



LACHLAN SHIRE
COUNCIL

Wiradjuri Country

Development Control Plan 2018

LACHLAN SHIRE COUNCIL

Amendments

Lachlan Shire Development Control Plan 2018 was adopted by Council on 26 September 2018 and came into force on 5 October 2018.

This edition includes the following amendments:

DATE	CHAPTER	DETAILS OF AMENDMENT
11 December 2019	Chapter 4	Removal of Chapter 4 - Community Participation Plan replaces this Chapter.
27 September 2023	Chapter 2 & 4	Bushfire Provisions

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1. Introduction

1.1 Name of this plan

This plan is called the *Lachlan Development Control Plan (DCP) 2018* and is referred to as the 'plan' in this document.

1.2 Purpose of this plan

The purpose of this plan is to guide development within Lachlan Shire to be consistent with the aims and objectives of *Lachlan Local Environmental Plan (LEP) 2013*. Upon taking effect this plan repeals and replaces *Lachlan Interim DCP 2013* and *Lachlan DCP 2015*. This plan is to provide guidance in relation to development that is proposed on Standard Instrument zones that are to be implemented through an amendment to *Lachlan LEP 2013* as illustrated in the Appendix to this plan.

1.3 Land to which this plan applies

This plan applies to all land within Lachlan Shire and subject to *Lachlan LEP 2013*.

Controls that relate to zones E4 Environmental Living and IN1 General Industrial will not take effect until the publication of amendments to *Lachlan LEP 2013* that include the application of zones E4 Environmental Living and IN1 General Industrial and the corresponding land use tables.

1.4 Format of this plan

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

Chapter 2 – Subdivision

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

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

Chapter 3 – Development

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

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

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Chapter 4 – Public notification

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

1.5 The development application process

Council is required to assess a development application in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979*. Section 4.15 of the Act requires Council to consider the provisions of any environmental planning instruments that apply to the land, including state environmental planning policies (SEPP) and the *Lachlan LEP 2013*, as well as any potential economic, social and ecological impacts, the suitability of the site for the proposed development, submissions made by interested persons and the public interest.

The provisions of all SEPPs and *Lachlan LEP 2013* prevail over this plan. In the event that a SEPP [e.g. *SEPP (Infrastructure) 2007* or *SEPP (Exempt and Complying Development Codes) 2008*] or the LEP applies to a certain land use and enables that use as exempt subject to specified development standards, then that environmental planning instrument enables that land use to proceed without the need for the consent of Council. The controls contained in this plan only apply where a development application is lodged with Lachlan Council for a particular land use under Part 4 of the Act and where those controls do not conflict with the provisions of an environmental planning instrument.

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

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

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

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

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

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

1.6 Application requirements

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

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

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

The site analysis is to consider:

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

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

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The Statement of Environmental Effects is a written summary that shows consideration has been given to the environmental impacts of the proposed development and the steps that will be taken, firstly, to avoid and minimise any adverse environmental impacts, and secondly, to mitigate any adverse environmental impacts,

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

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

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

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

Development application fees for specific land uses are set out in Council's Fees & Charges and are reviewed annually.

To encourage development and to be sympathetic to establishment costs, Council may consider a 'staged development'. This could involve not requiring all aspects of this plan to be complied

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with prior to operation of the business, providing conditions of the approval are such to ensure the development control plan objectives are achieved through implementation of the approved staged plans, linked to milestones/timelines as provided by the applicant, approved by Council, and required to be met as a condition of approval.

1.7 BASIX

BASIX is an on-line program that assesses dwelling design against energy and water reduction targets. If these targets are satisfied a BASIX Certificate is issued. The BASIX Certificate is required to be submitted with a development application for all developments which contain new residential dwellings or alterations and additions to a dwelling over a value of \$50, 000.

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

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

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

1.8 Definitions

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

1.9 Savings provisions

This Plan does not apply to any development application or application for a modification to a development application submitted under section 4.55 of the Environmental Planning and Assessment Act (EP&A Act) 1979 that was lodged prior to the date of commencement of this Plan. Any application lodged before the commencement of this plan will be assessed in accordance with the development control plan (s) or policy (s) which applied to the site at the time the application was lodged.

2. Subdivision

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

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2.1 Land zoned RU1 Primary Production and R5 Large Lot Residential

2.1.1 Generally (Irrespective of road opening)

Controls

- All development applications shall be accompanied by a servicing strategy that demonstrates that it is feasible for the subdivision to be serviced (with accessways, water, sewer, stormwater drainage, telecommunications and electricity) in accordance with the requirements of this Plan. The strategy shall include evidence that Council has been consulted in relation to the availability and capacity of services
- All allotments shall connect with a formed roadway or have a road constructed
- Access to any allotment created is to be at the expense of the applicant and constructed prior to the issue of a subdivision certificate (release of linen)

2.1.2 Subdivisions involving the opening of roads

Controls - roads

- The acceptance of land for dedication is a matter for Council to consider on merit
- The road is to be prepared to a standard of surface equal to the standard surface of the existing public road that it adjoins
- The minimum thickness and width will be the placement of 150mm consolidated gravel formed to a width of 10 metres
- New roads are to be constructed with a two coat 14/7mm hot bitumen seal
- The road reserve is to be a minimum of 20 metres
- Road reserves and rights of carriageway within community title subdivisions are to be a minimum width of 15 metres
- Splay corners to be 3.5 metres where the road reserve is 20 metres wide and 1.5 metres where the road reserve is 30 metres wide
- Roads are to have a maximum grade of 1 in 10 and minimum grade of 1 in 50. Plans showing a site plan, longitudinal section of the centre line and cross sections every 15 metres are to be submitted to Council with the development application
- In the case of the use of a Crown road that is within a proposed subdivision of land zoned R5 Large Lot Residential, application is to be made to the relevant NSW Government agency to enable the incorporation of the Crown road within the subdivision and to transfer that road to Council upon the issue of a Subdivision Certificate

