

Guyra Development Control Plan

2015

*To be read in conjunction with the
Guyra Local Environmental Plan 2012
Gazetted 10th December 2012*

Acknowledgements

The Guyra Council recognises the traditional inhabitants of the land and recognises their rich culture and intrinsic connection to the land that stretches back over thousands of years. The Guyra Council also acknowledges Aboriginal Elders past and present and pays respect to them and their heritage.

Guyra Council wishes to thank all interested stakeholders for their valuable contributions towards the development of the Guyra Development Control Plan 2015.

Disclaimer

Information in this document is based on available data at the time of writing this strategic document which deals with technical issues in a summary way. All Figures and diagrams are indicative only and should be referred to as such. Whilst Guyra Council has exercised reasonable care in preparing this document it does not warrant or represent that it is accurate or complete. Council or its officers accept no responsibility for any loss occasioned to any person acting or refraining from acting in reliance upon any material contained in this document.

For Further Information

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Table of Contents (abbreviated)

TABLE OF CONTENTS (ABBREVIATED).....	3
TABLE OF CONTENTS.....	4
LIST OF TABLES	13
LIST OF FIGURES	13
CHAPTER 1 INTRODUCTION AND GENERAL PROVISIONS	14
CHAPTER 2 SUBDIVISION.....	23
CHAPTER 3 RESIDENTIAL DEVELOPMENT	36
CHAPTER 4 RURAL DEVELOPMENT	50
CHAPTER 5 DEVELOPMENT IN COMMERCIAL AND INDUSTRIAL AREAS	58
CHAPTER 6 SEDIMENT AND EROSION CONTROL.....	64
CHAPTER 7 ON-SITE SEWAGE MANAGEMENT	68
CHAPTER 8 ACCESS AND PARKING	70
CHAPTER 9 COMMERCIAL USE OF PUBLIC FOOTWAYS.....	81
CHAPTER 10 SIGNAGE AND OUTDOOR ADVERTISING.....	90
CHAPTER 11 DEVELOPMENT AND HERITAGE CONSERVATION	94
CHAPTER 12 CONTAMINATED LAND	97
CHAPTER 13 KERBING AND GUTTERING	102
CHAPTER 14 OTHER MATTERS.....	104
CHAPTER 15 WASTE MINIMISATION AND MANAGEMENT.....	107

Table of Contents

Acknowledgements.....	2
Disclaimer	2
For Further Information	2
TABLE OF CONTENTS (ABBREVIATED).....	3
TABLE OF CONTENTS.....	4
LIST OF TABLES	13
LIST OF FIGURES	13
CHAPTER 1 INTRODUCTION AND GENERAL PROVISIONS.....	14
What is a development control plan?	14
Legislative background	14
Amendment of the plan	14
Interpretation of Legislative References	14
Repeal of the plan	14
Relevant Local Environmental Plan.....	15
Planning Pathways	15
Exempt Development	15
Complying Development.....	15
Full Development Application.....	15
Variations for individual applications/assessment on merit	15
State Environmental Planning Policies (SEPPs)	16
Building Code of Australia (BCA).....	16
User-Pays Principle	16
Contributions.....	16
Guyra Section 94A Development Contributions Plan 2006	16
Guyra Section 94 Development Contribution Plan No. 1 – Traffic Generating Development	17
Planting of Vegetation	18
Adaptable Housing Principles and Access for People with Disabilities	19
Definitions	19
CHAPTER 2 SUBDIVISION.....	23
About this Chapter	23

Where this Chapter applies	23
General Design Principles	23
Orientation to Street.....	23
Energy conservation	23
General Advice to Applicants for Subdivision	24
Subdivision of Bushfire Prone Land	25
Road Design Requirements for Subdivision	26
Design Standards	26
Pavement Design	26
Bridge Design	27
Road Drainage Design	27
Design and Supervision	27
Subdivision in Residential Areas	27
Where this Section Applies	27
Aims and Objectives.....	27
Performance Outcomes	28
Acceptable Solutions.....	28
Alternative Solutions.....	29
Subdivision in Village Areas	29
Where this Section Applies	29
Aims and Objectives.....	29
Performance Outcomes	29
Acceptable Solutions.....	29
Alternative Solutions.....	30
Subdivision in Rural Residential Areas	30
Where this Section Applies	31
Aims and Objectives.....	31
Performance Outcomes	31
Acceptable Solutions.....	31
Alternative Solutions.....	32
Subdivision in Rural Areas	32
Where this Section Applies	32
Aims and Objectives.....	32
Performance Outcomes	33
Acceptable Solutions.....	33
Alternative Solutions.....	34
Subdivision in Commercial and Industrial Areas	34
Where this Section Applies	34
Aims and Objectives.....	34
Performance Outcomes	34
Acceptable Solutions.....	34
Alternative Solutions.....	35
CHAPTER 3 RESIDENTIAL DEVELOPMENT	36
About this Chapter	36
Where this Chapter applies	36
General Advice to Applicants for Residential Development.....	36

Aims:	36
Application of Controls	36
Site Design and Layout	36
Aims:	36
Performance Outcomes:	36
Acceptable Solutions:.....	37
Alternative approaches and design suggestions:.....	37
Setbacks and Building Envelopes	37
Introduction and General Provisions	37
Aims:	37
Performance outcomes:	37
Acceptable solutions:.....	37
Open Space	39
Introduction and General Provisions:	39
Aims:	39
Performance Outcomes:	39
Acceptable Solutions:.....	39
Secluded private open space	39
Introduction and General Provisions:	39
Aims:	39
Performance Outcomes:	39
Acceptable Solutions:.....	39
Alternative approaches and design suggestions:.....	40
Landscaping of Open Space Areas	40
Introduction and General Provisions:	40
Aims:	40
Performance Outcomes:	40
Acceptable Solutions:.....	40
Advisory Note.....	40
Alternative approaches and design suggestions:.....	41
Privacy.....	42
Introduction and General Principles:	42
Aims:	42
Performance Outcomes:	42
Acceptable Solutions:.....	42
Alternative Approaches and Design Suggestions.....	42
Fencing	43
Introduction and General Principles:	43
Aims:	43
Performance Outcomes:	43
Zone R1 – General Residential & Zone RU5 – Village	43
Acceptable Solutions:.....	43
Zone R5 – Large Lot Residential	43
Acceptable Solutions:.....	43
Solar Access	43
Introduction and General Principles:	43
Aims:	43
Performance Outcomes	43
Acceptable Solutions:.....	43
Alternative Approaches and Design Suggestions:.....	45

