of this DCP.

## E4 Animal Boarding & Training Establishments

**Animal boarding and training establishment** means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses) and includes any associated riding schools or ancillary veterinary hospital, as outlined in the Junee Local Environmental Plan 2012.

### E4.1 Objectives

To ensure that all animal boarding or training establishments:

1. Consider site selection to minimise potential conflict with adjoining land uses;
2. Implement best practice with regards to design and management; and
3. Avoid and/or minimise the impacts on the natural environment and rural landscape.

Refer to the NSW Department of Primary Industries document, NSW Animal Welfare Code of Practice No.5 – Dogs and Cats in animal boarding establishments when preparing a Development Application.

### E4.2 Controls

1. Noise levels from the premises are to be in accordance with the applicable and current EPA Noise Policy and may require a certificate from a suitably qualified acoustic engineer to confirm compliance with the requirements of this policy.
2. The applicant must provide a business and management plan that addresses the relevant industry guidelines for the design of these facilities including mechanisms to manage noise etc.
3. Establishments must demonstrate there is an adequate water supply and adequate methods for disposal of solid and liquid wastes so these will not impact on adjacent properties or watercourses/ground-water systems.
4. Council may require a Sediment & Soil Erosion Plan if an establishment is located near a watercourse or environmentally sensitive area and is likely to result in significant topsoil disturbance from animals.

## E5 Tourist & Visitor Accommodation in Rural Zones

Tourist and visitor accommodation is defined in the Junee LEP 2012 to include: 'bed and breakfast accommodation', 'farm stay accommodation' and 'backpacker's accommodation'. It does not include ecotourism facilities. This section only applies to these types of development in rural zones (Zone RUI). In urban zones these types of development must comply with Part D – Commercial, Community & Industrial Development.

Refer to the Junee LEP 2012 clause 5.4 for requirements in relation to the granting of development consent for miscellaneous permissible uses.

**Eco-tourist facility** means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

Refer to the Junee LEP 2012 clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

### E5.1 Objectives

1. To encourage tourist and visitor accommodation and tourist oriented activities in areas that are appropriate for that site, whilst avoiding or mitigating against any potential land use conflicts with neighbouring properties, the natural environment and/or rural and residential amenity.
2. To ensure that facilities are designed and constructed so as to maintain rural character and amenity, productive agricultural use of land and environmental values.

### E5.2 All Tourist & Visitor Accommodation in Rural Zones

Tourist and visitor accommodation:

1. Must be integrated with the agricultural use of the land and/or rural industries on the site.
2. Any proposed buildings should be sited within a 50 metre radius from the principal dwelling house.
3. The design consideration of proposed buildings is to maintain the level of privacy and views enjoyed by adjoining properties.

## E6 Restaurants, Functions Centres in Rural Zones

The Junee LEP 2012 defines:

**Function centre** as a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres but does not include an entertainment facility.

**Restaurant** or **café** as a building or place the principle purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

### E6.1 Objectives

To enable restaurants and function centres to be developed in conjunction with agricultural uses and rural industry.

### E6.2 Controls

Restaurants, cafes and function centres:

1. Must be integrated with the agricultural use of the land and/or rural industries on the site.
2. Any proposed buildings should be sited within a 50 metre radius from the principal dwelling house.
3. The design consideration of proposed buildings is to maintain the level of privacy and views enjoyed by adjoining properties.

## E7 Roadside Stalls and Cellar Door Premises

**Roadside stall** means a place or temporary structure used for the retail sale of agricultural produce or hand-crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

See Clause 5.4 of the June 2012 LEP for controls relating to the gross floor area of roadside stalls.

This definition/section does not cover mobile stalls and sale of produce/goods on or adjacent to a public road (community land). A Section 68 application may be required to be submitted to Council for these activities that fall outside the definition of Roadside Stalls.

**Cellar door premise** is a building or place used to sell wine by retail and that is situated on land on which there is a commercial vineyard and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

### E7.1 Objectives

1. To allow produce grown locally to be marketed locally on or adjacent to agricultural holdings associated with produce growing.
2. To ensure roadside stalls are located on private land so there is safe access and egress from the nearest public road and sufficient parking to avoid any significant conflicts with traffic on the public road.
3. The design of any roadside stall should be in keeping with the rural and landscape character of the area.

### E7.2 Controls

1. The building or place used for the roadside sales must be located on the holding from which the produce originates and sited wholly within its boundaries.
2. The building design for the roadside stall must be in keeping with the rural character.
3. All roadside stalls selling produce for human consumption must comply with the requirements of the Australia New Zealand Food Standards Code and must be kept clean and tidy at all times.
4. They must be located in a manner that allows safe turning in and out of the property.
5. All parking must be on-site (off road reserve).
6. Any proposed signage should be kept to a minimum and must comply with the requirements for Advertising & Signage in this DCP and SEPP 64 – Advertising and Signage. One (1) designed advertising sign within the property boundary is deemed to provide effective identification of the roadside stall.
7. The requirements of the Roads and Maritime Services must be complied with where the roadside stall is adjacent to or requires access from a classified road.

## E8 Intensive Agriculture

**Intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries, and
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

**Intensive plant agriculture** means any of the following:

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming, and
- (d) viticulture.

It is also relevant to consider other NSW Government legislation and policies including, but not limited to:

1. Environmental Planning & Assessment Act 1979 No 203 which sets out thresholds and regulations for 'designated development' which includes, amongst others, some forms of intensive agriculture;
2. State Environmental Planning Policy (Rural Lands) 2008 ('SEPP Rural Lands') which sets out Subdivision and Planning Principles for the development of rural lands; and
3. State Environmental Planning Policy No.33 – Hazardous and Offensive Development
4. Riverina Murray Regional Plan 2035.

In addition, the Department of Primary Industries (DPI) has created relevant guidelines for the agricultural component including, but not limited to:

1. Preparing a development application for intensive agriculture in NSW;
2. Factsheet (December 2011) Preparing intensive plant agriculture development applications;
3. Assessing intensive plant agriculture developments;
4. Planning for turf farms;
5. Factsheet (October 2011) Land Use Conflict Risk Assessment (LUCRA) Guide;
6. Guidelines for the development of controlled environment horticulture;
7. Better site selection for meat poultry developments; and
8. Agricultural Impact Statement technical notes.

### E8.1 Objectives

1. To promote intensive agricultural development in appropriate locations.
2. To minimise potential impacts on surrounding properties and the environment.

## E8.2 Controls

1. Relevant industry guidelines must be followed in the design of intensive agricultural developments and will form an important part of Council's assessment of proposed developments. Refer to the NSW Department of Primary Industries document, preparing a development application for intensive agriculture in NSW when preparing a Development Application (DA).
2. Separation of intensive agricultural developments from existing off-farm dwellings should be based upon potential land use conflict investigations including, noise, odour, spray drift etc. and must prepare a Site Analysis Plan in accordance with site planning in Part D – Commercial, Community and Industrial Development
3. Applications for development likely to generate noise, odour or other environmental nuisance within the buffers to a sensitive land use (see G2 in Part G – Environmental Management & Hazards) must be accompanied by an assessment report (when required by Council's Development and Building Guide) prepared by a suitably qualified practitioner considering the environmental standards of the Department of Environment and Conservation. Consideration must be given to mitigation techniques and the location of existing surrounding rural dwellings in regard to prevailing winds.



## E9 Temporary Events

Temporary events are a form of ‘development’ and, as such, may require development consent in accordance with the Junee LEP 2012 (Clause 2.8), & this DCP. They include the erection of a temporary structure (which includes a booth, tent or other temporary enclosure – whether or not part of the booth, tent or enclosure is permanent – and also includes a mobile structure) or require the use of a building as an entertainment venue.

### E9.1 Objectives

To ensure that temporary events:

- 1) Do not have an unacceptable impact to the community or to the local environment; and
- 2) Have adequate public safety, health, and security contingencies in place.

### E9.2 Temporary Event Application

If Council requires a development application for a temporary event, then a Temporary Event Application must address the following information (either in the Statement of Environmental Effects or in a separate report):

1. Site plan providing the location of all structures, to scale with distances to boundaries, and any other relevant items to the application;
2. Description and plans addressing the following:
  - a. Description of event;
  - b. Date and times of event opening and closing & daily schedules;
  - c. Any temporary buildings or structures;
  - d. Date and times of set up/removal;
  - e. Details of music, amplification or other potential noise emissions;
  - f. Details of food sold/served/provided, including premises setup;
  - g. Details of parking, including owner’s permission if off-site;
  - h. Details of amenities e.g. toilets and sewerage management;
  - i. Details of waste management including general garbage and recycling;
  - j. Power & water supply.
3. An assessment of any potential environmental impacts that may arise from the event including, but not limited to, vegetation removal, pedestrian and vehicle impacts, noise and odours, lights & fireworks, erosion and sediment control, signage etc.;
4. Risk Assessment including emergency and security protocols that may include (where relevant) illegal drug use and alcohol abuse, removal of event patrons, liquor licencing emergency medical attention, unruly social behaviour, evacuation contingencies, and bad weather contingencies etc.;
5. Noise mitigation measures including an assessment of the nearest residences and the likely noise levels and other likely impacts at the boundary of the property holding the event;
6. Review of traffic issues or Traffic Assessment/Plan that review the provision of parking, road access for 2WD vehicles, dust suppression measures on public roads and at the venue, and emergency escape routes (e.g. in a bushfire situation);
7. Relevant insurance documents, for example, public liability;
8. Site plans for all food stalls;
9. For large tents, stages and platforms:

- a. Internal layout plan to scale;
  - b. Details of compliance with Building Code of Australia – particularly with regards to structural adequacy, egress and fire safety;
  - c. Documentation that specifies the live/dead loads that the temporary structure is designed to meet;
  - d. A list of any proposed fire safety measures to be provided in connection with the use of the temporary structure,
  - e. Documentation describing any accredited building product or system sought to be relied on for the purposes of Section 4.15 (4) of the EP&A Act;
  - f. Copies of any compliance certificates to be relied on.
10. Consultation, if required, with key emergency services such as the NSW Ambulance Service, Rural Fires Service; NSW Police; Roads and Maritime Services, electricity authority, etc. where these services may be used or form part of an emergency response for the event or where permits are required;
11. Other Approvals that may be required:
- a. Road closures will require approval under Section 138 of the Roads Act 1993 from Council;
  - b. Events involving sale of liquor require an approved licence from Liquor & Gaming NSW and may be subject to approval of NSW Police and Council;
  - c. Events involving fireworks require approvals from NSW WorkSafe Authority;
  - d. Events involving Amusement Devices require separate approval under Section 68 of the Local Government Act 1993 (that can be addressed at the same time as the Development Application).