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Controls - provision of Services

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

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

2.2 Land zoned RU5 Village, E4 Environmental Living and SP2 Infrastructure

2.2.1 Generally (irrespective of road opening)

Controls – residential subdivision

- All development applications shall be accompanied by a servicing strategy that demonstrates that it is feasible for the subdivision to be serviced (with sealed access and pathways, water, sewer, stormwater drainage, landscaping, telecommunications and electricity) in accordance with the requirements of this Plan. The strategy shall include evidence that Council has been consulted in relation to the availability and capacity of services
- Where three or more blocks are proposed the frontage is not to be less than 20 metres wide
- Where not more than two allotments are proposed the frontage is not to be less than 17 metres wide
- Where lots face a cul-de-sac bulb, each lot is to have a minimum 'chord' width of 10 metres at the street frontage, measured in a straight line from each corner of the allotment
- Road reserves and rights of carriageway within community title subdivisions are to be a minimum width of 15 metres
- A battle axe subdivision lot will be considered where there are circumstances that will allow adequate means of access and the amenity of the neighbourhood will not be adversely affected. The minimum width of the access way shall be 4.00 metres. All

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services to the lot shall be underground. Generally only one battle axe lot will be considered for each existing land parcel. Right of ways will not be considered as legal means of access to any new lot

Controls – commercial and industrial subdivision

- The minimum frontage width is to be 7.5 metres

Controls - water supply and sewerage

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

Controls - roads

- For roads 15 to 20 metres in width, a 3.5 metre wide splay corner is to be incorporated
 - For roads 30 metres in width, a 1.5 metre wide splay corner is to be incorporated
- Controls - parks and reserves
- Proponents are required to set aside proportionately 0.5 hectares out of every 10 hectares or part thereof of land to be subdivided, for parks and/or reserves. Council may consider accepting a cash contribution in lieu of dedication as agreed by way of a Voluntary Planning Agreement
 - This Clause shall only apply to subdivisions where it is proposed to create 10 or more residential allotments

2.2.2 Subdivisions involving the opening of a road

Controls – roads

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

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

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- The bulb of a cul-de-sac is to have a minimum of 15 metres radius
- The cross fall in the carriageway is not to exceed 1 in 24
- Kerbing and guttering is required to both sides of the road constructed to Council's standards and a gutter crossing to be provided to each allotment as specified by Council's Infrastructure Services Department
- The road pavement is to consist of gravel kerb to kerb with consolidated thickness of at least 150mm, with 2 coat flush bitumen seal, 14mm aggregate plus 7mm aggregate application to the satisfaction of the Director of Infrastructure Services

Controls - footpaths

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

Controls - water supply

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

Controls - sewer mains

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

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

2.2.3 Energy Efficiency

Intent

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

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

Controls

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

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2.2.4 Water efficiency and stormwater management

Intent

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

- Topography, natural drainage patterns, ground cover and vegetation, and waterways are considered in planning for stormwater management
- Natural water systems within urban developments are protected and enhanced, function more effectively and support natural ecosystems
- Stormwater treatment is integrated into the landscape to maximise the visual, open space and recreational amenity of developments
- The quality of water draining from urban developments into receiving environment is improved
- Runoff and peak flows from urban development are reduced using on-site detention measures and minimal impervious surfaces
- New development maximizes the re-use of stormwater and conserves potable water supplies
- All drainage (transverse drainage, table drains, catch drains, mitre drains, etc) are designed to

minimise adverse environmental effect and soil erosion
- Stormwater drainage internal to the subdivision utilises the natural stormwater drainage system supplemented by swales, infiltration trenches and bio-retention systems or any combination of these methods. The use of pipes, box culvert structures, covered or fenced concrete lined channels is minimised

Controls

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

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

2.3 Subdivision of flood prone land

Intent

The intent of this section is to minimise the flood risk to life and property due to subdivision for the purposes of residential development and to apply controls to a flood planning area in addition to those of Lachlan LEP 2013. For the purposes of this clause:

Flood Planning Area (FPA) means land that is at or below the Flood Planning Level and subject to flood-related development controls. The Flood Planning Level (FPL) means the level of a 1:100 ARI (average recurrent interval) flood event, or the chance of the level occurring in a particular year is 1 in 100, plus freeboard to floor level.

2.3.1 Generally

Controls –subdivision in any zones

- Council will not support any development proposal to subdivide land that has been identified as a flood planning area for the purposes of residential development unless a flood-free building envelope(s) and safe internal access to and from a public road network can be provided. The building envelope(s) and access should be flood free in a 1% Annual Exceedance Probability event
- Subdivision will not be supported where the creation of a residential lot will create the potential for increased intensity of development within a flood planning area or would result in unsustainable social and economic costs to the community as a consequence of flooding.

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2.4 Subdivision of Bush Fire Prone Land

2.4.1 Application

This section applies to Development Applications for subdivision of land located on land mapped as Bush Fire Prone on the Lachlan Shire Council's Bush Fire Prone Lands Map.

Notes:

These provisions apply if any part of the lot on which the development is to be located is mapped as being Bush Fire Prone.

You can check if your land is mapped as bush fire prone here: <https://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area/planning-for-bush-fire-protection/bush-fire-prone-land/check-bfpl>

2.4.2 Intent

The intent of this section is to ensure that Development Applications for subdivisions will facilitate:

- future development located in an area with an acceptable level of bush fire risk, *(Note: this means the future built form on the new lot can achieve the minimum required Asset Protection Zone located wholly within the land lawfully able to be managed by the future occupier)*
- appropriate access and egress for emergency services to defend assets and for residents/occupants,
- access to hazard vegetation for bush fire mitigation and suppression works,
- adequate firefighting water supplies (in reticulated water supply areas),
- servicing of lots so as to not increase bush risk, and
- a better bush fire outcome for existing habitable development within the subdivision.