Dual Occupancy	45
Introduction and General Principles:	45
Aims:	45
Performance Outcomes	45
Acceptable Solutions.....	45
Multi Dwelling Housing	46
Introduction and General Principles:	46
Aims:	46
Performance Outcomes	46
Acceptable Solutions.....	46
 CHAPTER 4 RURAL DEVELOPMENT	 47
About this Chapter	47
Where this Chapter applies	47
Biodiversity	47
Aims:	47
Performance outcomes:	47
Acceptable solutions:.....	47
Bushfire management	48
Aims:	48
Performance outcomes:	48
Acceptable solutions:.....	48
Alternative approaches and design suggestions.....	48
Rural Water Supplies	48
Aims:	48
Performance outcomes:	48
Acceptable solutions:.....	48
Acceptance of Alternative Requirements	50
Access to Rural Properties - General.....	54
Performance outcomes:	54
Acceptable solutions:.....	54
Access to Rural Properties – Land subdivided for agricultural purposes	54
General.....	54
Performance Outcomes:	54
Acceptable Solutions:.....	54
Rural Dwellings.....	54
General.....	54
Note regarding permissibility.....	54
Note regarding consultation	54
Basic information to be provided – all applications:.....	55
Additional information.....	55
Performance Outcomes:	55
Acceptable Solutions:.....	55
Alternative approaches and design suggestions:.....	56
Dual occupancies in Rural Areas	56
Sheds in Rural Areas	56
Aims and Objectives.....	56
Siting	56
Size	57

Colour.....	57
Type of Building Material.....	57
Landscaping	57

CHAPTER 5 DEVELOPMENT IN COMMERCIAL AND INDUSTRIAL AREAS 58

About this Chapter	58
Where this Chapter applies	58
General Advice to Applicants.....	58
Aims and Objectives	58
Performance Outcomes.....	58
Acceptable Solutions	59
Change of Use	59
Provision of Services	59
Access for Persons with Disabilities	59
Access and car parking	59
On-site facilities	59
Development on land adjoining land zoned R1 General Residential.....	60
Energy efficiency	60
Exempt and Complying Development	60
Zone B2 – Specific Considerations	60
Heritage Considerations.....	61
Building lines and setbacks	61
Front building line	61
Side and rear setbacks	61
Zone B4 – Specific Considerations	62
Building lines and setbacks	62
Front setbacks	62
Side and rear setbacks	62
Zone IN1 – Specific Considerations	62
Building lines and setbacks	62
All street frontages in the zone.....	62
Side and rear setbacks	63
Zone IN2 – Specific Considerations	63
Building lines and setbacks	63
All street frontages in the zone.....	63
Side and rear setbacks	63

CHAPTER 6 SEDIMENT AND EROSION CONTROL..... 64

About this Chapter	64
Where this Chapter applies	64
Relationship to other Environmental Planning Policies and Authorities	64
Aims and Objectives	64
Erosion and Sediment Control Plan (ESCP)	64
Removal/Disturbance of Site	65

Responsibilities	65
Typical Sediment/Erosion Control Actions	66
Sediment Fencing	66
Sediment Traps	66
Site Access	66
Turf Filter Strips.....	66
Checklist	66
CHAPTER 7 ON-SITE SEWAGE MANAGEMENT	68
About this Chapter	68
Where this Chapter applies	68
When this Chapter applies.....	68
Aims and Objectives	68
Relevant Regulatory Documents	68
Development Application Requirements – Single Dwellings and Ancillary Structures.....	68
Alternative Solutions	69
CHAPTER 8 ACCESS AND PARKING	70
About this Chapter	70
Where this Chapter applies	70
Aims and Objectives	70
Proposals Requiring Development Consent.....	70
General Principles	70
Access and Traffic Generation	71
Parking Requirements	71
General.....	71
Provision of Parking Spaces	72
Aims:	72
Performance Outcomes:	72
Acceptable Solutions:.....	72
Alternative approaches and design suggestions:	74
APPENDIX A.....	75
CHAPTER 9 COMMERCIAL USE OF PUBLIC FOOTWAYS.....	81
About this Chapter	81
Where this Chapter applies	81
General Advice to Applicants for Commercial Use of Public Footways	81
Aims:	81
Objectives:	81
Gaining Approval.....	81
Lease Agreement	81

Public Liability Insurance.....	81
Hours of Operation	82
Footpath Clearance and Building Access.....	82
Introduction and General Provisions:	82
Aims:	82
Performance outcomes:	82
Acceptable solutions:.....	82
Operation of Outdoor Dining Areas	84
Aims:	84
Performance Outcomes:	84
Acceptable Solutions:.....	84
Merchandise Displays on Public Footpath Areas	85
Aims:	85
Performance Outcomes:	85
Acceptable Solutions:.....	85
Sandwich Boards	85
Aims:	85
Performance Outcomes:	85
Acceptable Solutions:.....	85
CHAPTER 10 SIGNAGE AND OUTDOOR ADVERTISING.....	87
About this Chapter	87
Where this Chapter Applies	87
Aims and Objectives	87
Performance Outcomes.....	87
General advice to Applicants for Development	87
No Approval Required for Some Signs	87
Development Applications.....	87
Maintenance	88
Signs that are not acceptable.....	88
Illegal signs	89
Acceptable Solutions	89
Signs on or near Heritage Buildings or in Heritage Areas	89
Street seat and bus shelter advertising	90
Sandwich boards	90
Tourist information/directional signs	90
Signs in Residential Zones (R1 & R5)	90
Signs in Business and Industrial Zones (B2, B4, IN1 and IN2)	90
Area and height of signs	90
Location.....	91
Number of signs	91
Signs in Rural Zones (RU1)	91
The location of advertising structures shall also be in compliance with the RMS requirements in respect of classified roads and RailCorp in respect of railway land. The same conditions shall apply to Council roads to prevent a sign from obscuring or interfering with safety.	91
Controls for signs greater than 20m ² in area.	91
CHAPTER 11 DEVELOPMENT AND HERITAGE CONSERVATION	94

About this Chapter	94
Where this Chapter applies	94
General Advice to Applicants for Development.....	94
Exempt Development	94
Complying Development.....	94
Performance Criteria	94
Acceptable Solutions – Guyra Town Centre	94
Aims and Objectives.....	94
Significant features	95
Material and external appearance.....	95
Streetscape	95
Colour schemes	95
Infill development	95
Verandahs and awnings	95
Roofs	95
Contributory buildings (includes Heritage items)	95
Acceptable Solutions – Tingha Main Street.....	96
Alternative Solutions	96
Reference.....	96
 CHAPTER 12 CONTAMINATED LAND	 97
About this Chapter	97
Where this Chapter applies	97
General Advice to Applicants.....	97
Aims and Objectives	98
Performance Outcomes.....	98
Acceptable Solutions	98
SEPP 55 Requirements for Development.....	98
Local Provisions.....	99
Council Information System – Contaminated or Potentially Contaminated Lands.....	99
Duty to Disclose Information on Contamination	99
Responses to Requests for Information	100
Consideration of Rezoning Requests, Development Applications and Remedial Proposals.....	100
Development Proposals and Changes of Use.....	100
Consultant reports on individual sites – minimum requirements for consultant competency	100
Alternative Solutions	101
 CHAPTER 13 KERBING AND GUTTERING	 102
About this Chapter	102
Where this Chapter Applies	102
Aims and Objectives	102
Performance Outcomes.....	102