## E10 Extractive Industries & Mining

This section should be read in conjunction with Schedule 3 of the Environmental Planning and Assessment Regulation 2000 with respect to Designated Development – Extractive Industries; State Environmental Planning Policy (State and Regional Development) 2011; and State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

In the event the proposal is classified as a Designated Development – Extractive Industries under Schedule 3 of the Environmental Planning and Assessment Regulation 2000, the preparation of an Environmental Impact Statement (EIS) will be required instead of a normal Statement of Environmental Effects (SEE). The project will also be identified as Regionally Significant Development under the provisions of State Environmental Planning Policy (State and Regional Development) 2011, requiring the approval of the Joint Regional Planning Panel. More information can be found at [Planning NSW - Regional Development](#).

**Extractive industry** means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming, as outlined in the Junee LEP 2012.

**Mining** means mining carried out under the Mining Act 1992 or the recovery of minerals under the Offshore Minerals Act 1999, and includes: a) the construction, operation and decommissioning of associated works, and b) the rehabilitation of land affected by mining, as outlined in the Junee LEP 2012.

### E10.1 Objectives

1. To ensure development does not adversely impact on areas of landscaping and conservation value.
2. To ensure development is designed to minimise risks associated with geotechnical hazards.
3. To provide an effective barrier between quarrying and mining operations and other sensitive land uses.
4. To maintain the character and amenity of existing rural land uses.
5. To facilitate mining and extractive industries in suitable locations that facilitate employment and the local economy.
6. To ensure development accords with best-practice operations and management.

### E10.2 Controls

1. The preparation of a traffic impact assessment report (i.e. prepared by a suitably qualified and experienced traffic engineer) will be required and must address the following (but is not limited to):
  - a. Estimated average and maximum hourly, daily and weekly truck movements, based upon the truck type and size proposed for the operation;
  - b. Proposed truck routes (for both laden and unladen trucks) and possible alternative routes or other alternative transport modes such a rail transport;

- c. The physical condition of existing roads and/or bridges on the proposed truck routes to/from the site and any proposals to upgrade public or private roads to reduce dust and other impacts;
  - d. The traffic generation impact of both laden and unladen truck movements along the proposed truck routes to / from the site;
  - e. Potential road safety impacts upon other road users arising from the additional truck movements occurring along the proposed truck routes to / from the site; and
  - f. Assessment of sight distances for trucks entering / exiting the site and at other key intersections along the proposed truck routes to / from the site.
2. Applications for mining or extractive industry activities must address the following matters and identify proposed mitigation measures where adverse impacts are identified:
- a. Efficient and safe movement of the extractive material from the source of supply to the end user;
  - b. Noise, dust and vibration abatement measures including any blasting or explosive use;
  - c. Visual impact assessment with particular reference to major roads, tourist routes / interest points and surrounding properties / structures;
  - d. Drainage implications including surface and groundwater impacts;
  - e. Rehabilitation of the site including materials, staging, source materials, re-contouring, replacement of topsoil, screen planting and vegetation;
  - f. Management techniques to address potential conflict with surrounding land uses and protection of environmental attributes;
  - g. Any other assessment Council may require including heritage assessments, contaminated land assessments, ecological assessments and acid sulphate soil assessments.

## EI I Livestock Processing Industries

This section should be read in conjunction with Schedule 3 of the Environmental Planning and Assessment Regulation 2000 with respect to Designated Development – Livestock processing industries. Where the project meets or exceeds these standards, an EIS will be required to be prepared in accordance with the Planning Secretary’s Environmental Assessment Requirements (SEARs). Applicants are encouraged to meet with Council to determine what information may be required to support your application.

Development involving alterations or additions to development (whether existing or approved) is not considered designated development if, in the opinion of the Council, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development.

**Livestock processing industry** means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackeries, tanneries, woollscours and rendering plants, as defined in the Junee LEP 2012

### EI I.1 Objectives

1. To ensure development does not adversely impact on areas of landscaping and conservation value.
2. To provide an effective barrier between livestock processing industries and other sensitive land uses.
3. To maintain the character and amenity of existing rural land uses.
4. To facilitate livestock processing industries in suitable locations that facilitate employment and the local economy.
5. To ensure development accords with best-practice operations and management.

### EI I.2 Controls

1. The preparation of a traffic impact assessment report (i.e. prepared by a suitably qualified and experienced traffic engineer) will be required and must address the following (but is not limited to):
  - a. Estimated average and maximum hourly, daily and weekly truck movements, based upon the truck type and size proposed for the operation;
  - b. Proposed truck routes through the Junee LGA and possible alternative routes or other alternative transport modes such a rail transport;
  - c. The physical condition of existing roads and / or bridges on the proposed truck routes to / from the site and any proposals to upgrade public or private roads to reduce dust and other impacts;
  - d. Potential road safety impacts upon other road users arising from the additional truck movements occurring along the proposed truck routes to / from the site; and
  - e. Assessment of sight distances for trucks entering / exiting the site and at other key intersections along the proposed truck routes to / from the site.

2. Applications for livestock processing industry activities must address the following matters and identify proposed mitigation measures where adverse impacts are identified:
  - a. Noise and odour abatement measures
  - b. Visual impact assessment with particular reference to major roads, tourist routes/interest points and surrounding properties / structures;
  - c. Drainage implications including surface and groundwater impacts;
  - d. Management techniques to address potential conflict with surrounding land uses and protection of environmental attributes;
  - e. Any other assessment Council may require including heritage assessments, contaminated land assessments, ecological assessments and acid sulphate soil assessments.

# Part F: Subdivision

## F1 Introduction

### F1.1 Application of this Part

This Part should be addressed whenever a development application includes a type of subdivision or boundary adjustment (see definitions below). There are three (3) main forms of subdivision and related land title systems in NSW. The form of title used will be dependent on the nature of the subdivision.

1. **Torrens Title Subdivision** is the traditional form of subdivision and is the most common form of subdivision in the Junee LGA. The Torrens title system is based on a plan of survey, which defines the boundaries of a parcel of land at the date upon which it was registered.
2. **Strata Subdivision** can subdivide buildings and land into separate lots capable of individual ownership, with additional areas of land designated as common property. This form of subdivision is most common with townhouses, residential flat buildings, duplex and semi-detached housing and multi-tenant commercial buildings.
3. **Community Title Subdivision** provides individual ownership of lots and a share in the association property. Association property is a lot in the scheme on which community facilities may be erected, including roads and driveways, swimming pools, common open space and the like.

Please note that Boundary Adjustments may need to address this Part if they are not exempt or complying subdivision types under State Environmental Planning Policy (Exempt & Complying Development Codes) 2008.

This Part is broken down into Sections. The Sections that apply will depend on the type of land use proposed for the subdivision (and its zone) and whether new roads will be required.

- Section F2 – Site Planning & General Subdivision Requirements must be considered for all subdivisions.
- **Sections F3 to F6** are for specific subdivision types dependent on the land use or subdivision type.

### F1.2 Other Parts of this DCP

Please note applicants may need to consider other Parts of this DCP including, but not limited to:

1. Part G – Environmental Management & Hazards;
2. Part H – Heritage;
3. Relevant Parts for each type of land use you are proposing.

## F2 Site Planning & General Subdivision Requirements

Site Planning is important for all development but particularly so for subdivision as it sets many of the key parameters for any later use. Careful consideration of the site constraints and opportunities must

be demonstrated to justify a proposed subdivision design and ensure it can accommodate a range of permissible future uses in the relevant zone.

## F2.1 Site Planning

### Performance Criteria

Any Plan of Subdivision must be supported by a detailed Site Analysis Plan that demonstrates how the proposed subdivision responds to and addresses site context (opportunities and constraints) to:

1. Respond to the topography and drainage characteristics of the site;
2. Minimise impacts on the natural environment and protect environmentally sensitive areas;
3. Avoid or minimise the impacts of natural hazards and stormwater/drainage;
4. Avoid or minimise land use conflicts and provide suitable setbacks (and/or buffers) to adjacent or nearby sensitive land uses;
5. Create a legible road and pedestrian/cycle network and connection to surrounding networks;
6. Create building envelopes that are free of constraints with suitable access for each lot;
7. Integrate with the existing and/or desired subdivision pattern of the area.
8. Applicants must address Part G – Environmental Management & Hazards (where relevant).

## F2.2 Topography & Earthworks

### Objectives

1. To ensure subdivision & road design responds to the site opportunities & constraints.
2. To minimise cut and fill from any new road, driveways/entrances, and any future building sites.
3. To ensure earthworks will not have a detrimental impact on nearby watercourses or stormwater systems, neighbouring uses, or cultural or heritage items.
4. To ensure retaining walls are structurally sound and suitable for purpose.
5. To avoid contaminated fill being utilised on sites.

### Performance Criteria

1. Where cut and/or fill is likely to be required for any lot created by the proposed subdivision to support the likely building envelope/use (earthworks as part of the subdivision or a later building stage) and is likely to be greater than 1m in depth or closer than 1m to an existing lot boundary then Council will require:
  - a. Demonstration that the road and/or subdivision layout has responded to the site topography and seeks to minimise the need for cut and/or fill;
  - b. Additional reports and/or certification to demonstrate the proposal avoids or minimises impacts on adjacent properties.
2. All retaining walls must comply with the National Construction Code.
3. Applicants must notify Council (as part of the application) if cut and/or fill is likely to result in the net export or import of fill from land other than the subject site and demonstrate the fill is not contaminated. Any fill imported to the site must meet the EPA requirements for Virgin Excavated Natural Material (VENM). Any fill exported from the site must either be disposed of appropriately or verified for VENM status before application to any other site as fill material.