2.4.3 Controls

- Compliance with the document entitled *Planning for Bush Fire Protection (PBP)* (as prescribed by the *Environmental Planning and Assessment Regulation 2021*) prepared by the NSW Rural Fire Service in co-operation with the Department of Planning and Environment.

Notes:

Chapter 5 of PBP outlines the requirements for Subdivisions.

PBP can be found here: <https://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area/planning-for-bush-fire-protection>

- Submission of a Bush Fire Assessment Report (BFAR), prepared in accordance with PBP. *Note: It is strongly recommended that you utilise the services of a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment (i.e. a Bushfire Planning & Design (BPAD) Consultant to prepare your BFAR. A list of BPAD consultants is provided here: <http://www.fpaa.com.au/bpad.aspx>*

2.4.4 Approval Requirements

Subdivisions that could be lawfully used for residential or rural residential purposes

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Subdivision of bush fire prone land that could be used for residential or rural residential purposes requires a Bush Fire Safety Authority (BFSA) Approval from the NSW Rural Fire Service in addition to a DA. In such instances, the DA is referred to the RFS by Council as part of the DA assessment process (Integrated Development) to obtain the BFSA.

Clause 45 of the *Rural Fires Regulation 2022* outlines the requirements for the BFSA application. This information should be included within the BFAR.

There are some exemptions from the need for a BFSA, which are outlined in Clause 46 of the *Rural Fires Regulation 2022*.

Note: An exemption from the requirement for a BFSA does not remove the need to otherwise consider bushfire risks as part of the DA process.

All Other Subdivisions

Subdivisions (other than those that could lawfully be used for residential and rural residential purposes) located on bush fire prone land require consideration of section 4.14 of the *Environmental Planning and Assessment Act 1979*.

3. Development

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

3.1 Development on all land

3.1.1 Application

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

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

3.1.2 Building line

Intent

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

Interpretation

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

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

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Controls

- Except in the case of a corner allotment the minimum distance from a street alignment at which a building may be erected is 6.0 metres
- In the case of a corner allotment the distance from one street may be reduced to 3.0 metres
- In the case of a property that is zoned RU1 Primary Production the abovementioned minimum distances apply and in the case of a building from which stock or produce may be loaded into or onto a truck, or a building into which stock or produce may be unloaded from a truck, the building is to be set back a distance sufficient to allow the loading or unloading to take place without the truck being parked on the road reserve.
- Council will consider an application for approval to vary the building line under the following conditions:
 - (a) The request for a variation is to be in writing,
 - (b) The request is to contain or be accompanied by a plan showing:
 - (i) the floor plan and the front and side elevations of the proposed building,
 - (ii) the dimensions of the proposed building,
 - (iii) the location of the proposed building in relation to the public road to which the building line relates, and
 - (iv) be accompanied by a fee set by Council from time to time.

3.1.3 Energy efficiency

Intent

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

- Buildings are positioned and designed to maximise solar access to internal areas and open space
- Building materials are selected to store thermal energy during winter to release into living spaces at night and to reflect heat during summer
- Designs facilitate natural cross ventilation and maximise the availability of natural lighting

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- Energy efficient lighting, office equipment, air conditioning and appliances, particularly for water heating and space heating/cooling, are installed
- Insulation materials are selected for walls, flooring and roofing to eliminate or reduce the need for mechanical heating and cooling systems
- Building design enables sections of a dwelling to be zoned to manage the temperature of spaces more efficiently
- Shading elements such as eaves or awnings are chosen considering the aspect of the windows requiring shade, seasonal variations in the angle of the sun and access to views
- Solar hot water heating and photovoltaic cells are installed to reduce electricity consumption
- Windows are selected using the Windows Energy Rating Scheme to assess their solar efficiency Controls
- A BASIX certificate is to be submitted with a development application for a new dwelling, or alterations/additions to an existing dwelling valued over \$50, 000.
- For residential development, the windows to living rooms of proposed dwellings and adjoining dwellings are to receive at least 3 hours continuous sunlight between the hours of 9.00am and 3.00pm on 21 June
- For residential development, at least 50% of the private open space of adjoining dwellings is to receive at least 3 hours of continuous sunlight between the hours of 9.00am and 3.00pm on June 21
- For business or industrial development on land within or that adjoins land that is zoned RU5 Village, E4 Environmental Living or R5 large Lot Residential the development maintains solar access to accommodation on adjoining land for at least three hours between the hours of 9.00am and 3.00pm on 21 June

3.1.4 Water efficiency and stormwater management

Intent

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

- The volume of stormwater runoff is managed using absorption pits, grass swales, infiltration trenches or landscape features
- Rainwater tanks capture roof runoff and are used to supplement the reticulated system for outdoor garden watering and internal uses as well as for fire-fighting purposes

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- AAA rated water efficient devices such as shower heads, taps and toilet cisterns are installed

Controls

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

3.1.5 Landscaping

Application

This section applies to all medium density residential development (multi dwelling housing and residential flat buildings), commercial development and industrial development in zones RU5 Village, E4 Environmental Living and IN1 General Industrial.

Intent

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

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

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

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

Controls

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

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

Controls - maintenance

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

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

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

3.2.1 Application

This section applies to land zoned RU5 Village, E4 Environmental Living and RE1 Public Recreation in the settlements of Condobolin, Lake Cargelligo and Tottenham.

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

3.2.2 Residential development in zones RU5 Village and E4 Environmental Living Intent

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

Controls - number of storeys

- One to two storeys

Controls - parking and access

- All parking will be provided on-site with provision made for visitor parking
- Driveways, access ways and car parking areas for medium density development (multi dwelling housing and residential flat buildings) shall be paved with asphaltic concrete, a bitumen seal, paving bricks or concrete

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3.2.3 Commercial development in zone RU5 Village

Intent

Business areas are intended to accommodate the long-term requirements for retailing in the villages and towns.

It is also the intention that other business and commercial activities and tourist-oriented services and facilities generally be located in this area. Re-development of existing business areas is encouraged.