Acceptable Solutions	102
Exemptions	103
 CHAPTER 14 OTHER MATTERS.....	 104
About this Chapter	104
Temporary Dwellings.....	104
Relocation of Buildings	104
Commercial Rabbit Farming	105
Commercial Pig Farming	105
 CHAPTER 15 WASTE MINIMISATION AND MANAGEMENT.....	 107
About this Chapter	107
Where this Chapter Applies	107
Aims and Objectives	107
Waste Minimisation	107
Waste Management	107
Performance Outcomes	108
Documentation to be Submitted to Comply with Chapter Requirements	108
Site Waste Minimisation and Management Plans (SWMMMP)	108
Material Reuse and Recycling	108
Acceptable Solutions	109
General.....	109
Demolition	109
Multi-Unit Dwellings (Town Houses, Flats and Villas).....	110
Commercial Developments and Change of Use (Shops, Offices, Food Premises, Hotels, Motels, Licensed Clubs, Entertainment Facilities)	111
Mixed Use Developments (Residential/Non-Residential).....	112
Industrial	112
Alternative Solutions	113
 APPENDIX A.....	 114
 APPENDIX B	 117

List of Tables

Table 10.1 Signage 92

List of Figures

Figure 3.1 Example of Concept Landscaping Plan..... 41

Figure 3.2 Avoid Direct Viewing of Adjacent Windows 42

Figure 3.3 Acceptable Range for Solar Orientation 44

Figure 3.4 Placement on Lots for Best Solar Access 44

Figure 3.5 Windows and Eaves 45

Figure 9.1 Footpath Lease Area Adjacent to the Kerb 83

Figure 9.2 Alternative Footpath Lease Area Arrangements..... 83

Figure 9.3 Blister Dining or Displays 84

Chapter 1 Introduction and General Provisions

This plan is known as the Guyra Development Control Plan (DCP) 2015. It applies to the Shire of Guyra unless otherwise specified elsewhere in this Plan.

The DCP was adopted by Council on Thursday, 26 February 2013 and becomes operational immediately after its adoption as the Guyra Local Environmental Plan 2012 was gazetted on 10th December 2012.

This DCP repeals the Guyra Development Control Plan 2013.

It may be necessary to refer to more than one chapter in this DCP to ensure that all relevant controls are applied to any specific development. Applicants are encouraged to consult with Council to ensure applicable policies are considered, and to undertake a formal pre-lodgement meeting with Council as part of early considerations for any application.

Where special circumstances exist, the General Manager or Council staff acting under delegation may require standards greater than those specified as acceptable solutions in this DCP. Alternatively, Council may, at its discretion, relax the requirements of this DCP where these are considered unreasonable or unnecessary in the circumstances of the case, and where the DCP's objectives will not be compromised and the performance outcomes of the plan would still be achieved.

What is a development control plan?

Development Control Plans (DCPs) provide specific, more comprehensive guidelines for certain types of development, zoning or areas within Guyra Shire. The detailed guidelines contained within a DCP are in addition to the provisions of the legal planning instrument (SEPP or LEP). DCPs are important in the planning system because they provide a flexible means of identifying additional development controls for addressing development issues without the need for a formal statutory plan.

Legislative background

This DCP has been prepared pursuant to Part 3 of the *Environmental Planning and Assessment Act 1979 (EPA Act)*. Development Consent under the EPA Act is required for most building works, subdivision of land, and changes in land use. Consent may also be required for undertaking 'works' such as significant earthworks. However, some projects with minor environmental impact can be carried out without development consent. Relevant State government State Environmental Policies and Council's Local Environmental Plan (LEP) identify whether consent is needed to carry out a particular development.

Amendment of the plan

The plan may be amended in accordance with the provisions of the Regulations under the *Environmental Planning and Assessment Act 1979*.

Interpretation of Legislative References

Various references are made to legislation in this DCP. Legislation may include Acts, Regulations and the Guyra Local Environmental Plan 2012, and State Environmental Planning Policies. Where such legislation changes during the currency of this DCP, reference in the DCP to the legislation should be taken as a reference to the most recent version of that legislation or as a reference to legislation that has replaced the referenced legislation.

Repeal of the plan

The plan may be repealed under the provisions of the Regulations under the Environmental Planning and Assessment Act 1979, (EP&A Act).

Relevant Local Environmental Plan

The plan relates to Guyra Local Environmental Plan 2012 (Guyra LEP), as amended. In the event of any conflict between this DCP and that Plan, Guyra LEP takes precedence.

Planning Pathways

There are three distinct planning pathways that most developments will need to follow. These are outlined below.

Exempt Development

Under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP), development of a minor nature can be undertaken without the need for formal approval to be obtained. If undertaking such work without approval, the onus is on the developer to ensure that the works are in fact exempt from approval. This can be done through direct reference to the Codes SEPP, or by contacting Council's Development and Environmental Services Department. The Codes SEPP can be downloaded via links provided at the Department of Planning and Infrastructure's website (www.planning.nsw.gov.au).

Some of the development types that could be undertaken under the current Codes SEPP, *provided prescribed conditions are met* include- Access ramps, Aerials and antennae, Air conditioning units, Animal shelters, Aviaries, Small balconies, decks and pergolas, Barbecues, Bollards, Small cabanas, cubby houses, garden sheds, gazebos, greenhouses and carports. Some minor commercial and industrial work and activities are also classified as exempt development.

Complying Development

Under the Codes SEPP, a range of specified development can be undertaken via a simplified approvals process called Complying Development. Various conditions must be met for the development to be undertaken as Complying Development including meeting the requirements of the Building Code of Australia.

Specific development types that could be undertaken *provided that prescribed conditions are met* include:

- Dwelling construction;
- Housing alterations;
- Commercial and industrial works;
- Subdivision;
- Demolition.

Further details about what works would be permissible as Complying Development can be found in the Codes SEPP. The Director of Development and Environmental Services is also available to advise whether a proposed development can be undertaken as Complying Development and what documentation and other requirements are needed.