Earthworks on land identified within the Flood Planning Area may be limited by flood controls in Part G – Environmental Management and Hazards.



## F2.3 Lot Size & Arrangement

### Objectives

1. To provide lot sizes and dimensions that respond to the site constraints and proposed land use requirements.
2. To avoid or minimise / mitigate against existing and future land use conflicts.

### Performance Criteria

1. Whilst the minimum lot size for subdivision is set out in the Junee LEP 2012, it is considered that this is a minimum size only and larger lot sizes may be required or desired due to:
  - a. Site constraints;
  - b. Requirements for effluent disposal areas (if relevant);
  - c. Addressing the objectives for lot size in the Junee LEP 2012.
2. Lot sizes, shapes and road frontages must allow for suitably-sized building envelopes (or likely future buildings) associated with the intended land use to comply with the minimum building setbacks set out for the intended land use in this DCP and the National Construction Code.
3. Subdivisions in or adjacent to urban zones (Zones RU5, IN2, and Zone R5 where the lot < 1ha in area) must:
  - a. Maximise the number of regular shaped lots (i.e. lots that are rectangular) that are consistent with the historic subdivision pattern of most urban areas and less constrained for future development;
  - b. Provide suitable road frontages to promote ease-of-access and servicing/utilities for each lot and allow buildings to address the street (where relevant);
  - c. Provide depth to width ratios that accommodate vehicle access, manoeuvring, and a range of standard building types/layouts.

Applicants are advised to consider the potential for future realignment or subdivision of lots (particularly corner lots, lots at zone boundaries, or lots on the fringes of the urban areas).

## F2.4 On-Site Effluent Management

### Objective

1. To ensure on-site effluent management can be accommodated on any proposed lot without affecting adjacent properties or the natural environment.

### Performance Criterion

1. If a lot is not required to be connected to a reticulated sewer system then the applicant must demonstrate each lot is capable of supporting a suitable on-site effluent management system with an Effluent (Geo-technical) Report prepared by a suitably qualified geo-technical engineer in accordance with the requirements in Part G2.5 On-Site Effluent Disposal.

Council may condition the requirement to register a building envelope and/or any effluent disposal area on the title, so it demonstrates adequate site planning and buffers and is protected from encroachments.

## F2.5 Access & Entrances

### Objectives

1. To provide all lots with safe, legal and practical vehicle access and manoeuvring.
2. To provide safe and suitable access and manoeuvring for emergency vehicles and larger vehicles for servicing (as required).
3. To provide safe & suitable pedestrian/cycle access and facilities to encourage walking and/or cycling.
4. To promote safe and efficient road and footpath environments for motorists, public transport, cyclists and pedestrians

### Performance Criteria

1. Each allotment must have safe, legal access to a public road or Crown Road (duly formed or upgraded for the purpose and transferred to Council) either through a direct frontage, a right-of-way arrangement, or by consolidation with an existing allotment that has such access.
2. New access points to classified roads (highways and state and regional roads) are not preferred unless there is no alternative access available and must be located and constructed in accordance with NSW Government (RMS) requirements.
3. Council may require (at its discretion, based on anticipated traffic impact or generation) a Traffic Impact Study that ensures all roads and access are designed and constructed:
  - a. To provide safe and adequate sight distances in both directions and separation from intersections;
  - b. To provide entrances clear of obstructions, which may prevent drivers having a timely view of pedestrians and other vehicles;
  - c. To avoid conflicts with existing utilities and street trees / significant vegetation;
  - d. To take into consideration any requirements in the former RTA (2002) Guidelines for Traffic Generating Development (as amended) – Section 6.2 Access requirements.

## F2.6 Access - Rights of Way & Battle-Axe Lots

### Objectives

1. To minimise the number of lots created that do not have a substantial frontage to a public road.
2. To ensure any access ways are of sufficient width and driveway construction to minimise impacts on neighbouring lots and provide suitable vehicle access

### Performance Criteria

Council will only permit lot(s) that rely for access on an easement for right-of-way (or other restriction on title) or battle-axe handle where:

1. No public road access is adjacent to any proposed lot;
2. A maximum of:
  - a. Three (3) lots will utilise any easement or battle-axe handle;
  - b. Two (2) allotments are behind any allotment which has direct frontage to a public road;
  - c. Where three (3) or more lots are created - ten percent (10%) of lots in the subdivision may be 'battle-axe' or right-of-way lots; and
3. Such easement or battle-axe handle is of a minimum width and driveway construction as set out in the relevant zone/land use section in this Part below.

If the land is bushfire prone, driveways/access may need to comply with the Rural Fire Service requirements in addition to the below dimensions.

This control does not affect strata or community title subdivision that relies on access through common property.

## F2.7 Utilities/Easements

### Objectives

1. To provide all essential utilities to the boundary of any new allotment suitable for the proposed use.
2. To ensure appropriate access to and safe operation of utilities.
3. To address any connection requirements of the relevant utility authorities.
4. To minimise the visual impact of any new utilities by undergrounding connections and integrating into the design (where possible).

Council will require the applicant to provide (as a condition of consent) copies of any correspondence with the relevant utility authority to demonstrate that the appropriate level of servicing is available for all lots (in accordance with the requirements of the relevant authority) prior to release of the subdivision certificate. Applicants to contact Council if unsure of the relevant provider for each utility / service.

### Performance Criteria

1. Connection: Each lot in a proposed subdivision must be able to be connected to the relevant utilities specified for the proposed land use in the relevant section of this Plan.
2. Plan: The Proposed Plan of Subdivision must show all existing or proposed easements on the land proposed for subdivision.
3. Protection: All lots should be designed so proposed (or likely) building envelopes or subdivision works:
  - a. Are not located over or in the vicinity of an easement for any utility without express written authorisation from the responsible utility authority; or
  - b. Any new easements are to be of a width in accordance with the infrastructure providers requirements. In the case of Council assets (sewer or stormwater), a

minimum width of 3m is required to facilitate future access to this infrastructure if required.

- c. New easements being created as part of a subdivision maybe required to be extended beyond the physical infrastructure installed so that future connections to this infrastructure may be achieved.

Council recommends that Applicants lodge a 'Dial Before You Dig' Application to ascertain the approximate location of all services on site and, where there is any chance that development will be near those services, identify those services accurately on a Survey Plan.

Connection to utilities (or confirmation from each relevant authority that the services are or can be made available at the boundary of each lot) will be conditioned by Council and connections are to be provided prior to release of any Subdivision Certificate.

4. Visibility: To avoid or minimise adverse visual impacts:
  - a. All new utility wiring must be located underground (unless site constraints justify a suitable alternative at the discretion of Council) for:
    - i. Any new subdivision in an urban area;
    - ii. In heritage conservation areas.
  - b. Above ground utility installations and cabinets:
    - i. Are to be kept to a minimum in number and size;
    - ii. Wherever possible, are to be located on existing poles; and
    - iii. If provided at ground level, must integrate with the proposed development and/or have appropriate landscaping/ screening.

## F2.8 Staging

### Objective

1. Larger subdivisions should consider staging subdivision release and ensure each stage is capable of being developed independently of later stages and has appropriate access and utilities.

### Performance Criteria

1. Where a subdivision is proposed to be carried out in a number of stages or would result in a remnant parcel of vacant land, a Proposed Plan of Subdivision (for the entire subdivision) must clearly indicate:
  - a. The entire land likely to be subdivided;
  - b. The proposed access, road structure, and other vehicle and pedestrian/bicycle connections for the development;
  - c. The boundaries of each stage of the subdivision;
  - d. Any staging of essential roads, infrastructure and/or other essential utilities/services or communal spaces and buildings.
2. Each individual stage of a staged subdivision must:
  - a. Not compromise suitable access to any other stage(s) of subdivision;
  - b. Be capable of operating independently of the infrastructure of later stage(s);
  - c. Have access to essential infrastructure / utilities, roads and pedestrian connections, and incorporate landscaping in accordance with the controls in this DCP;

- d. Provide a fully formed cul-de-sac for any temporary terminating roads (that will later become through roads) so that the maximum sized design vehicle is only required to do a maximum three-point turn to exit the cul-de-sac.
3. Where there are multiple landowners for land that is proposed for subdivision then ownership boundaries must generally align with proposed lot boundaries and not prevent road access or infrastructure from being formed/connected for other parts of the subdivision.

## F3 Residential Subdivision in Urban Areas

This section applies to applications for subdivision of land for the purposes of residential accommodation / dwellings in the following Zones:

1. Zone RU5 Village
2. Zone R5 Large Lot Residential - where the existing or proposed lot is less than or equal to 1 hectare in area.

### F3.1 Lot Size & Arrangements – General

#### Objectives

1. To promote lot sizes, shapes and orientation that will maximise the number of lots with potential solar access to the future living spaces and private open spaces of new dwelling sites.
2. To ensure new subdivisions in or adjacent to existing urban areas complements the existing subdivision pattern and character of the existing urban area.
3. To require all lots have sufficient road frontage to allow driveway access whilst encouraging dwellings to have a frontage/address to the street.

#### Performance Criteria

In addition to the general requirements noted above:

1. Any urban residential subdivision must provide a Solar & Siting Plan that demonstrates how the lot layout and orientation will:
  - a. Facilitate good solar orientation for future dwellings subject to site constraints (see diagram below); and
  - b. Minimise overshadowing between future dwellings (e.g. by providing suitable lot widths that allow for up to a two-storey building and respond to topography).
2. All urban residential lots connected to reticulated sewer (excluding battle-axe lots and medium density housing) must have a minimum width of:
  - a. 15m at the building line (see front setbacks in Part D – Residential Development) for a rectangular lot;
  - b. 8m at the street frontage for a ‘fan’ or ‘radial’ shaped lot and 14m at a point setback 6m from any road frontage.
3. All urban residential lots that require on-site effluent management (excluding battle-axe handles and medium density housing) must have a minimum width of:
  - a. 20m at the building line and effluent disposal area for a rectangular lot;
  - b. 12m at the street frontage for a ‘fan’ or ‘radial’ shaped lot and 20m at a point setback 6m from any road frontage.