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

Controls - number of storeys

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

Controls - parking and access

- Long-stay parking will be generally provided outside the core area
- Parking will be provided at the ratio of one space per 100m² office floor space (recommend in covering report to council to prepare a contributions plan so that levies may be paid in lieu)
- Proposed uses are not to be developed beyond the capacity to provide conveniently located short-stay parking
- Driveways, access ways and car parking areas for commercial development shall be paved with asphaltic concrete, a bitumen seal, paving bricks or coloured patterned concrete

3.2.4 Recreation development in zones RU5 Village and RE1 Public Recreation Intent

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

Controls - character and use

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

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Controls - parking and access

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

3.2.5 Community facilities, educational establishments and health services facilities

Intent

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

- encourage the development of these uses on sites close to the business areas and that are convenient to the general public, and
- promote the attractiveness of the outdoor environment and provide linkages of landscaping and activities between these uses and business areas.

Controls - number of storeys

- One to two storeys

Controls - parking and access

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

3.2.6 Neighbourhood shops

Intent

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

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

Controls - number of storeys

- one to two storeys

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Controls - parking and access

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

3.3 Industrial development in zones RU5 Village, RU1 Primary Production and R5 Large Lot Residential

3.3.1 Application

This section applies to industrial development on land zoned RU1 Primary Production, RU5 Village and R5 Large Lot Residential.

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

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

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

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3.3.2 Aims

- (a) To improve the appearance and architectural quality of individual industrial developments and industrial estates,
- (b) To ensure that the repetitive effect of building bulk associated with close development of structure does not become undesirable as a total visual form and is adequately softened by landscaping,
- (c) To ensure that each development can satisfactorily function totally within its designed site, in particular relating to on-site car parking, off-street loading/unloading areas, manoeuvring areas and waste management,
- (d) To discourage any development which is, in the opinion of Council, unreasonably detrimental to the surrounding area in regard to use, design, height, bulk, scale, open space, landscape and density,
- (e) To minimise and regulate activities that have a negative impact on the environment and to ensure such activities are not detrimental to public health,
- (f) To minimise the causes of non-compatibility between different land uses and to provide adequate "buffers" to mitigate any remaining impacts,
- (g) To screen storage areas (or entire developments where necessary),
- (h) To ensure that design, placement and height of buildings takes into account site constrain
- (i) To ensure that industrial developments are designed, constructed and operated in accordance with the principles of cleaner production and the waste hierarchy of avoidance, reuse, recycle and, as a last measure, disposal,
- (j) To create a pleasant working environment for employees, and
- (k) to continue to develop the industrial areas as mixed-use areas by consolidating existing development and to provide supporting, but separate, functions to business areas.

3.3.3 Setbacks

Intent

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

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- To restrict the spread of fire between buildings. Controls - building line
- Front Boundary

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

- provision of landscaped area to a minimum depth of three metres,
- provision of car parking facilities,
- building height, bulk and layout,
- the nature and needs of the industrial activity, and
- the general streetscape.
- Main Roads
- All buildings shall be setback six metres to provide for adequate landscaping

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

- Other Roads
- buildings are to be set back from all other front boundaries a minimum of six metres to provide for adequate landscaping
- secondary Street Frontage: where an industrial building has a Frontage to more than one street the above setback applies to at least one frontage while a setback from the other street shall be three metres minimum
- Side and Rear Boundaries
- There are no side and rear boundary setbacks all buildings are to be set back from the side boundaries to comply with the requirements of the National Construction Code
- Boundaries Adjacent to Public Reserves
- Where a building backs onto a public reserve the building shall be set back a minimum of three metres to permit adequate landscaping

Controls - landscaping and car parking

- Front Boundary
- Main roads - Car parking shall be setback a minimum of three metres from the front boundary

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- Other roads - Car parking shall be setback a minimum of three metres from the front boundary
- The area between the front property boundary line and the above setback line for car parking shall be landscaped to Council's satisfaction. The area between the above setbacks and the adopted building line shall maximise the use of landscaping, including as a minimum, one metre wide landscape perimeters along the side boundaries. The remainder may only be used for sealed car parking, driveways and manoeuvring areas. A landscaping bay 2 metres in width x 4 metres in depth shall be located between each group of seven parking spaces, to a maximum of seven bays provided at a maximum of seven spaces
- Product display may be allowed in the area between the above setbacks and the adopted building line in some circumstances. Details of areas to be used for product display will need to be submitted with the development application and will be assessed on its merits. The proposed landscaping for this area will be a consideration in the assessment.
- Motor showroom developments are exempted from these requirements, but shall incorporate decorative planting to Council's satisfaction

3.3.4 Height of industrial buildings

Intent

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

Controls

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

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

- A maximum of two storeys is generally preferred in zone RU5 Village

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3.3.5 Parking and access driveways

Intent

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

Controls - location and design

- Parking areas should be easily accessible and adequately identified
- Minimum dimensions for a car parking space are 2.6 metres x 5.5 metres
- where the car parking space is enclosed on both sides the minimum width shall be 3.1 metres
- where a car parking space abuts a wall or a solid object, the minimum width shall be 2.9 metres.

Controls - parking space requirements

Land Use	Car Parking Requirements
Industry	<ul style="list-style-type: none"> · the minimum parking requirements shall be provided at the rate of one space per two persons employed on the site or; · one space per 100m² of gross floor area whichever is the greater for stand-alone buildings or; · provided on site on all areas not occupied by an approved building or landscaping area, whichever is the greater <p>Note: Where individual industrial units are being developed car parking shall be provided at the minimum rate of three (3) spaces per unit</p>

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Warehouse or distribution centres; depots	<ul style="list-style-type: none"> · Three spaces per 1,000m² of site area + one truck
Plant nurseries	<ul style="list-style-type: none"> · 1 space per 35m² of display area plus 1 space per each two employee
Service Station	<ul style="list-style-type: none"> · four spaces per service bay. · where a convenience food store is provided, 1 space per 35m² of gross leasable floor area + one space per two employees. · where a restaurant is provided, one space per 35m² customer area - one space per one employees

- Car parking areas shall be paved with asphaltic concrete, a bitumen seal, paving bricks or concrete
- Parking for short and long stay use is to be provided on site on all areas not occupied by approved buildings
- Other developments may be permissible over industrial land. In this regard the applicant shall consult the Roads and Traffic Authority's Guide to Traffic Generating Development to ensure the correct numbers of car parking spaces are provided for the proposed development.