Full Development Application

All other development requires approval via a formal development application (DA). Council's DA pro-forma provides details about the information requirements for a DA. This DCP provides additional information about design and planning considerations that must be taken into account as part of the assessment of a DA. Prospective applicants should refer to the relevant chapters of the DCP in order to check what matters they will need to attend to prior to lodgement of a DA.

Variations for individual applications/assessment on merit

All development applications are assessed in relation to the relevant legislation, and the merits and circumstances of the application. The development controls in this DCP are a set of 'deemed to satisfy' provisions that Council is satisfied will achieve the relevant objectives. Council will consider alternative solutions where an Applicant can demonstrate that the development would satisfy the

objectives. Alternative solutions must demonstrate that a better outcome can be achieved than would be the case if the development standard were applied.

Where applicants wish to apply for variations to controls in this DCP, we recommend early discussion with planning staff.

State Environmental Planning Policies (SEPPs)

Some development types can be undertaken in accordance with the provisions set out within a particular SEPP which would take precedence over both the Guyra LEP and this document.

Building Code of Australia (BCA)

The BCA applies for all building construction works. Irrespective of any other control in this document, the BCA will take precedence.

User-Pays Principle

The 'user pays' principle applies to development, in terms of the provision or upgrading of public utilities and services and the increased hazard factors from soil erosion, waste disposal, geological hazard, bushfires and the like, so that existing land owners are not disadvantaged by nor subsidise new developments.

Contributions

Where a development will, or is likely to, increase the demand for public services and amenities then Council may require a contribution towards the cost of providing those services and facilities under either the provisions of section 94 or Section 94A of the Environmental Planning and Assessment Act 1979.

Guyra Section 94A Development Contributions Plan 2006

Section 94A of the Environmental Planning and Assessment Act 1979 provides as follows:

1. A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.
2. A consent authority cannot impose as a condition of the same development consent a condition under this section as well as a condition under Section 94.
3. Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan.
4. A condition imposed under this section is not invalid by reason only that there is no connection between the development the subject of the development consent and the object of expenditure of any money required to be paid by the condition.

The Guyra Section 94A Development Contributions Plan 2006 was prepared pursuant to the provision of Part 4, Division 6 of the Act and Part 4 of the Environmental Planning and Assessment Regulation 2000 and applies to all applications for development consent and complying development certificates required to be made by or under Part 4 of the Act with the exception of development for the purpose of modification and/or additions to dwellings or any development ancillary to a dwelling (i.e. swimming pools, garages, sheds etc).

In determining a development application and providing that Council does not also impose on the consent a condition pursuant to section 94 of the Act, the council may impose a condition requiring the applicant to pay to the council a levy of 1% of the proposed cost of carrying out the development where the estimated cost to carry out development is in excess of \$200,000 and a levy of 0.5% of the development cost where the estimated cost to carry out the proposed development is between \$100,001 and \$200,000. The development costs include all of the costs and expenses incurred by the developer, with the exception of the following:

- The cost of the land on which the development is to be carried out,
- The costs of any repairs to any building or works on the land that are to be retained in connection with the development,
- The costs associated with marketing or financing the development (including interest on any loans),
- The costs associated with legal work carried out or to be carried out in connection with the development,
- Project management costs associated with the development,
- The cost of building insurance in respect of the development,
- The costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),
- The costs of commercial stock inventory,
- Any taxes levies or charges (other than GST) paid or payable in connection with the development by or under any law.

A development application or an application for a complying development certificate must be accompanied by a 'Cost estimate report', prepared at the applicant's cost, setting out an estimate of the proposed cost of carrying out the development as follows:

- Where the estimate of the proposed cost of carrying out the development is less than \$500,000; a cost summary report may be prepared (in accordance with Schedule 2 of the Guyra Section 94A Development Contributions Plan 2006); or
- Where the estimate of the proposed cost of carrying out the development is \$500,000 or more; a detailed cost report must be prepared (in accordance with Schedule 3 of the Guyra Section 94A Development Contributions Plan 2006).

A levy required to be paid as a condition of development consent must be paid as follows:

- Development applications involving subdivision – prior to the release of any construction certificate related to site works or the release of any construction certificate related to site works or the release of the subdivision plan, whichever occurs first;
- Development applications involving building work – prior to the release of the construction certificate; and
- Development applications involving both subdivision and building work (e.g. integrated housing developments) – prior to the release of the construction certificate or the release of the subdivision plan, whichever occurs first.
- Development applications where no building approval is required – prior to commencement of use in accordance with the conditions of consent.

If no time is specified, the levy must be paid prior to the first certificate issued in respect of the development under Part 4A of the act.

Levies paid to the Council as a condition of development consent will be applied towards meeting the cost of provision or augmentation of public facilities. Under the provisions of Schedule 1 of the Guyra Section 94A Development Contributions Plan 2006.

Guyra Section 94 Development Contribution Plan No. 1 – Traffic Generating Development

The Guyra Section 94 Development Contributions Plan No. 1 operates alongside the Guyra Section 94A Plan 2006. At the pre-development stage, a determination will be made by Council as to which plan the development is to be managed under. The Section 94 Plan applies to all Traffic Generating Development as detailed in current and future development applications. Traffic generating developments are those developments that:

- Require the use of road haulage vehicles to support the operation of the enterprise;
- Generate additional traffic movements above levels of traditional agricultural activities;

- Developments which include, but not limited to, the following enterprises:
 - Wool sourcing plants
 - Abattoirs
 - Rendering plants
 - Saleyards
 - Wood or timber milling or processing works including wood preservation works
 - Wineries or associated works
 - Warehouses
 - Light industry
 - Intensive agricultural enterprises
 - Feedlots
 - Poultry farms
 - Piggeries
 - Dairies
 - Composting works
 - Transport terminals
 - Grain storage complex
 - Feedmills
 - Extractive industries
 - Mine
 - Rural Industry

The following public benefit or services that maybe covered by the Section 94 Plan are:

- Upgrading and/or construction of roads
- Intersection upgrading and construction
- Ongoing maintenance and repair of roads
- Drainage works
- Traffic management measures, and
- Bitumen sealing

For more information, please refer to the relevant development contribution plan.