Corner lots are often suited to future subdivision (subject to minimum lot size) so Council suggests corner lots should consider providing sufficient area to accommodate up to two (2) dwellings with independent access and utility connection points.

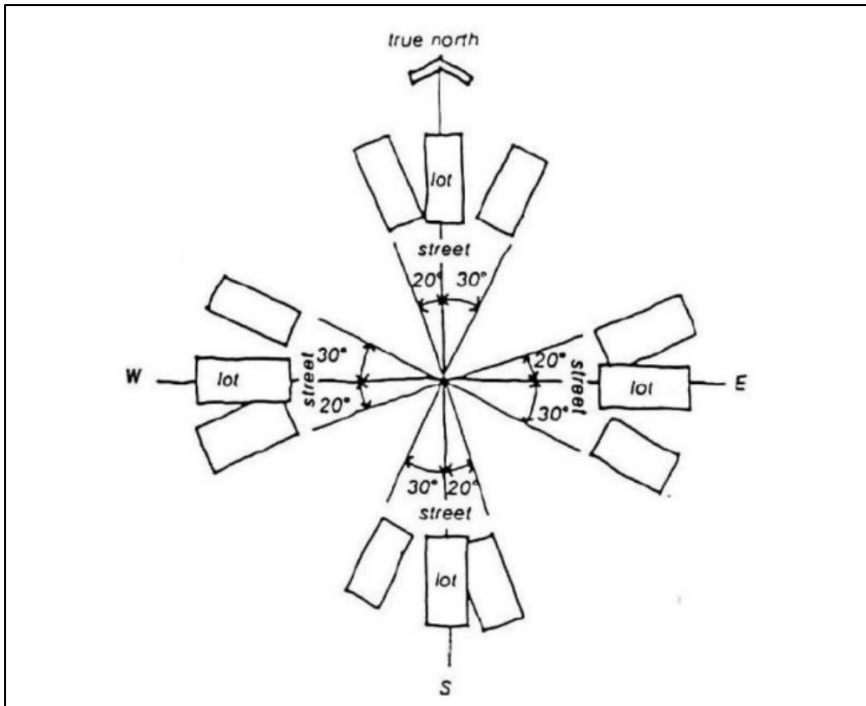


Figure 20: Solar Orientation of Dwellings

### F3.2 Access to Battle-Axe Lots (Limited Road Frontage)

#### Objectives:

1. To promote safe and efficient access to urban residential lots.
2. To provide sufficient driveway widths & design for battle-axe lots to minimise impacts on adjacent residential lots and accommodate traffic requirements.

#### Performance Criteria

The proposed subdivision of land can only result in the creation of a battle-axe allotment (or lot accessed by an easement/right-of-way) when:

1. Each battle-axe allotment has a minimum access handle width of:
  - a. 4m for access to a single lot;
  - b. 6.0m for combined access to two lots (with reciprocal easements for access and services); and
2. A minimum 2.4m wide sealed or concrete pavement is constructed for the full length of the access handle in accordance with Council's Guidelines for Engineering Works (as amended) prior to release of the Subdivision Certificate; and
3. If the proposed battle-axe lot is intended to be used for more than a single dwelling and/or dual occupancy (i.e. it is for the purposes of medium density housing) then it may require a wider access handle and seal for two-way vehicle traffic and consider additional width to include setbacks, passing bays and/or landscaping to minimise impacts on adjacent dwellings.

## F4 Large Lot Residential & Rural Subdivision

This section applies to applications for subdivision of land in the following rural and environmental Zones:

1. Zone RUI Primary Production, and
2. Zone R5 Large Lot Residential where the existing or proposed lot is greater than 1 hectare in area.

### F4.1 Access & Road Design

#### Objective

1. To provide safe and efficient access points to/from proposed lots to rural roads.

#### Performance Criteria

In addition to the general requirements noted above:

1. Access points must be grouped at existing or limited access points (wherever feasible) to ensure adequate sight
2. lines and minimise the traffic impact and risk of additional access points to the public road system.
3. Entrances or security gates must be setback from the edge of the existing / proposed road formation (to permit a small truck or car and trailer to park in the entrance without blocking the road) not less than the following distances:
  - a. 15m; or
  - b. If it is access to a classified road, a distance agreed with Roads & Maritime Services.

### F4.2 Access to Battle-Axe Lots (Limited Road Frontage)

#### Objective

1. To ensure battle-axe lots have sufficient access widths to cater for the intended traffic and minimise impacts on adjacent lots.

#### Performance Criteria

The proposed subdivision of land can only result in the creation of a battle-axe allotment when:

1. Each battle-axe allotment has a minimum access handle width of:
  - a. 6.0m for access to a single lot;
  - b. 8.0m for combined access for up to three (3) lots (with reciprocal easements for access and services); and
2. A minimum 4.0m wide road is constructed for the full length of the access handle in accordance with Council's Guidelines for Engineering Works (as amended).



## F5 Commercial, Industrial or Community Subdivision

This section applies to applications for subdivision of land for the purposes of commercial, industrial or community uses in any zone in Junee Local Government Area (LGA).

### F5.1 Lot Size & Arrangement

#### Objectives

1. To encourage the development of well-designed community, commercial and industrial areas servicing the full range of business needs throughout the Shire.
2. To ensure sufficient lot sizes and road frontages to support the intended land uses, access requirements, off-street parking, and circulation/servicing needs without impacting significantly on adjacent sensitive land uses.

#### Performance Criteria

In addition to the general requirements noted above:

1. Lot sizes and shapes must have a sufficient size and road frontage to accommodate:
  - a. Vehicular access including the largest design vehicle that will need to enter the site, and circulation space to enable it to leave the site in a forward direction;
  - b. An indicative building envelope that meets the required setbacks;
  - c. All ancillary development including ancillary structures and outdoor storage areas necessary for the normal functioning of the proposed land use located where they do not create significant visual impact from the public street;
  - d. Off-street car parking and loading/unloading facilities (if required).
2. For commercial, industrial or community use(s) (other than a home business or home industry) a battle-axe lot will not be permitted unless:
  - a. It complies with subsection (1) of this clause;
  - b. It is for a use that will not require regular access by, or visibility for, members of the public;
  - c. There is an access handle width that will minimise any significant impacts on adjacent properties;
  - d. Safety by Design considerations are addressed (see Part D – Commercial, Community & Industrial Development).

## F6 Community & Strata Title Subdivision

This section applies to any strata title or community title subdivision in Junee LGA. The strata subdivision of approved multi-dwelling housing or a building (other than a dual occupancy) may be complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

### F6.1 Minimum Allotment Size

#### Objective

1. To ensure lots in a community title subdivision or strata subdivision are of sufficient size to ensure satisfactory (residential) amenity, meet National Construction Code requirements and provide fire separation, and minimise impacts on adjacent lots.

#### Performance Criterion

1. Each community or strata subdivision application must nominate a building envelope (or show the existing buildings) with the number of bedrooms that each lot will have (or has) and provide a minimum strata or community lot size for each dwelling in accordance with the following table:

Dwelling Size	Site Area Per Dwelling
Studio / 1 Bedroom	240sqm
2 Bedrooms	300sqm
3+ Bedrooms	360sqm

### F6.2 Medium Density Housing Controls

#### Performance Criterion

The applicant must demonstrate that the existing or proposed future dwellings and ancillary buildings and open space comply with the controls in Part C – Residential Development relating to Medium Density Housing.

### F6.3 Utilities

#### Objective

1. To ensure each dwelling is separately metered.

#### Performance Criterion

1. Each lot in a Strata Title or Community Title Subdivision must be connected to individual utilities and have separate water and electricity meters.

# Part G: Environment and Natural Hazard Management

## GI Introduction

A range of environmental constraints and opportunities exist and affect human activities and development across the Junee Local Government Area (LGA). Any proposal should demonstrate how the development will address these opportunities and constraints to ensure that:

1. The impact on key ecological systems and environmentally sensitive areas is minimised;
2. The development will be protected from natural hazards and human-caused impacts; and
3. The design responds to the environment and character of the site and surrounds.

Environmental hazards can include, but are not limited to: flooding and stormwater management, bushfire, contamination and naturally-occurring asbestos, noise and vibration, odour and a need to provide buffers between sensitive and higher impact land uses.

Environmental management can include, but is not limited to: protection and enhancement of significant vegetation and biodiversity, riparian lands and watercourses, drinking water catchments, groundwater systems, and salinity and other land and soil-related issues.

## G2 Buffers to Sensitive Land Uses

### G2.1 Application of this Section

This Section applies to a proposed development in Junee LGA where;

1. A sensitive land use is proposed within the buffer distances to an existing or likely higher impact land use or an industrial zone; or
2. A higher impact land use is proposed within the buffer distances to an existing or likely future sensitive land use,

A 'higher impact land use' may include, but is not limited to:

1. Extractive industries and mining;
2. Most industrial uses except light industry and high technology industry that by definition have no significant impacts;
3. Commercial uses that may produce significant dust, noise, odour or traffic generation;
4. Recreation uses that may produce significant dust, noise, odour or traffic generation;
5. Intensive agricultural uses (taking into account the 'right to farm' – see below);
6. Other uses that, at the discretion of Council, would be expected to produce significant impacts on a sensitive land use within 500m of that use.

**'Buffer'** or **'Buffer Area'** means an area of prescribed width between adjoining land uses or development that is created for the purpose of mitigating the impacts of one or more of those land uses, and in which the carrying out of certain development is restricted.