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

Controls - disabled parking

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

Controls - access driveways

- In areas where kerb and gutter is provided for, driveways should have a minimum width of six metres across the full width of the footpath crossing, and have a perpendicular alignment to the street. All such driveways shall incorporate paved crossovers. However, this width may be increased depending on the use of the building and the type of vehicles using the site

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- In areas where kerb and gutter is not provided for driveways, all access ways shall be constructed so as to incorporate a minimum six metre wide all weather gravel footway crossing, extending from the edge of the existing road to the entrance
- Driveways and access ways shall be paved with asphaltic concrete, a bitumen seal, paving bricks or concrete
- All access driveways are to be located so as to provide maximum sight distances
- The applicant shall ensure the erection of signs that clearly indicate to drivers of vehicles, both on and off the subject land, the driveway by which they are to enter or leave the subject land, so that the entrance and exit function in the proper manner and to minimise the likelihood of accidents occurring

Controls - gates

- Where possible, gates shall be of a "sliding" type in order to prevent problems relating to access to and within industrial developments, and to ensure that vehicle safe intersection sight distance requirements under section 38 of the Roads Act are satisfied
- Where "swinging" gates are being installed, gates shall open away from the street and in doing so shall not restrict access to any part of the development, including car parking spaces, manoeuvring areas, general access to/from the property and sight distance
- Where driveways are located on a main road, gates from front boundaries are to be recessed to provide storage area for vehicles when the gates are closed

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

Controls - manoeuvring areas

- Access aisles adjacent to car parking areas shall generally be seven metres wide. Council may allow a reduction in aisle widths down to 5.8 metres subject to car parking spaces being increased in width by 0.1 metres for every 0.4m reduction in aisle width below seven metres
- As a minimum standard for all new developments, garbage trucks, delivery vehicles and large single unit trucks will be able to manoeuvre on-site so as to enter and exit the site in a forward direction. Greater manoeuvring area may be required by Council according to advice received from Council's Infrastructure Services Department
- In addition to the requirement above, where an industrial development consists of two or more individual industrial units, a small single unit truck 8.8m long shall be able to access all individual units on the property

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- In the case of existing industrial developments where an extension to the existing industrial development is proposed, Council will consider waiving some of the above standards where it is felt these cannot physically be provided on site and it can be demonstrated that they are unnecessary or unreasonable in the circumstances
- All car parking areas, manoeuvring areas and the access aisles must be paved, drained and line-marked. The pavement and drainage must be designed by a suitably qualified Civil Engineer and certified to be satisfactory for the expected traffic loadings from a development of this size and type. Where suitable, provision shall be made to collect storm water and reuse within the approved landscaped area

Note: All industrial sites will attract the full storm water management service levy where the development does not incorporate a system of drainage/stormwater reuse.

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

3.3.7 Building standards

Intent

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

Controls - design

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

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Controls - materials

- The front elevation of the building and where side or rear walls will be visible from a public road, public reserve, railway lines or other public areas, are to be constructed of:
 - face brick,
 - a combination of face brick and colorbond type materials (providing brick is the most visually dominant material used),
 - pre-cast concrete panels, concrete block-work or rendered brickwork and/or painted in suitable colours and treated against graffiti.
- All other walls of the building are to be either:
 - brick, or
 - concrete block, or
 - combination of colorbond type materials, brick and concrete block, or
 - pre-cast concrete panels, complying with the requirements of the National Construction Code.
- Applications for developments proposing the use of materials different from those specified above will be considered on merit having regard to the external appearance of such materials and their relation to existing building materials in the vicinity

3.3.8 Site Coverage

Intent

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

Controls

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

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

- In zone RU5 Village, for two storey buildings a maximum of 50% of site area is to be occupied by buildings, or 60% maximum site area where the site is occupied by buildings of one storey

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3.3.9 Numbers of storeys

Intent

Nil

Controls

- Maximum number of storeys on any given site is restricted to three. This control does not apply to agricultural storage silos

3.3.10 Amenity

Intent

- To minimize the impact of industrial development on residential areas

Controls

- Windows, doors and other wall openings should be arranged to minimise noise impacts on residences, where an industry is located within 400 metres of a residential land use
- External plant such as generators, air conditioning plant and the like should be enclosed to minimise noise nuisance
- External and security lighting should be directed and shielded to avoid light spillage to adjoining residential areas, and
- Driveways should be arranged or screened to avoid leadlight glare on residential windows;

3.3.11 Staff amenities

Intent

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

Controls

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

3.3.12 Waste minimisation and management

Intent

Nil

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Controls

- In addition to the management of waste during demolition, subdivision or construction, applicants must plan for the management of waste generated during the operational life of the development by providing the necessary physical infrastructure
- For the purpose of minimising waste and maximising resource recovery, an Operational Waste Management Plan must be submitted with the Development Application detailing:
 - the description, volume, mass and generation rate of all solid and liquid wastes likely to be generated during operations;
 - the opportunities for resource recovery from the waste streams;
 - the proposed location, size and design of on-site (internal and external) sorting, transfer, processing, storage and transport facilities for 1) resource recovery and 2) waste disposal.
- The size of both internal and external waste facilities will be based on likely waste generation rates. There should be sufficient space to comfortably contain any on-site waste treatment facilities, such as compaction equipment. Waste management facilities should relate to other loading and unloading facilities and consideration shall be given to appropriate ventilation, fire safety and cleaning/drainage facilities
- The domestic waste and recycling facilities including container capacities and storage locations suitable for the proposed development and must be consistent with Council's Waste management policies, and the designated areas shall be appropriately signposted
- Waste management facilities shall be fully screened from the public and secured by walls and appropriate landscaping, adding to the visual quality of the development and not detracting from it
- Access arrangements for the on-site movement and collection of recovered resources and waste for disposal
- The proposed location, size and design of any communal waste management facilities. The preferred location for waste containers is within the boundary of each industrial unit. However, the provision of communal areas may be appropriate for some industrial developments
- Guideline for waste generation volume by type of development as generated by Council's Environment and Projects Department.