Other development related contributions

- **Roads.** Development which will impact on the condition of existing roads, or require construction of new roads, will be required to make a contribution to such works so as to improve or upgrade existing roads or construct new roads. Where the existing population will benefit from these works the cost will be apportioned between new and existing development;
- **Traffic management measures.** Any development which is of such a magnitude as to require upgrading or new traffic management measures will be required to make a contribution towards the cost of providing these measures. Depending on the pressure of new development on existing traffic management measures, Council will consider apportioning the cost of the upgrading of current works or providing new works. Works may include the construction of median strips, shoulder widening and deceleration and overtaking lanes;
- **Car parking.** Contributions for car parking may be required where provision of on-site parking is not able to meet demand. Contributions will be based upon the number of spaces, rate of total parking demand and Council's ability to provide parking;
- **Community facilities.** Provision of any necessary facilities;
- **Rural Fire Service.** Contributions for the provision of necessary infrastructure; and
- **Drainage.** Any internal drainage will be wholly provided by the developer unless otherwise specified by Council. If new development contributes additional undesirable run-off, contributions may be sought for drainage augmentation or provision made for retention structures. Contributions may also be sought in any area where erosion and sedimentation

processes result as a consequence of development to provide preventative and controlling measures.

NB. For reticulated water supply and sewerage services, the developer is responsible to meet all of the cost of providing the services including any upgrading of existing facilities.

While the normal method of payment of the levy is by way of monetary contribution; however, if an applicant seeks to make a contribution, the council may accept the following:

- A material public benefit or works in kind; or
- A voluntary planning agreement.

The decision to accept a works in kind or material public benefit in lieu of payment of a section 94A levy is at the sole discretion of Council.

Planting of Vegetation

As a general rule, any vegetation that is planted should be located so as to avoid present or future interference with infrastructure including roads, buildings, water and sewer lines or service easements. This will require a consideration of the type of the vegetation and its root system.

Adaptable Housing Principles and Access for People with Disabilities

The provision of equitable access to public buildings is a key principle of the Commonwealth Disability Discrimination legislation. On 1 May 2011 the Commonwealth Disability (Access to Premises – Buildings) Standard 2010 (the Premises Standard) commenced in conjunction with consistent amendments to the Building Code of Australia (BCA). The Premises Standards specify a set of performance requirements in providing non-discriminatory access to, and use of buildings and areas of buildings that it applies to.

Depending on the characteristics of the development the requirements for providing access for people with disabilities under the Premises Standards and BCA may apply.

If Premises Standards and BCA requirements for providing access for people with disabilities do not apply, applicants are still encouraged to consider access opportunities for all disability groups and where possible make reasonable provision for access and circulation by people with disabilities.

Consideration of the use of adaptable housing principles in development is also encouraged. Adaptable housing is a form of housing which represents good design for everyone, including older people and people with disabilities. Australian Standard AS 4299 – 1995: Adaptable Housing provides guidelines that can be applied to the planning and design of any residential accommodation.

Definitions

Within this DCP words have the meaning as set in this clause:

adjoining land means land which abuts an application site or is separated from it only by a roadway, pathway, driveway or similar thoroughfare;

advertisement means the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of work;

advertiser in relation to an advertisement or an advertising structure, means

- (a) the person who caused the advertisement to be displayed or the advertising structure to be erected; or
- (b) the owner of the building or land, or the occupier of land, on which the advertisement is displayed or the advertising structure is erected;

advertising structure means a structure used or to be used principally for the display of an advertisement;

- aisle** means a roadway, or an area used by vehicles to gain access to and manoeuvre out of a parking space;
- ancillary development** means development on land for a purpose that is ancillary or incidental to a use under the Guyra LEP 2012;
- application site** means the parcel of land to which a Development Application relates, and includes all lands required for the carrying out of the application proposal;
- area** of an advertisement in the form of a sign means the area within the outline of that sign or, where one side is larger than the other, the area within the outline of the larger side; or for any other sign (e.g multi-sides signs), one third of the total surface area of the sign;
- asset protection zone (APZ)** is a buffer zone between a bush fire hazard and buildings, which is managed progressively to minimise fuel loads and reduce potential radiant heat levels, flame, ember and smoke attack.
- building height** means the distance from the natural ground level to the ridgeline of the building;
- building line** see *front building line*;
- bushfire prone land** means land identified on the Guyra LGA – Bushfire Prone Land Map as published by the NSW Rural Fire Service;
- change of use** means development being a change in the use of a building, land, or premises from one defined purpose to another;
- Code SEPP** means *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*;
- commercial rabbit farming** means breeding rabbits under intensive farming conditions for meat, fur, skin or other products including breeding for live animal sales, excluding private pets or private show rabbits;
- compost** means collection of moist manure and absorbent material that has no mal odours;
- contaminated land** means land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment;
- customer service area** means, in respect of a refreshment room, hotel, club or the like, the area of that establishment including any outdoor area, which is available for the service of patrons, excluding kitchens or other areas for staff only;
- development** has the same meaning as in Section 4 of the Environmental Planning and Assessment Act, 1979;
- directional sign** means a sign erected for purposes of directing vehicular or pedestrian traffic, advising or restricting the public;
- display area** means any outdoor area of a site principally used for the display of goods for sale;
- driveway** means the roadway by which vehicles move between the road carriageway and the car parking spaces and vice versa, including the crossing over the public footpath;
- dry operation** means that no water is allowed, other than for drinking, whilst rabbits are present within the rabbitry;
- effluent** means water polluted by faeces, urine or waste material.
- EP&A Act** means the *Environmental Planning and Assessment Act 1979* (as amended);
- flood investigation report** means a report prepared by an appropriately qualified and experienced professional that reviews the history of flooding in an area, where modelling is not available. The review would draw upon historical information, including from landowners, physical evidence in the locality of any historical events, extrapolation (suitably qualified) from known information or events, and any other such information as might be considered by the professional to be relevant in estimating the flood height of the site;
- flood planning area** is the area of land below the flood planning level;
- flood planning level (FPL)** means the level of a 1% AEP flood event plus 0.5 metres freeboard;

front building line is a line drawn parallel with the primary street frontage at the point of a building closest to the street. This line is expected to be no closer to the street frontage than specified for the primary street frontage setback;

gross floor area (GFA) means the sum of the areas of each floor of a building, where the area of each floor is taken to be the area within the outer face of the external enclosing walls, as measured at a height of 1,400 millimetres above each floor level excluding:

- (i) Columns, fin walls, sun control devices and any elements, projections or works, outside the general line of the outer face of the external wall;
- (ii) Lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts;
- (iii) Car parking needed to meet any requirements of the Council and any internal access thereto;
- (iv) Space for the loading and unloading of vehicles;

Guyra LEP means the Guyra Local Environmental Plan 2012;

hazardous material anything that, when produced, stored, moved, used or otherwise dealt with without adequate safeguards to prevent it from escaping, may cause injury or death or damage to life, property or the environment;

integrated development is development (not being Exempt or Complying) that, in order for it to be carried out, requires development consent and one or more approvals set out in Clause 91 of the *Environmental Planning and Assessment Act 1979 (as amended)*.