**'Sensitive land use'** is any land use where there are users that are likely to be significantly and regularly affected by emissions from other higher-impact land uses. It extends beyond residential land uses to include, for example, tourist and visitor accommodation, hospitals, aged care and seniors living, child care facilities, playground and recreation areas, and some public buildings where a reasonable level of amenity (suitable for each use) must be protected.

### G2.2 Objectives

1. To incorporate appropriate buffers or setbacks between sensitive land uses (or zones that may support those sensitive land uses) and higher impact land uses (or zones that may support those uses) to avoid or mitigate against that impact;
2. To promote economic certainty by ensuring that higher impact land uses are located so as to allow their ongoing operation and future expansion with minimal risk of constraints due to impacts on neighbouring sensitive land uses.

## G2.3 Noise & Vibration

- I. Where any proposed development is likely to:
  - a. Generate significant noise and/or vibration that may impact on existing sensitive land uses in reasonable proximity to the development site; or
  - b. Be significantly impacted by potential noise and/or vibration from an existing (or future expanded) development or infrastructure (including a state/regional road or railway line),

then the applicant may be required to lodge a Noise and/or Vibration Assessment, prepared by a suitably qualified acoustic consultant, that demonstrates how the proposed development will be located, designed, and/or managed to avoid or mitigate those impacts to/from the proposed development in accordance with the relevant guidelines.

2. The design or construction of building(s) or areas that may emit significant noise should consider:
  - a. Location, proximity, and buffers to protect sensitive land uses;
  - b. Terrain and amplification/direction of noise;
  - c. Background noise levels;
  - d. Enclosure of noisy area(s) and suitable acoustic insulation;
  - e. Avoidance of opening(s) of enclosed noisy area(s) towards sensitive land uses that may direct noise to a sensitive land use;
  - f. Suitable hours of operation and transport movement, loading/unloading etc.;
  - g. Any other factor that would exacerbate likely noise.
3. Any Noise and/or Vibration Assessment relating to development near an existing state or regional road or railway line should address the requirements of [State Environmental Planning Policy \(Infrastructure\) 2007](#) and the [NSW Department of Planning \(2008\) Development near Rail Corridors and Busy Roads – Interim Guideline](#).
4. Any Noise Assessment involving a noise source set out in the [Protection of the Environment Operations Act 1997](#) must address the requirements (where relevant) of the [NSW EPA Noise Policy for Industry \(2017 – as amended\)](#)
5. Any Noise and/or Vibration Assessment relating to an industrial land use (particularly an existing industrial use) within the RU1 Primary Production, RU5 Village or IN2 Light Industrial Zones should consider the economic importance of facilitating industrial and business development in those zones.

The [Protection of the Environment Operations Act 1997](#) and Regulations provide limitations to emissions from development and the applicant may need to seek a separate approval under this legislation.

## G2.4 Odour & Dust

- I. Where any proposed development is likely to:
  - a. Generate significant odour or dust that may impact on existing sensitive land uses in reasonable proximity to the development site; or
  - b. Be significantly impacted by potential odour or dust from an existing (or future expanded) development or infrastructure (including a state / regional road or railway line);

then Council may require the applicant to lodge an Odour and/or Dust Assessment, prepared by a suitably qualified consultant, that demonstrates how the proposed development has been located, designed, and/or managed to avoid or mitigate those impacts to/from the proposed development in accordance with the relevant guidelines.

2. The Odour and/or Dust Assessment should demonstrate how odour and/or dust will be managed on the proposed development site to avoid any adverse impact on the development and/or surrounding land uses (whichever is relevant). This should be prepared by a suitably qualified consultant in accordance with the relevant guidelines.
3. Vehicle entry, exits, loading, unloading and internal manoeuvring areas should be sealed or have a surface agreed with Council's engineers to minimise the emission of dust from trafficable surfaces for uses that have higher traffic generation or close proximity to sensitive land uses.

## G2.5 On-Site Effluent Disposal

1. Where an on-site effluent disposal system is proposed to manage sewage, the on-site systems must be suitably sized and able to operate on the lot (taking into account the proposed use and its likely liquid waste / effluent production) without impacting on development on the subject lot, neighbouring lots or surface or groundwater systems, and don't require excessive vegetation removal.
2. On-site sewage management facilities must be either:
  - a. Located on land not identified in the Flood Planning Area as shown in the Junee LEP 2012; or
  - b. Sited and designed (demonstrated in a Geotechnical (Effluent) Report) to withstand known or likely flooding conditions (including consideration of structural adequacy, avoidance of inundation and flushing/leaking of effluent into flowing flood waters). Any on-site sewage systems that disperse only partly treated effluent to the natural environment (including standard septic absorption trench systems) are generally not permitted on land within the Flood Planning Area. See Part G4 – Flood for more details.
3. Any proposed lots or on-site effluent disposal systems should be located so as to provide appropriate buffers to watercourses and buildings in accordance with:
  - a. The Environmental Health Protection Guidelines – On-Site Sewage Management for Single Households (1998 - as amended);
  - b. Australian Standard 1547 – On-site domestic wastewater management (as amended); and
4. An Effluent (Geo-technical) Report must be prepared by a suitably qualified consultant that supports the design and location of any on-site system in accordance with Council's Development and Building Guide, Australian Standard ASI547, and relevant NSW Government policy.
5. On lots with an area less than 5,000sqm the nominated effluent disposal areas must allow for:
  - a. Suitable areas for dwellings and outbuildings, access, open space, and buffers to adjoining lots and watercourses; and
  - b. A 'reserve area' at least equivalent in size to the nominated effluent disposal area that is recommended for disposal in the supporting Geo-technical (Effluent) Report.

The 'reserve area' is intended to allow a secondary disposal area to be constructed if the primary disposal area fails which is common in some villages.

6. Any water for reuse-use must be treated in accordance with the relevant NSW Health Guidelines and any other relevant Australian Standards using certified systems.

## G2.6 Buffers to Sensitive Land Uses

Proposed development should consider the recommended buffers between potentially higher impact land uses and sensitive land uses set out in the tables below. Where the recommended buffers cannot be met then the applicant must demonstrate/address:

1. Why an alternative available site would not be more suitable for the proposed development;
2. What mechanisms will be utilised to minimise or mitigate any impacts to/from the proposed development;
3. How the proposed development will meet the objectives of this Section and the proposed land use.

LAND USE / SEPARATION (metres) These may be subject to further assessment in accordance with NSW Government Guidelines. Other buffers or setbacks may apply under other legislation or policies for items such as: Utilities; Airports; Rifle ranges; Bushfire protection; and Heritage.	Residential & Urban Dev.	Rural Dwellings	Education Facilities	Rural Tourist Accommodation	Property Boundary
Piggeries, feedlots, poultry sheds & waste storage > 500 Pigs/Cattle Feedlot ≤ 500 Pigs/Cattle Feedlot/Poultry Farms	500m	400m	1000m	400m	100m
	300m	200m	500m	200m	20m
Dairies & Waste Utilisation Area(s)	500m	250m	250m	250m	20m
Other intensive livestock operations	500m	300m	500m	300m	100m
Intensive plant agriculture and horticulture (where significant spraying is used or it is sensitive to sprays)	50m - if a vegetated buffer of minimum 30m is provided 100m - if no vegetated buffer (notification as per Pesticides Act)				N/A
Rural industries (incl. sawmills & grain mills)	1000m	500m	500m	500m	50m
Abattoirs	1500m	800m	1000m	800m	100m
Potentially hazardous or offensive industry or hazardous storage establishment	1000m	1000m	1000m	1000m	100m

Heavy industry (other than hazardous/offensive industry)	800m	500m	1000m	500m	N/A
Mining & extractive industries	500m or 1000m if involving blasting				N/A
Animal Boarding & Training Establishments	500m to another off-site dwelling				200m

## G2.7 Buffers & Landscaping

Any buffers or setbacks should incorporate or be capable of incorporating sufficient landscaping/tree plantings (or other mechanism where appropriate) to minimise or mitigate any impacts from adjacent land uses without increasing the bushfire threat to any existing or proposed buildings.

Council acknowledges that one method for reducing land use conflict is to incorporate significant landscaping and trees into buffer areas to create a barrier to views, dust, and some other impacts (not including noise). The issues with landscaping include:

1. It is difficult to specify landscaping that will actually provide a buffer for all impacts;
2. Landscaping requires ongoing irrigation and maintenance to achieve the desired outcomes and Council is not well-placed to provide ongoing enforcement;
3. Additional landscaping, in certain circumstances can increase bushfire risk to existing or proposed buildings;
4. Changes in ownership or land use may require different landscaping approaches.

Where required, landscape plantings will form part of the conditions of consent by Council. However, by providing the required buffers/setbacks it allows for the individual owners to utilise landscaping to minimise or mitigate impacts.

## G2.8 Agriculture & Right to Farm

Any sensitive land uses/development (or subdivision that intends to support those sensitive land uses) that has a boundary with rural zoned land, should seek to incorporate buffers or setbacks to that rural land to enable the rural land to be used for standard agricultural practices to the fullest agricultural potential of that land (taking into account the recommended buffers set out in the clause entitled 'Buffers to Sensitive Land Uses' above).

Council recognises the importance of agriculture and primary production to the economy of the Shire and its rural community. For this reason, Council supports the 'right to farm', in accordance with NSW Government Policy, on rural land including existing agricultural practices or potential future increases in intensity of agricultural practices. This means that agricultural activities may have priority in appropriate situations over sensitive land uses, as set out in that policy.



## G3 Stormwater & Drainage

### G3.1 Application of this Section

This Section applies to:

1. All proposed development in Junee LGA where Clause 6.3 Stormwater Management in the Junee LEP 2012 applies (residential, business and industrial zones); and
2. Any other areas where the proposed development would significantly modify hardstand, roof catchment or drainage areas and Council would require a Soil & Water Management Plan.