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3.3.13 Access and facilities for people with a disability

Intent

Nil

Controls

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

3.3.14 Hours of operation

Intent

Nil

Controls

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

3.3.15 Fencing

Intent

Nil

Controls

- Fencing should provide adequate security for industrial developments without detracting from the streetscape. In this regard, Council requires the submission of all details of fencing materials, height and colours to be submitted with the Development Application for the proposed development
- Fencing will be considered in conjunction with the proposed landscaping concept plan
- Fencing shall be designed in a way that maximizes natural surveillance from the main street and illustrates a regard for the amenity and purpose of the site
- Front fencing must not be less than 1.8 metres in height nor exceed a maximum height of 2.1m
- All other perimeter fencing must not be less than 1.8 metres in height nor exceed a maximum height of 2.1m

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- The preferred style of fencing is galvanized chain wire incorporating a green coloured PVC coating or painted steel/ aluminium tube fencing. 'Colorbond' or galvanised solid sheet steel fencing in front of the adopted building line is not permissible
- Open yard activities and other unsightly areas are to be screened from public view

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

3.4.1 Application

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

- Area of outstanding biodiversity value (under the Biodiversity Conservation Act 2016),
- Part of any wilderness area (under the Wilderness Act 1987),
- Containing an Aboriginal place under the National Parks and Wildlife Act, 1974,
- Being a residence, commercial or industrial building within any area designated as flood liable or flood prone under the Lachlan LEP 2013,
- Being within land classified as Environmentally Sensitive under Lachlan LEP 2013,
- Containing an item of environmental heritage listed in the Lachlan LEP 2013 and /or subject to an order under the Heritage Act, 1977,
- Being within a Mines Subsidence Area, or
- Land classified under the Crown Land Management Act 2016 for the preservation of flora, fauna or geological formations or other purposes

3.4.2 Controls and advisory notes

Consideration	Controls	Advisory notes
Water supply	Dwellings in non reticulated water areas are to be provided with a minimum 25,000 litre tank for Domestic use and a minimum 20,000 litre tank for fire-fighting purposes. Council will not supply connection to the current water scheme, except for the Village of Albert and Tullibigeal	Storage tank for fire-fighting is to be provided with a minimum 70mm outlet and ball valve with a minimum 65mm stortz fitting fitted to ball valve. Fire truck access within 20m of tank. Tanks to be a minimum of 1m from the building

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Solar access	Glazing to living areas that face north to receive not less than three hours of sunlight between 9am and 3pm on June 21.	<p>Employ passive solar design guidelines as a first priority.</p> <p>Dwellings should have most of the living area facing north</p> <p>The area of glazing facing north should be in the order of 18 – 21% of total floor area</p> <p>Optimise the use of natural lighting where possible.</p> <p>Single aspect dwellings Should be maximum 9 Metres deep and dual aspect 14 metres.</p> <p>All windows and doors Should be well sealed to prevent draughts.</p> <p>All windows and doors should be located to take optimum advantage of prevailing winds for cross ventilation</p>
Septic tanks	As per NSW Government Guidelines and Australian Standards	<p>Disposal area required for an on-site sewage management system (septic system) will vary according to soil type, frequency of use and number of users.</p> <p>A report by a consultant, demonstrating compliance with standards approved by the NSW Department of Health may be</p>
Solar hot water systems	Energy efficient 3.5 to 4 star rating	
Reflective materials	Non reflective light coloured materials for dwellings and appurtenant buildings	
Underground power (where available)	600mm deep	As per Essential Energy/Origin Energy requirements

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<p>Boundary fencing</p>	<p>Side fences (between the building line and street or any public place) and front fences – maximum height 1.2m</p> <p>Side fences (except between the building line and the road boundary) and rear boundary – maximum height 1.8m.</p> <p>Non reflective dark coloured materials</p> <p>Masonry or brick fences – maximum height of 1.2m</p>	<p>These requirements do not set aside the provisions of the Dividing Fences Act 1991.</p> <p>Proponents are advised to talk to neighbouring landowners at an early stage and consult the Dividing Fences Act where required.</p> <p>All fences are to be constructed so that they do not prevent the natural flow of stormwater drainage.</p> <p>Council requires the use of satisfactory materials.</p> <p>These requirements do not relate</p>
<p>Landscaping</p>	<p>A landscape plan is required that indicates the types and location of plant species.</p> <p>Retain and protect existing vegetation where appropriate.</p> <p>Whilst not compromising any termite treatment system.</p>	<p>Use (native) deciduous trees with large canopies climbers and shrubs on the northern side.</p> <p>Use ferneries planted pergolas and wines near the dwelling to assist the cooling effect of air entering dwellings.</p> <p>Promote low maintenance design of landscaping by:</p> <p>Use of appropriate mulches</p> <p>Minimization of lawns requiring mowing</p> <p>Design replanting scheme using species tolerant to local conditions of climate and soil</p> <p>Demonstrate a respect for site context such as streetscape character, natural landform, existing vegetation, views, land capability and availability of water and drainage.</p>