land includes any building or part building erected on the land;

market area means that area of a retail market, equivalent to twice the site area, physically occupied by the market stalls at that market.

neighbouring land means any land, other than adjoining land, which is near to a development site (and may include land in a neighbouring local Council area);

notification plan means the plan showing the height and external configuration of buildings, which accompanies a Development Application;

owner means:

- the person or persons who appear on Council's computer property records to be the owner of the land at the date of notification
- in the case of land that is the subject of a strata scheme under the Strata Titles Act 1973, or a leasehold strata scheme under the Strata Titles (Leasehold) Act 1986, the Owners' Corporation
- in the case of land that is community, precinct or neighbourhood parcel within the meaning of the Community Land Development Act 1989, the Association for the parcel;

parking space means an area in which a vehicle is to be parked, so that adequate clearance is available for access to and from that space appropriate to the class of vehicle. It includes any garage, or court available for parking vehicles;

pick up/set down area means a parking space, (or spaces) set aside for the picking up, or setting down of vehicle passengers, preferably physically separate from any adjacent vehicle carriageway;

residential development means dwellings, residential flat buildings, motels, boarding houses, hostels, caravan parks, units for the aged and any place where persons would ordinarily be expected to reside and sleep;

service vehicle means a vehicle used for the purpose of loading and unloading goods;

site area means the area of the legal allotment(s) of land, to which an application for consent to carry out development relates;

swept path means the area which is traced by the extremities of the bodywork of a vehicle, whilst negotiating a turn;

temporary sign means an advertisement of a temporary nature which:

- (a) announces any local event of a religious, educational, cultural, political, social, or recreational character or relates to any temporary matter in connection with such an event; and
- (b) does not include advertising of a commercial nature [except for the name(s) of an event's sponsor(s)].

These signs must not be displayed earlier than 28 days before the day on which the event is to take place and must be removed within 14 days after the event.

Note: Advertisements, such as bill posters, which are not removed by the advertiser within 14 days after the advertised event would not be considered "temporary signs". Temporary signs may include advertisements such as banners, bunting, posters, inflatable structures, etc.;

ventilation means the use of airflows to control extremes of temperature, moisture and ammonia;

wet operation means that water is allowed to be used for washing down and cleaning whilst rabbits are present within the rabbitry;

work bay means that area of a car repair station, service station, or similar establishment which is normally used for the servicing or repair of a single vehicle, including any car washing bay;

Chapter 2 Subdivision

About this Chapter

Subdivision is a process whereby land is broken up into a number of lots, and a Plan of Subdivision is lodged with the Land and Property Management Authority to provide the legal basis for ownership of the new lots created. It will ultimately result in an intensification of land use and as such it is important that the potential impacts of this intensification are considered as part of the approvals process.

This chapter provides information about the matters that Council is required to consider for this type of development under the provisions of the EP&A Act and the Guyra LEP. The Guyra LEP provides the principal development standards relating to subdivision, while this chapter provides additional information about specific controls that Council has implemented to ensure that the likely environmental impacts of subdivision are managed appropriately.

The matters that need to be considered for subdivision will vary depending on where in the Shire it is to be undertaken. This Chapter provides some general information about subdivision in the section 'General Advice to Applicants for Subdivision' and then provides specific information for particular areas in the sections that follow.

Where this Chapter applies

This Chapter applies to all land within the Guyra Shire.

General Design Principles

Subdivision design is about creating lot aspect, shape and density, in combination with site characteristics such as topography and vegetation, to achieve an optimum mix of appropriately sized and orientated lots. Subdivision design must facilitate the intended future use of land.

Good subdivision design will respond to natural systems, topographic features and cultural remnants to produce a rich and satisfying environment where vegetation regeneration is achievable.

The subdivision design must also promote pedestrian access and bicycle use options. Such measures will reduce the amount of energy required for transportation purposes, and will thereby reduce greenhouse gas emissions. The promotion of walking and cycling opportunities will also provide significant health benefits to the population.

Orientation to Street

Lots should be designed to allow for the erection of buildings that present a building front to the street. Lots that back onto a collector road are not permitted, as these are likely to result in the erection of continuous rear fences along the collector road, behind the subdivision. This will result in the collector road having an unattractive streetscape, and an insecure pedestrian environment as opportunities for casual surveillance of the street from adjoining buildings will be foregone. Where there is no alternative, greater verge widths on the collector road will be required to provide for substantial setbacks and landscaping to the rear fences.

In general, residential lots should be orientated such that they have one street frontage only, to provide for adequate privacy and a sense of security.

Energy conservation

Energy conservation and access to sunlight are strongly correlated with the orientation of dwellings and the location of the living areas, which may be influenced by the lot orientation. Residential and large lot residential lots are therefore to be orientated to facilitate the siting of dwellings to take advantage of solar access and breezes, taking into account likely dwelling size and the relationship of each lot to the street.

On roads running north-south (resulting in lots with an east-west orientation), lots may need to be widened to provide for solar access and to prevent overshadowing of dwellings and private open space on adjoining lots.

Generally, flat sites provide better solar access than sloping sites. Where a site does slope, north facing slopes improve solar access opportunities. Therefore, to maximise lots with good solar access, north facing slopes should contain a higher proportion of small lots. South facing slopes have reduced solar access and are therefore suited to larger size lots.

Where land has a slope greater than 5%, lot design should provide for dwellings to be generally parallel with the land contours, to minimise the need for earthworks. Special care should be taken in the configuration of allotments to:

- minimise the need for boundary retaining walls;
- minimise potential for overlooking of adjoining properties;
- maintain solar access (greater distance between dwellings will generally be required to achieve the same solar access as on level sites or north facing slopes).

General Advice to Applicants for Subdivision

Prior to lodging a Development Application for a subdivision, it is strongly recommended that applicants follow these steps:

- Request a Section 149(2) Planning Certificate from Council to provide information about any restrictions on the land (such as bush fire hazard or flooding);
- Identify the land use zone in which it is planned to undertake the subdivision (this information is provided in the Planning Certificate), and then read the relevant section in this Chapter;
- Draw a rough sketch map of the proposed subdivision indicating approximate lot sizes and the location of any new roads;
- Make an appointment for a meeting with Council's Director of Development and Environmental Services to discuss the proposed subdivision and to determine the particular requirements that will need to be addressed prior to lodgement of the Development Application;
- Arrange for any reports that may be required to be undertaken. The purposes of the reports are:
 - To determine the suitability of the land for the proposed subdivision,
 - To identify any potential adverse environmental impacts such as erosion, periodic inundation, dust, pollution etc and to propose ways to ensure that any such impacts are avoided or mitigated to an acceptable level.