### G3.2 Objectives

To ensure that stormwater and drainage systems:

1. Address the objective of Clause 6.3 Stormwater Management of the Junee LEP 2012;
2. Will not significantly alter and/or worsen pre-development stormwater patterns and flow regimes;
3. Will convey stormwater to receiving waters with minimal damage, danger and nuisance;
4. Maintain the water quality of receiving waters;
5. Stabilise landform and control erosion;
6. Maximise the potential for water infiltration and minimise overland flows;
7. Protect proposed or likely building areas from erosion and stormwater damage; and
8. Consider water retention/detention and re-use (where relevant).

### G3.3 Stormwater Management

If a Soil and Water Management Plan is required by Council, then it must demonstrate or address the matters set out below (where relevant).

1. For all areas (both urban and rural) development must ensure stormwater management:
  - a. Does not result in any concentration of flows to adjoining properties;
  - b. Is designed to optimise the interception, retention and removal of water-borne pollutants and sediment prior to their discharge to receiving waters.
2. For urban areas (Zone RU5, IN2 and Zone R5 Large Lot Residential attached to towns/villages where lots <1ha in area) development must ensure stormwater management:
  - a. Is designed to flow to Council's stormwater system, inter-allotment drainage easement, or other legal point of discharge;
  - b. Where there is likely to be significant site coverage by buildings and hardstand areas, that the post-development run-off from the development site:
    - i. Will not exceed the run-off from the site during its pre-developed state;
    - ii. Does not significantly alter pre-development stormwater patterns and flow regimes or cause unacceptable environmental damage in existing watercourses or receiving waters;
  - c. For development of larger sites where the downstream hydraulic capacity of one or more components in a drainage system is inadequate for the design flow and/or where

economically feasible, Council may require the design to incorporate some or all of the following:

- i. Onsite stormwater retention and/or detention devices;
- ii. Water quality treatment devices; and or
- iii. Water reuse,

to manage stormwater on the site and improve water quality outcomes when discharging to the natural environment in accordance with recognised Water Sensitive Urban Design principles.

Inter-allotment drainage easements will be required for all allotments with a cross-fall where any significant portion of the allotment drains through an adjoining allotment, or where the allotment drains away from the street. Permission from any adjoining lots for the proposed easement will be required.

Council may condition the requirement to upgrade part or all of the site frontage to the street (at the developer's cost) to include kerb and gutter (appropriate to the location).

## G4 Flooding

### G4.1 Application of this Section

This section applies to all land that is mapped as Flood Liable within the Junee LGA on the Flood Planning Map in the Junee LEP 2012 (as amended or replaced), the Flood Planning Layer as shown on the ePlanning Spatial Viewer or where Council considers the potential for flood risk to apply,.

### G4.2 Objectives

1. To prevent the loss of life and property due to flooding by providing for development compatible with flood hazards.
2. To ensure risks associated with flooding are appropriately and effectively managed while having due regard to development potential, on-site amenity and protection of the environment.
3. Reduce additional social or economic impact to the community as a result of flooding
4. To ensure flooding risk is managed in connection with the preservation of the ecological values of the site and adjoining lands.

### G4.3 Development on Flood Liable Land

Where a proposed development is on land identified as flood liable, the development must demonstrate compatibility with this risk through the following measures. The proposed development should:

1. Take into account modelled flood planning levels, where available, and provide developments with Finished Floor Levels (FFL) that includes 100mm freeboard.
2. Not significantly impact flood event behaviour or increase flooding impacts or risk on neighbouring properties.
3. Demonstrate the provision of suitable, flood free access to permit egress in emergencies.
4. Minimise disturbance to existing waterways and overland flow paths.
5. Implement suitable flood risk management plans where flooding impacts cannot be avoided.

## G5 Bushfire

### G5.1 Application of this Section

This section applies to all land mapped as bushfire prone land within the Junee LGA on the Bushfire Prone Land Map(s) (as amended or replaced).

A bushfire prone area is an area of land that can support a bushfire or is likely to be subject to bushfire attack. Bush fire prone areas are identified on a Bushfire Prone Lands Map. The map identifies bushfire hazards and associated buffer zones within a local government area. This layer can be viewed on the ePlanning Spatial Viewer or on the NSW Rural Fire Service (RFS) website.

There may also be instances where land is not identified as bushfire prone on the Bushfire Prone Land Map but a bushfire risk is still present so development may need to consider appropriate locations, design and construction to manage bushfire risk.

### G5.2 Objectives

1. To meet the statutory requirements for bushfire protection in NSW.
2. To prevent the loss of life and property due to bushfire by providing for development compatible with bushfire hazard.
3. To ensure risks associated with bushfire are appropriately and effectively managed while having due regard to development potential, on-site amenity and protection of the environment.
4. To ensure bushfire risk is managed in connection with the preservation of the ecological values of the site and adjoining lands.

### G5.3 Development on Bushfire Prone Land

Where a proposed development is on land identified as bush fire prone on the Bushfire Prone Land Map, the design and management of any proposed development on that bushfire prone land must comply with:

1. NSW RFS (2006) *Planning for Bush Fire Protection* (as amended or replaced); and
2. *Australian Standard AS3959 – 2009 Construction of Buildings in Bush Fire Prone Areas* (for any Construction Certificate application). A suitably qualified person must provide a schedule of compliance with the applicable construction standards. This schedule will form part of the approval documentation and the applicant will be required to comply with it during the course of construction.
3. Any development application involving the erection of a dwelling house or alterations and additions to an existing dwelling house on bush fire prone land must address the requirements contained in the NSW RFS publication titled *Building in Bush Fire Prone Areas Single Dwelling Applicants Kit*

## G6 Land Contamination

### G6.1 Application of this Section

This section applies to all land within the Junee LGA. This Section directly relates to requirements under the [Contaminated Land Management Act 1997](#) (& regulations) and [State Environmental Planning Policy No. 55 – Remediation of Land](#) ('SEPP 55') that provides procedures to deal with the assessment of known or potentially contaminated land, the remediation of contaminated land, and development that may contaminate land.

Additionally, Junee Shire Council has adopted the Riverina Eastern Regional Organisation of Councils (REROC) Contaminated Land Management Policy, which should also be considered when making a development application on land that may be identified as being potentially contaminated.

### G6.2 - Objectives

1. Enable Council to more adequately identify, record and manage known and potentially contaminated land in accordance with legislative and state policy requirements;
2. Consider the historical uses of sites to understand potential risks from potentially contaminating land uses;
3. Ensure development sites have a suitable soil/water quality for their intended use and that any proposed development of an identified contaminated site will not result in any unacceptable levels of risk to human health or the environment;
4. Remediate contaminated sites to a suitable level for their intended purpose and protection of the natural environment;
5. Comply with any relevant NSW Government guidelines;
6. Avoid or minimise the risk of future contamination of sites from proposed development. Where any proposed development and its operation involves significant quantities of chemical or petroleum use or storage or harmful materials or waste products (in any form) on the site, the applicant must demonstrate how the proposed development:
  - a. Will manage and safely contain any chemicals, materials or wastes on the site and/or during their disposal or transport to/from the site in accordance with the relevant regulations;
  - b. Is designed to minimise or mitigate the risk of contamination to land, surface and groundwater, or ecological systems both during normal operations and in the event the normal systems fail;
  - c. Addresses relevant clauses in the Junee LEP 2012 including (where relevant), but not limited to:
    - i. Clause 6.5 – Groundwater vulnerability;
    - ii. Clause 6.6 – Riparian land and watercourse

## G7 Groundwater Vulnerability

### G7.1 Application of this Section

This clause seeks to provide some guidance on when and how Council will require an applicant to address Clause 6.5 – Groundwater vulnerability in the Junee LEP 2012 and applies to land identified as 'Groundwater vulnerable' on the Natural Resource – Groundwater Vulnerability Map(s). This layer can be viewed on the ePlanning Spatial Viewer.

### G7.2 Application Requirements

It is not intended that low-impact developments (particularly in existing urban areas) are required to prepare a detailed response to these clause(s), except through the provision of an on-site effluent report, erosion & sediment control plan, or other geotechnical report (where relevant). However, larger projects or those with potentially higher impacts to the drinking water supply system must address these clause(s) in greater detail.

- I. When a development is proposed on land identified as 'Groundwater vulnerable' on the Natural Resource – Groundwater Vulnerability Map(s) in the Junee LEP 2012,

then the applicant is only required to address the relevant clause in the Junee LEP 2012 in detail for the following land uses / development proposals that are permissible in the relevant zone:

- Intensive agriculture;
- Rural industries and other industries with on-site storage or use of hazardous chemicals or significant petro-chemicals;
- Animal boarding and training establishments and veterinary hospitals;
- Larger scale tourist accommodation and eco-tourist facilities requiring on-site sewage management;
- Open cut mining and extractive industries;
- New cemeteries;
- Other developments / land uses that, in Council's discretion, would have potential for on-site storage of significant volumes of hazardous liquids or chemicals or the production of wastes that could contaminate surface or groundwater systems.

Operations that store small quantities of fuel, oils or other machinery lubricants for rural or non-commercial use(s) would not be considered as posing a high risk of contamination. However, some higher impact facilities (e.g. service stations, liquid fuel depots and some other depots) will need to be discussed with Council. Compliance with specific regulations (e.g. Protection of the Environment Operations Regulations) for service stations and other liquid fuel depots may provide sufficient protection.

2. Council may require additional studies, reports or plans (prepared by suitably qualified consultant) that demonstrate the proposed development will not have a significant adverse impact on surface or groundwater systems in the drinking water catchment and this may include:
  - a. Geotechnical studies;
  - b. Hydrological and groundwater analysis;
  - c. Processes and systems designed to prevent on-site chemicals or waste materials from adverse impacts on surface or ground-water systems (including back-up systems if standard processes fail);
  - d. Stormwater and drainage plans to direct surface water away from development;
  - e. Any other reports required to assess the risk and determine appropriate management strategies.

## G8 Land & Soils

### G8.1 Application of this Section

This Section applies wherever site investigations or state or local government mapping indicates there may be geological, soil classification/types or salinity that may affect the proposed development or where the proposed development may impact on the natural environment.