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Building design	<p>Walls are to be sited and to be such lengths and heights that there is no significant loss of amenity to adjacent dwellings and land.</p> <p>In the established areas, the setbacks from the front boundary should be consistent with adjacent structure and may be up to 25% less.</p> <p>A minimum 6m separation should be provided between the windows of habitable rooms facing dwellings that abut a public or communal street.</p> <p>Direct views from living rooms of dwellings into the principal areas of private open space of other dwellings should be screened or obscured within a privacy sensitive zone described by a 12m radius.</p> <p>A distance of at least 3m should separate openings of adjacent dwellings.</p>	
Setbacks	<p>Except in the case of a Comer allotment the minimum distance from a street alignment at which a building may be erected is 6m</p> <p>In the case of a comer allotment the distance from one street may be reduced to 3m</p>	
Access	<p>Fire truck access within 20m of tank. Single access to front of lot</p>	<p>Front access to be provided at applicants cost and with approval from Director of Infrastructure</p>
Disabled access	<p>To be designed as to the NCC specifications and current Australian Standards.</p>	
Air conditioning	<p>Evaporative roof Reverse cycle split</p>	<p>Must comply with the Protection of the Environment Operations Act 1997 and Regulations.</p> <p>Wall mounted reverse cycle air conditioning will be permitted subject to dB(A) level of units</p>
Waste disposal	<p>No burning permitted within village Owners are responsible for the disposal of their garbage</p>	

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

3.5.1 Application

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

- Area of outstanding Biodiversity value (under the Biodiversity Conservation Act 2016),
- Part of any wilderness area (under the Wilderness Act 1987),
- Containing an Aboriginal place under the National Parks and Wildlife Act, 1974,
- Being a residence, commercial or industrial building within any area designated as flood liable or flood prone under the Lachlan LEP 2013,
- Being within land classified as Environmentally Sensitive under Lachlan LEP 2013,
- Containing an item of environmental heritage listed in the Lachlan LEP 2013 and /or subject to an order under the Heritage Act, 1977,
- Being within a Mines Subsidence Area, or
- Land classified under the Crown Land Management Act 2016 for the preservation of flora, fauna or geological formations or other purposes.

3.5.2 Controls and advisory notes

Consideration	Controls	Advisory Notes
Water supply	Premises in non reticulated water areas are to be provided with a minimum 25,000-litre tank for domestic use and a minimum 20,000-litre tank for fire-fighting purposes. Council will not be supplying connections to the current water scheme (except Albert and Tullibigeal).	

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Septic tanks	Septic tank will require approval from Council. Food premises will require grease traps of suitable size as determined by Sydney Water guidelines	Disposal Area required for an on-site sewage management system (septic tank) will vary according to soil type, frequency of use and number of users. A report by a consultant, demonstrating compliance with standards approved by the NSW Department of Health, may be required.
Solar hot water systems	Energy efficient 3.5-4 star rating.	
Reflective materials	Non reflective light coloured materials for Industrial or commercial buildings or appurtenant buildings.	Sheds are to be built with non-reflective materials.
Underground power (where available)	600mm deep	As per Essential Energy/Origin Energy requirements
Boundary fencing	Side fences (between the building line and street or any public place) and front fence – maximum height 1.2m Side fences (except between the building line and the road boundary) and rear boundary – maximum height 1.8m. Non reflective dark coloured materials Masonry or brick fences – maximum height of 1.2m	These requirements do not set aside the provisions of the Dividing Fences Act 1991. Proponents are advised to talk to neighbouring landowners at an early stage and consult the Dividing Fences Act where required. All fences are to be constructed so that they do not prevent the natural flow of stormwater drainage. Council requires the use of satisfactory materials. These requirements do not relate to the Swimming Pools Act 1992. Masonry or brick fences over 1m require Structural Engineers designs/plans.
Landscaping	Provide full survey showing species list and plant maturity at submission of Development Application. Retain and protect vegetation, where appropriate.	Use (native) deciduous trees with large canopies. Promote low-maintenance design of landscaping by: Use of appropriate mulches. Minimisation of lawns requiring mowing. Design replanting

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		<p>scheme using species tolerant to local conditions of climate and soil.</p> <p>Demonstrate a respect for Site context, such as Streetscape character, Natural landform, existing vegetation, views, land capability, and availability of water and drainage.</p> <p>Provide permeable paving to reduce runoff and allow water to return more readily to the local soil.</p> <p>Provide plant species that require minimal water</p>
Access		Front access to be provided at applicants cost and with approval from Director of Infrastructure Services.
Disabled access	To be designed as to the NCC specification and Australian Standards.	
Waste disposal	<p>No burning permitted</p> <p>Owners are responsible for the disposal of their garbage</p> <p>Suitable are to be set</p>	Garbage is to be moved off site at least once a week to stop nuisance arising.

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

3.6.1 Application

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

3.6.2 Intent

The Intent is to ensure that existing and potential mining and extractive industries, renewable energy facilities and other large industrial or infrastructure items are protected but do not cause land use conflict with adjoining rural, rural residential and tourism activities by ensuring:

- adequate separation of rural dwellings and tourist accommodation from mines, extractive industries, renewable energy facilities and the like to minimise any adverse impacts on the amenity of residents due to dust, fumes, noise and odours,
- that mines, extractive industry operations, renewable energy facilities and the like are not threatened by the proximity of rural dwellings and tourist accommodation,

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- the impact of mines, extractive industries, renewable energy facilities and the like on the natural environment and competing primary industries is acceptable, and
- that rural dwellings and tourist accommodation do not depend on land in different ownership for the provision of buffers.

Controls

- Building envelopes for rural dwellings and tourist accommodation are to have a separation distance of 1,000 metres from the boundary of the property on which a mine, an extractive industry, a renewable energy facility or other large industrial or infrastructure item is operating or on which development consent has been issued for a mine, extractive industry, renewable energy facility or the like
- Vegetation buffers may be used to reduce the total separation distance between rural dwellings/tourist accommodation and mining, extractive industries, renewable energy facilities and the like taking into account the scale of operations, processes used, topography and climatic conditions

3.7 Development of flood prone land

Intent

The intent of this section is to minimise the flood risk to life and property due to development in any zone and to apply additional controls to a flood planning area to those of Lachlan LEP 2013. For the purposes of this clause:

Flood Planning Area (FPA) means land that is at or below the Flood Planning Level and subject to flood-related development controls.