The reports could include some or all of the following depending on the size and location of the land and other circumstances:

- Flora and fauna report
- Archaeological report
- Koala habitat report
- Flood investigation report
- Traffic report
- Bush fire report;
- Prepare a conceptual Plan of Subdivision drawn to an appropriate scale. It is recommended that the Plan of Subdivision be drawn by a surveyor (as this will be required anyway before issue of a subdivision certificate prior to finalisation of the subdivision), however a less formal drawing is acceptable for Development Application purposes provided it includes the following information:
 - Description of the land,

- Property boundaries of the development site and of the lots immediately adjacent,
- Direction and degree of slope (or the contours of the land and the contour interval),
- Location of existing built and natural items on or adjacent to the land (e.g. buildings, roads, sewer, town water, electricity, telephone, trees, streams, dams, depressions, rock outcrops etc),
- Location of all existing drainage reserves, easements and rights of way affecting or likely to affect the land,
- The proposed new lots (showing lot size) and any new roads (note that the boundaries of the proposed new lots will need to be relatively accurately shown, as once the consent is issued for the Development Application the plans will be stamped and will form the basis of the subsequent formal Plan of Subdivision to be lodged with the Land and Property Management Authority);
- Proposed names for new roads,
- Proposed method for disposing of stormwater from future dwellings or access pavements. Where it is necessary to drain the water from the site across adjoining private property to a suitable discharge point, evidence of a legal agreement with the affected property owners for the creation of appropriate easements will be required prior to subdivision approval being granted,
- The plan will need to include a north arrow, a scale bar and the date of preparation.
- Prepare a servicing strategy to indicate how the following services will be provided:
 - Water supply
 - Sewer (or alternative solution in non-sewered areas)
 - Storm water drainage

The above steps will usually provide enough information to enable a Development Application to be lodged. When development consent issues, it will include a number of requirements that must be met as part of the development process, including the preparation by a practising civil engineer of engineering plans and specifications for the construction of roads, footpaths, drains and other infrastructure associated with the proposed subdivision. These plans will need to be provided prior to the issue of a construction certificate which then permits the commencement of construction.

Subdivision of Bushfire Prone Land

When designing subdivisions for bushfire prone land, it is important to ensure that steps are taken to ensure that subdivision design facilitates safety of residents and fire fighters and the defence of property in case of fire. The following specific objectives for residential and rural residential subdivision are from *Planning for Bushfire Protection 2006* published by the NSW Rural Fire Services. Any development of bushfire prone land will need to meet these objectives.

- minimise perimeters of the subdivision exposed to the bush fire hazard. Hourglass shapes, which maximise perimeters and create bottlenecks, should be avoided;
- minimise bushland corridors that permit the passage of bush fire;
- provide for the positioning of future dwellings away from ridge-tops and steep slopes – particularly up-slopes, within saddles and narrow ridge crests;
- ensure that separation distances (Asset Protection Zones - APZ) between a bush fire hazard and future dwellings enable conformity with the deemed-to-satisfy requirements of the BCA. In a staged development, the APZ may be absorbed by future stages;
- provide and locate, where the scale of development permits, open space and public recreation areas as accessible public refuge areas or buffers (APZs);
- ensure the ongoing maintenance of asset protection zones;
- provide clear and ready access from all properties to the public road system for residents and emergency services; and

- ensure the provision of and adequate supply of water and other services to facilitate effective firefighting.

Among other things the implementation of these objectives will require that specified performance criteria be met for the provision of the following:

- Asset protection zones;
- Access roads (public, property access, fire trails); and
- Dedicated water supplies (although these are more likely to be implemented as part of building construction rather than at subdivision).

Road Design Requirements for Subdivision

Design Standards

Road design is to be carried out in accordance with “AustRoads – Guide to Road Design Part 3: Geometric Design” and the minimum design standards set out in Table 2.1. This will require the applicant to assess expected traffic volumes and composition pavement and formation widths and to assess appropriate design speeds (at which traffic is expected to travel at the site) for each road in relation to traffic volume, road layout, alignment and length. It is strongly recommended that these criteria be discussed with the Director of Engineering prior to proceeding with the detailed design. In all subdivisions access to the lots created shall be by way of a public road. Where a new road is to be constructed it must meet Council’s requirements for access and subdivision roads on the following basis:

- *Single Lane Gravel Road* - Serving a maximum of five lots and not be likely to be extended or form part of a through road;
- *Two Lane Gravel Road* - any road likely to be extended or form part of a through road and no through road serving from six to ten lots; *Two Lane Bitumen Road* - any road serving more than ten lots. Council may also require this type of road for short lengths of road which connect with an existing sealed road;
- *Subdivisions Fronting Existing Public Roads* - Where the existing public road is not constructed or is not constructed to a satisfactory standard, the full cost of the upgrading of that road is to be born by the subdivider. This requirement may also apply to subdivisions which require the construction or upgrading of existing public roads to give access to the subdivision.

Council may require that existing roads be upgraded to a suitable standard to cater for any expected increase in traffic. Where traffic volumes justify a bitumen seal a contribution towards future sealing works will be required where it is impractical to implement the bitumen sealing at the time.

Table 2.1 Minimum Design Standards for Rural Roads

FUNCTIONAL	ROAD	FORMATION	PAVEMENT	COMPACTED GRAVEL
Distributor	sealed	8.5	6.0	subject to test
	gravel	8.5	7.0	subject to test
Collector	gravel	6.0	5.5	150
Access	gravel	5.0	4.5	150

Pavement Design

Road pavement type and thickness shall be as approved by council after consideration of reports and recommendations from an approved N.A.T.A registered soil testing laboratory or a qualified Engineer for the purpose by the subdivider. These reports will include details of the survey,

sampling, testing and analysis on the effective cover required to distribute anticipated wheel loads over the sub-grade, sub-base and base-course concerned.

Bridge Design

Bridges are to be designed in accordance with “AustRoads – Guide to Bridge Technology Part 6: Bridge Construction”.

Road Drainage Design

The design of all drainage structures, from small culverts to large bridges, are to be in accordance with the principles set out for Flood Analysis and Design in the current issue of “Australian Rainfall and Runoff” published by Engineers Australia and the subsurface drainage section of “AustRoads – Guide to Road Design Part 5A – Road Surface, Networks, Basin and Subsurface”.

The Design Recurrence Interval should be selected on the basis of the principles outlined in “Australian Rainfall and Runoff”.

Subsoil drainage is to be provided where necessary, generally where a roadway is in a cut or elsewhere within the subdivision as directed by the Director of Engineering Services. The minimum grade for laying subsoil drains will be 1%. Drains are to be connected to the stormwater drainage system at drainage pits or, in special circumstances, in any other many as directed by the Director of Engineering Services.