Issues that may affect parts of Junee Shire include, but are not limited to: karst (limestone formations and caves); naturally-occurring asbestos; salt-affected lands or salinity; steep lands and lands with (potential for) significant erosion; rocky outcrops; and poorer quality or depth soils that may limit agricultural uses.

Any NSW Government publicly-accessible mapping and/or known affected areas through site analysis and previous reporting will be used to determine the presence of these issues.

### G8.2 Objectives

1. Encourage proposed development to be appropriately sited and/or designed to address site constraints from geological or soil related issues;
2. Ensure the natural environment is suitably protected from inappropriate development locations and/or construction methods that impact regionally significant geological formations (e.g. karst/limestone);
3. Ensure the quality of stormwater run-off from development of sites with a geological or soil-related issue does not impact on the natural environment and receiving waters in terms of soil erosion, sedimentation, water and groundwater pollution, and other impacts;
4. To maximise the amount of existing significant vegetation retained on a site during construction and operation of the development to minimise soil erosion and sedimentation of watercourses.

### G8.3 Naturally Occurring Asbestos

Asbestos is a naturally occurring mineral. This section deals with naturally-occurring asbestos (NOA) found in certain geological deposits (as opposed to asbestos utilised in industrial and building products). It is important to acknowledge this mapping is based both on sites where NOA is known to occur and areas with potential for NOA based on known geology at depths of less than 10m below the natural surface.

The potential presence of naturally-occurring asbestos ('NOA') has been mapped by the NSW Government across NSW and broken down into broad areas of low, medium or high potential regions. Go to the NSW EPA website at <http://www.epa.nsw.gov.au/clm/natural-asbestos.htm> and click on the link for 'Naturally-occurring asbestos in NSW' maps

For more information please see the website for the:

1. NSW Environment Protection Authority (EPA) website above, including the following Fact Sheets:
  - a. Factsheet 1 – Recreation in areas of naturally occurring asbestos;



- b. Factsheet 2 – Residing in areas of naturally occurring asbestos;
  - c. Factsheet 3 – Farming in areas of naturally occurring asbestos.
2. Local Government NSW - relating to the Model Asbestos Policy (2015) as amended (<https://www.lgnsw.org.au/policy/asbestos-model-policy>).

If your land is identified on a NSW Government map as having low, medium, or high potential for naturally-occurring asbestos (NOA) then Council may require that a suitably qualified geo-technical consultant conducts a site visit and sampling to confirm whether there is (likely to be) any NOA on or near the area where development works are proposed. This must review whether the proposed development will result in any substantial earthworks or disturbance of soil or rock in the affected areas which must be shown on a Site Plan, Earthworks Plan, or a Soil and Water Management Plan.

Chapter 8 of the Work Health and Safety Regulations 2017 (as amended) addresses Asbestos. If NOA is identified, and it is likely to be affected by the proposed works, then Clause 432 of that Regulation requires that a site-specific Asbestos Management Plan is prepared in accordance with the regulations and the Model Asbestos Policy for NSW Councils (2015) (as amended).

## G8.4 Erosion & Sedimentation

Erosion of land through poor land management and development practices can result in significant sedimentation and water quality issues in watercourses and drainage corridors.

1. Council will assess the relative risk of certain developments causing erosion and sedimentation in accordance with the requirements of the 'Blue Book' (Managing Urban Stormwater: Soils and Construction) by Landcom, Fourth Edition (2004) (as amended) including, but not limited to: assessment of site constraints and opportunities; management of soils/earthworks; vegetation retention and enhancement; management of water; sediment and waste control; and site access, stabilisation and maintenance.
2. Council may place conditions of consent on development to comply with the requirements of the 'Blue Book' in accordance with the risk of erosion and/or sediment leaving the site in the following order of risk (low to high):
  - a. Implement sediment & erosion control measures during construction;
  - b. Lodge with Council (for approval) an Erosion & Sediment Control Plan;
  - c. Lodge with Council (for approval) a more detailed Soil & Water Management Plan.

## G8.5 Other Geological or Soil-Related Issues

In addition to the requirements for Erosion & Sedimentation above, where there is evidence of any geological or soil-related issue(s) that may impact on the suitability of a site for development, its proximity to adjacent development, and/or the method of construction then:

1. The Statement of Environmental Effects and any relevant plan(s) must give consideration to the impacts of the geological or soil related issue and document how the proposed development will address those issues and minimise or mitigate any risk;
2. The extent of any impact(s) on the geology or soil should be shown clearly on any Site (Analysis) Plan, Earthworks Plan, Soil and Water Management Plan and/or Engineering/Structural Plan(s).
3. Council may require a suitably qualified engineer to:

- a. Provide a Geo-Technical Report that analyses the geology, soils and possibly the hydrology (water) of the site to determine the risk(s) and how the proposed development should respond; and/or
  - b. Provide Engineering / Structural Plan(s) to ensure appropriate structure and stability of development.
4. Council may require a Soil & Water Management Plan and/or Erosion & Sediment Control Plan to manage water, salinity and soils/sediment on-site and demonstrate no impacts on adjacent properties or watercourses / drainage channels in accordance with Part G9.4 Sediment & Erosion Control

# Part H: Heritage Conservation

## HI Introduction

### HI.1 Application of this Part

This part of the DCP applies to development on land that is:

1. Identified as a heritage item or located in a heritage conservation area listed in Schedule 5 of the Junee Local Environmental Plan 2012 or in the State Heritage Register;
2. In proximity to an identified heritage item that may impact on the heritage significance of a heritage item;
3. Identified as, or in proximity to, other locally or regionally significant building or place that is not listed in Schedule 5 of the Junee LEP 2012 or in the State Heritage Register at the discretion of Council staff; or
4. Identified as, or in proximity to, items of Aboriginal cultural and archaeological significance that are not listed in the Junee LEP 2012 for protection and cultural sensitivity.

### HI.2 Objectives of Heritage Conservation

1. To conserve the heritage significance of the built and natural environments.
2. To ensure the management of heritage is carried out in line with the Principles and Articles of the Burra Charter for the assessment of significance of heritage places and the traditions associated with them.
3. To implement the objectives and controls contained within the Junee LEP 2012 and any other relevant heritage legislation.
4. To conserve the heritage significance of the natural and built environment and ensure new development is sympathetic to the identified heritage values.
5. To provide planning and design guidelines for developments associated with heritage items or a heritage conservation area.

### HI.3 Other Parts of this DCP

Whilst Council has attempted to consolidate most of the controls relating to heritage development in this Part, other Parts of this DCP may also apply depending on the type of development you are proposing and the site constraints including, but not limited to:

1. Part E – Other Land Uses (where you are also proposing other land uses not included in the Part of the DCP)
2. Part F – Subdivision (where you are also proposing some type of subdivision of your land); and
3. Part G – Environmental Management & Hazards (dependent on-site constraints and potential impacts).

## H2 Development Consent Requirements

### H2.1 Development Requiring Consent

A Development Application is required for the carrying out of most development that relates to a heritage item, Aboriginal place of heritage significance or archaeological site and or in a Heritage Conservation Area (HCA). Refer to the Junee LEP 2012, Clause 5.10 (2) which identifies the following instances where development consent is required or alternatively contact Council's Planning and Environmental Services Department.

### H2.2 Development Not Requiring Consent

There are circumstances where development consent is not required for certain works, such as:

1. The Junee LEP 2012, Clause 5.10(3) contains some exemptions where development consent is not required. If unsure, please contact Council's planning staff
2. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP Code) provides some forms of development that do not require development consent from Council. If unsure, please contact Council's planning staff

### H2.3 Documents to be submitted with a Development Application

When lodging a Development Application for development on land on which a heritage item is situated, or within a heritage conservation area, or within the vicinity of a heritage item or heritage conservation area, Council may require a Heritage Management Document (HMD) to be prepared and submitted for assessment.

The circumstances in which an HMD may be required will vary depending on the works proposed and the likely impact they will have on the heritage significance of the item or HCA. Discussions with Council staff and the heritage advisor are recommended to determine what may be needed to assist in assessing a Development Application.

### H2.4 Archaeological Sites (Non-Indigenous)

1. All known and potential archaeological relics in NSW are protected under the NSW Heritage Act 1977 (as amended). When intending to disturb or excavate land where archaeological relics have been identified or are considered likely to occur, it is the responsibility of the property owner to seek relevant approvals.
2. Before granting consent to any development on land on which an archaeological site is identified, Council must notify the NSW Heritage Council of its intention to grant consent and take into consideration any response from the NSW Heritage Council.

## H2.5 Aboriginal Places of Heritage Significance

Impact on an Aboriginal place of heritage significance or an Aboriginal object must be considered by Council before granting consent. Specifically, Clause 5.10(8) of the Junee LEP 2012 states that Council must:

1. Consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place; and
2. Notify the local Aboriginal communities (in such a way as Council thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.

If an application is located along a significant watercourse or ridgeline or a likely Aboriginal place of heritage significance, then please contact Council to discuss. You may be required to conduct a search of the Aboriginal Heritage Information Management System (AHIMS) to confirm if an Aboriginal object or place has been declared on a parcel of land (though this search is not determinative of the presence of Aboriginal items).

If any Aboriginal object is found during the development process, then work must stop immediately, and the requirements of the National Parks and Wildlife Act 1974 must be followed. An applicant may also need to seek an Aboriginal Heritage Impact Permit in accordance with that Act.

## H2.6 State Heritage Items

1. Any works to a State Heritage item (including demolition) requires approval or exemption under the Heritage Act 1977.
2. When a Development Application is lodged with Council for demolition or development of any type for a State Heritage Register listed item, the integrated development application process commences and Council will, as part of that process, refer the application to the Heritage Council for concurrence.

Heritage items listed as being of State significance in Schedule 5 of the Junee LEP 2012 are those listed on the State Heritage Register.