The Flood Planning Level (FPL) means the level of a 1:100 ARI (average recurrent interval) flood event, or the chance of the level occurring in a particular year is 1 in 100, plus freeboard to floor level.

3.7.1 Generally

Controls

- Pier and beam construction or suspended reinforced concrete slabs should be used, as these minimise the requirement for cut and fill and allow floodwaters to flow under the building
- Cut and fill should be minimised for all development at or below the FPL. Filling can result in a reduction in flood storage or change flow patterns and is not permitted unless it can be shown that there is no decrease in storage capacity and that flow characteristics will not be significantly changed. Cutting can result in an increase in flood depths and potentially, an increase in flood hazard and/or extent of inundation, and is not permitted unless it can be shown that flood behaviour will not be altered

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- Any cut and fill that extends to the property boundary is to have nil effect on adjoining properties in terms of drainage, stormwater flows and vegetation
- All buildings at or below the FPL should be constructed of flood compatible materials
- All development applications should demonstrate that the proposed structure can withstand the force of floodwater, debris and buoyancy
- Solid fences that impede the flow of floodwaters are not permissible. Fences should be at least 50% open to allow the progress of floodwaters
- On site sewage management facilities should be sited and designed to withstand flooding conditions (including consideration of structural adequacy, avoidance of inundation and flushing/leaking into flowing flood waters)

3.7.2 All development

Controls

- Floor levels of all habitable rooms or rooms with connection to sewer infrastructure should not be less than 500mm (freeboard) above the Flood Planning Level
- Upon completion and prior to the occupation (where relevant) a certificate by a registered surveyor should be submitted to Council showing that the finished ground and floor levels conform to approved design levels
- Applications for commercial or industrial development should be supported by a flood emergency plan. Appropriate warning and advisory signage must be prominently visible at entry/exit points
- No excavated underground car parking is permitted on land at or below the Flood Planning Level

3.8 Development of heritage properties

Intent

The intent of this section is to conserve natural features and items of environmental and built heritage. Heritage advisers to Lachlan Shire Council have assessed and found a range of properties across the Shire to be of local heritage significance. These properties have yet to be ground-truthed and subsequently listed in Schedule 5 Environmental heritage of Lachlan LEP 2013. The control below applies to these properties as an interim measure.

Controls

- A Statement of Heritage Impact is to be submitted with a development application that relates to the land or a structure(s) on properties identified as being of local heritage significance but not yet listed in Lachlan LEP 2013

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3.9 Development of Bushfire Prone Land

3.9.1 Application

This section applies to Development Applications (other than subdivision of land) located on land mapped as Bush Fire Prone on the Lachlan Shire Council's Bush Fire Prone Lands Map

Notes:

These provisions apply if any part of the lot on which the development is to be located is mapped as being Bush Fire Prone.

You can check if your land is mapped as bush fire prone here: <https://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area/planning-for-bush-fire-protection/bush-fire-prone-land/check-bfpl>

3.9.2 Intent

The intent of this section is to ensure that Development Applications will facilitate:

- development located in an area with an acceptable level of bush fire risk,
- development designed and constructed to the determined level of bush fire risk,
- appropriate access and egress for emergency services to defend assets and for residents/occupants,
- access to hazard vegetation for bush fire mitigation and suppression works,
- adequate firefighting water supplies,
- servicing of lots so as to not increase bush risk, and
- a better bush fire outcome for existing habitable development.

3.9.3 Controls

- Compliance with the document entitled *Planning for Bush Fire Protection (PBP)* (as prescribed by the *Environmental Planning and Assessment Regulation 2021*) prepared by the NSW Rural Fire Service in co-operation with the Department of Planning and Environment.

Notes:

PBP can be found here: <https://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area/planning-for-bush-fire-protection>

- Submission of a Bush Fire Assessment Report (BFAR), prepared in accordance with PBP.
Note: It is strongly recommended that you utilise the services of a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment (i.e. a Bushfire Planning & Design (BPAD) Consultant to prepare your BFAR. A list of BPAD consultants is provided here: <http://www.fpa.com.au/bpad.aspx>

3.9.4 Approval Requirements

Developments (other than subdivisions and Special Fire Protection Purpose development)

Developments (other than Special Fire Protection Purpose development and subdivisions that facilitate residential and rural residential development) located on bush fire prone land require consideration of section 4.14 of the *Environmental Planning and Assessment Act 1979*.

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Special Fire Protection Purpose (SFPP) developments

Special Fire Protection Purpose (SFPP) developments on bush fire prone land require a Bush Fire Safety Authority (BFSA) Approval from the NSW Rural Fire Service in addition to a DA. In such instances, the DA is referred to the RFS by Council as part of the DA assessment process (Integrated Development) to obtain the BFSA.

SFPP development is defined by the *Rural Fires Act 1997* as:

... the purpose of the following—

- (a) a school,*
- (b) a child care centre,*
- (c) a hospital (including a hospital for the mentally ill or mentally disordered),*
- (d) a hotel, motel or other tourist accommodation,*
- (e) a building wholly or principally used as a home or other establishment for mentally incapacitated persons,*
- (f) seniors housing within the meaning of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004,*
- (g) a group home within the meaning of State Environmental Planning Policy No 9—Group Homes,*
- (h) a retirement village,*
- (i) any other purpose prescribed by the regulations.*

Clause 45 of the Rural Fires Regulation 2022 outlines the requirements for the BFSA application. This information should be included within the BFAR.

There are some exemptions from the need for a BFSA, which are outlined in Clause 46 of the Rural Fires Regulation 2022.

Note: An exemption from the requirement for a BFSA does not remove the need to otherwise consider bushfire risks as part of the DA process.