## H3 Development of Heritage Items

### H3.1 Demolition

1. Buildings that are listed as heritage items or contribute to the significance of a heritage item should not be demolished.
2. Partial demolition of a heritage item should only be allowed when it can be established in an HMD that the partial demolition will not have a substantial impact on the significance of the heritage item.
3. Outbuildings associated with heritage items can only be demolished where an HMD has established that the outbuilding does not contribute to the heritage significance of the place.
4. Photographic records of building/s are to be provided to Council prior to the commencement of any demolition works.

### H3.2 Subdivision

1. Subdivision of an allotment that includes a heritage item or recognised archaeological site should not be allowed unless it can be demonstrated that an adequate curtilage of the heritage item is retained. Adequate curtilage will depend on the significance and content of the heritage item.
2. Subdivision of land that includes a heritage item or recognised archaeological site should not be allowed unless it can be established that proposed or future development on the created allotments will not impact on important views to or from the heritage item.

### H3.3 Adaptive Reuse

1. Adaptive reuse of a building should retain important architectural qualities and features of the building, where possible, particularly features that contribute to the streetscape and the heritage significance of the place.
2. Adaptive reuse must involve minimal change to the significant fabric of the place.
3. Adaptive reuse must acknowledge and respect significant associations and meanings of the place.
4. Adaptive reuse must have regard to the relevant legislation of the National Construction Code (NCC) and other relevant Australian Standards.

### H3.4 Scale and Proportion

1. Avoid significant changes to the front elevation of heritage items; locate new work at the rear of, or behind the original building section or behind the front building line.
2. Design new work to respect the scale, form, massing and style of the existing building and ensure it does not visually dominate the original building or streetscape.
3. Development of an inconsistent scale to the heritage item is allowable only if it can be demonstrated that the new development will not detract from the aesthetic quality and important views of the heritage item and the streetscape.
4. Important elements of the form of a heritage item such as, main roof forms, chimneys and verandas should not be demolished or obscured, unless justified.

### H3.5 Materials and Colours

1. Original materials of heritage items should not be replaced with different materials or materials of different colour, unless unavoidable or it can be shown not to detract from the heritage significance of the heritage item and the streetscape.
2. Non–original materials of heritage items that are being replaced should be replaced with materials that match or complement the original as closely as possible.
3. Colour schemes are to reflect the period and detail of the property, in consultation with Council or the Heritage Advisor.
4. Painting or rendering face brick is generally supported, where appropriate.

### H3.6 Doors and Windows

1. Original window and door openings are important elements and should generally be retained.
2. Where original windows and doors in important elevations have been removed and replacement of the joinery is proposed, the original windows or doors should be reconstructed or replaced in sympathy.
3. New windows and door openings in important elevations must be carefully located to retain the original relationship of solids and voids and of proportions, materials and details similar to existing windows and door openings in the building.
4. New windows and doors visible from the street must be located to complement the original design of the building and of proportions and details to complement the original character of the building.

### H3.7 Fencing and Gates

1. Fencing and gates that are existing (and not unsafe) should not be demolished/removed unless justified.
2. New fencing and gates should be of a similar style and scale that is consistent with the style of the building and the streetscape.
3. Fencing forward of the building line constructed of solid materials such as masonry should not be greater than 900mm in height above the adjacent public footpath level, unless it is an original wall.
4. Fencing forward of the building line constructed of timber pickets, metal pickets or wrought metal panels or a combination of masonry (with significant transparency) should not be greater than 1.2 metres in height above the adjacent public footpath level, unless it is an original wall or fence, or replacing an original wall or fence.
5. Original masonry should not be painted, unless the original was, or existing masonry is painted.

### H3.8 Landscaping Elements

1. Original or early garden layouts that contribute to the significance of the heritage item should be retained and enhanced.
2. When selecting suitable trees and species, the following must be considered:
  - a. the varieties that already exist in the area and in the original garden;

- b. the size and location of the tree when mature; and
- c. the potential of the chosen species to interfere with services, retaining walls and other structures, and the amenity of adjoining properties.

### H3.9 Outbuildings and Rainwater Tanks

1. Outbuildings must be located as far behind the front building alignment or in line as possible.
2. Outbuildings and rainwater tanks should be located in the rear yard of heritage items.
3. Outbuildings and rainwater tanks should be low profile and designed so that they do not impact on important views of heritage items and are not greater in height or bulk than the heritage item.

### H3.10 Advertising and Signage

1. Any early signage should not be removed, but retained and actively preserved, wherever possible, including signage related to original shopfronts or remnants of painted signs on the side walls of buildings.
2. New signs should be discrete and complementary to the historical significance of the building and streetscape and not visually dominate the area of building walls.
3. New signs should be placed in locations, which would have traditionally been used for advertising purposes, where possible and appropriate.
4. The size of the sign and its contents/design (colour scheme, letters, number and symbols) must complement the scale of the building to which they relate and the streetscape.
5. The following signs are not permitted:
  - a. advertising affixed to trees, light poles or other structure not for the purposes of advertising structure; and
  - b. signs mounted above the awning or verandah of a building.
6. Signage on commercial buildings is to be confined to:
  - a. An under-awning sign of an appropriate size and design;
  - b. A window sign in the ground floor shop front of an appropriate size and design;
  - c. A façade sign contained within a purpose designed panel of the building façade;
  - d. The façade of the building must not be painted in corporate colours;
  - e. A fence sign, free standing sign or A – Frame sign of an appropriate size and design.
7. The architectural details of a building are not to be obscured by commercial signage.



## H4 Development in the Vicinity of Heritage Items

### H4.1 Siting, Scale and Proportion

1. The setbacks of new development from any street should generally be equal to or greater than that of the heritage item and the streetscape.
2. Development should not be of such bulk or height that it visually dominates the heritage item or streetscape.
3. Important views to or from a heritage item should not be unreasonably obscured by new development.
4. Where a heritage item is part of a streetscape of buildings of consistent style, form and materials, development in the vicinity of the heritage items should incorporate elements of the dominant style, form and materials in the streetscape.
5. Development in the vicinity of a heritage item is to minimise the impact on the setting of the item by:
  - a. Providing an adequate curtilage to the heritage item to allow its interpretation.
  - b. Retaining original or significant landscaping associated with the heritage item, if the landscaping is listed on the Heritage Inventory Sheet.
  - c. Protecting and allowing the interpretation of archaeological features associated with the heritage item.

### H4.2 Materials and Colours

1. Materials and colours for development in the vicinity of a heritage item shall be selected to avoid stark contrast with the adjacent development where this would result in the visual importance of the heritage item being reduced.

## H5 Development within Heritage Conservation Areas

### H5.1 Scale and Form

1. The scale of new development within a conservation area should relate to the scale of the adjacent or nearest heritage building and streetscape.
2. Development of a larger scale is allowable only if it can be demonstrated that the new development will not adversely impact on the character and views of the conservation area.
3. New development that obscures important views within a heritage conservation area should not be permitted.
4. The roof forms of new development in a conservation area are to complement the original roof forms of existing nearby buildings that contribute to the conservation area and streetscape.
5. Additions and alterations to existing buildings that contribute to the character of a conservation area should not detract from the original form of the existing building as viewed within the streetscape.
6. The treatment of the street façade of new development in a conservation area should relate to existing nearby buildings that contribute to the conservation area.

### H5.2 Siting

1. The front setbacks of new development (including alterations and additions) in conservation areas should be an average of adjacent or nearby development or consistent within the streetscape.
2. No new structures should be built forward of the established main street building line.

### H5.3 Materials and Colours

1. Original materials of existing heritage buildings in conservation areas should not be replaced with different materials or with materials of different colours unless justified and approved by Council.
2. Non – original materials of existing heritage buildings in conservation area that are being replaced should be replaced with materials that complement the original material as closely as possible.
3. Materials for new development in HCAs should not contrast with the original materials of the dominant contributory buildings in the conservation area.
4. Colour schemes for existing and new development in conservation areas should have a relationship with traditional colour schemes for the dominant style of development found in the conservation area in consultation with Council.
5. The use of fluorescent paint and primary colours on buildings in conservation areas is not permitted.

### H5.4 Doors and Windows

1. Original door and window openings visible from the streetscape on existing heritage buildings should not be altered, unless justified.
2. Original door and window joinery visible from the streetscape on existing heritage buildings should not be altered, unless justified.

3. New door and window openings on existing heritage buildings that are visible from the streetscape should be of proportions and details that relate to existing door and window openings.

## H5.5 Outbuildings

1. Outbuildings and carports should be located behind the front building alignment.
2. Outbuildings should be single storey and designed and located so that they have negligible if any impact on the streetscape.

## H5.6 Fencing

1. New fencing and gates for existing and proposed buildings should be designed to complement the style of the building and dominate the character of the conservation area.
2. Fencing constructed of solid material such as masonry forward of the building line should not be greater than 900mm in height above the adjacent public footpath level, unless justified.
3. Original masonry fencing should not be painted, unless justified.

## H5.7 Advertising and Signage

1. Any early signage should not be removed, but retained and actively preserved, wherever possible, including signage related to original shopfronts or remnants of painted signs on the side walls of a building.
2. New signs should be discrete and complementary to the historical significance of the building and streetscape and not visually dominate the area of building walls.
3. New signs should be placed in locations, which would have traditionally been used for advertising purposes, where possible and appropriate.
4. The size of the sign and its contents/design (colour scheme, letters, number and symbols) must complement the scale of the building to which they relate and its streetscape.
5. The following signs are not permitted, advertising affixed to trees, light poles or other structure not for the purposes of advertising structure, signs mounted above the awning or veranda of a building.
6. Signage on commercial buildings is to be confined to:
  - a. An under-awning sign of an appropriate size and design;
  - b. A window sign in the ground floor shop front of an appropriate size and design;
  - c. A façade sign contained within a purpose designed panel of the building façade;
  - d. The façade of the building shall not be painted in corporate colours;
  - e. A fence sign, free standing sign or A – Frame sign of an appropriate size and design.
7. The architectural details of a building are not to be obscured by commercial signage.

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END

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