All pipes within a road reserve are to be of at least 375mm.

Design and Supervision

All survey work is to be carried out or supervised by a registered surveyor. Design work is to be carried out or supervised by a qualified Engineer. Construction work is to be carried out by suitably qualified and experienced staff, supervised by suitably qualified and experienced foreman and overseers and checked by qualified engineers.

Subdivision in Residential Areas

Where this Section Applies

The Section applies to the following land use zones:

- R1 General Residential

Aims and Objectives

- To provide safe, convenient and attractive neighbourhoods that meet the diverse and changing needs of the community by:
 - Offering a wide choice of good quality housing and associated community facilities,
 - Encouraging walking and cycling,
 - Minimising energy consumption,
 - Promoting a sense of place through neighbourhood focal points and the creation of a distinctive identity which recognises and, where relevant, preserves the natural environment.
- To ensure that subdivision will not result in increased risk from bushfire or other environmental hazards;
- To ensure that the intensification of land use does not result in undesirable environmental consequences; and
- To implement the ‘user pays’ principle for the provision of services to the subdivision.

Performance Outcomes

- Minimum subdivision size is implemented as per the Guyra LEP; and
- Subdivision design and construction meets Council's relevant engineering guidelines.

Acceptable Solutions

- In addition to minimum lot size requirements,
 - Lots shall have a minimum frontage of 16 metres,
 - Lots fronting cul-de-sacs shall have a minimum frontage of 16 metres at the line of the approved street setback,
 - Corner lots shall have a minimum frontage of 18 metres to each street and the minimum lot size shall be met after allowing for area lost at corners which are to be splayed to a minimum of 3 metres and dedicated as public road.
- If the land is bushfire prone, then the provisions of the NSW Rural Fire Service's publication *Planning for Bushfire Protection 2006* will need to be considered and implemented as appropriate.
- Where no other alternative is possible, (e.g. access or laneway), Council may consider hatchet shaped allotments. The specifications for these allotments shall be:
 - The access handle is to be excluded from calculation of area of the lot for the purposes of minimum lot size calculations,
 - Minimum width of access handle - 4 metres,
 - The access handle is to be concreted or sealed,
 - The access handle shall have a setback of at least that specified for a side setback in the section Setbacks and Building Envelopes in the Residential Development chapter,
 - A maximum of one hatchet lot per existing lot to have access over the handle,
 - The maximum height of the access way fencing shall be 900mm between the front of the adjacent dwelling and the street, and 1800mm between the front of the adjacent dwelling and the rear of the lot.
 - The prime objective in designing the access way is to provide for vehicles to be able to move in a forward direction when entering or leaving the site. However, this does not generally apply to the road frontage lot, unless there is a special problem concerning available sight distance.
 - Turning facilities are to be provided within the terms of the access or within each lot, as determined by the Council. This is to be provided for in a Section 88B Instrument as required.
- New roads created by the subdivision shall be constructed and sealed according to Council's technical specifications;
- Council may require that a traffic study to be undertaken where there is a likelihood of a significant increase in traffic volumes resulting from the subdivision;
- Council may require that existing roads be upgraded to a suitable standard to cater for any expected increase in traffic;
- The following services shall be provided to each lot at the subdivider's cost:
 - reticulated water,
 - a sewerage connection,
 - electricity,
 - underground telephone/internet service,
 - the necessary underground conduits for the passage of future service lines,
 - any easements required to facilitate the provision of services and/or inter-allotment drainage;

- Council will carry out all works associated with connection to the existing reticulated water and sewerage network with full costs to be met by the developer;
- Proof of satisfactory arrangements concerning the provision of electricity and telephone/internet service shall be provided prior to issue of the subdivision certificate;
- In general, for any new lot created by a subdivision, the applicant is to meet 100 percent of the costs of constructing kerbing and guttering and all necessary associated stormwater drainage infrastructure. A more detailed treatment of this is provided in Chapter 14 – Kerbing and Guttering.

Alternative Solutions

Council may consider alternative approaches provided it can be demonstrated that they would meet the aims, objectives and performance outcomes of this Section.

Subdivision in Village Areas

Where this Section Applies

The Section applies to the following land use zones:

- RU5 Village

Aims and Objectives

- To provide safe, convenient and attractive village neighbourhoods that meet the diverse and changing needs of the community by:
 - Offering a wide choice of good quality housing and associated community facilities,
 - Encouraging walking and cycling,
 - Minimising energy consumption,
 - Promoting a sense of place through neighbourhood focal points and the creation of a distinctive identity which recognises and, where relevant, preserves the natural environment,
 - Providing flexibility in land use.
- To ensure that subdivision will not result in increased risk from bushfire or flood;
- To ensure that the intensification of land use does not result in undesirable environmental consequences; and
- To implement the 'user pays' principle for the provision of services to the subdivision.

Performance Outcomes

- Minimum subdivision size is implemented as per the Guyra LEP; and
- Subdivision design and construction meets Council's relevant engineering guidelines.

Acceptable Solutions

- In addition to minimum lot size requirements,
 - Lots with a size between 600m² and 900m² shall have a minimum frontage of 12 metres, a size between 900m² and 1500m² a minimum of 15 metres and a size greater than 1500m² a minimum of 18 metres,
 - Corner lots shall have a minimum frontage of 18 metres to each street and the minimum lot size shall be met after allowing for area lost at corners which are to be splayed to a minimum of 3 metres and dedicated as public road,
 - Lots shall provide a dedicated area for the installation of effluent disposal facilities which will need to be installed above the flood planning level if any. This will be determined on a case-by-case basis, and could have the effect of significantly increasing the minimum lot size that will be required for the subdivision to be approved;

- If the land is bushfire prone, then the provisions of the NSW Rural Fire Service's publication *Planning for Bushfire Protection 2006* will need to be considered and implemented as appropriate;
- Where no other alternative is possible, (e.g. access or laneway), Council may consider hatchet shaped allotments. The specifications for these allotments shall be:
 - The access handle is to be excluded from calculation of area of the lot for the purposes of minimum lot size calculations,
 - Minimum width of access handle - 4 metres,
 - The access handle shall have a setback of at least that specified for a side setback in the section Setbacks and Building Envelopes in the Residential Development chapter,
 - A maximum of one hatchet lot per existing lot to have access over the handle,
 - The maximum height of the access way fencing shall be 900mm between the front of the adjacent dwelling and the street, and 1800mm between the front of the adjacent dwelling and the rear of the lot.
 - The prime objective in designing the access way is to provide for vehicles to be able to move in a forward direction when entering or leaving the site, however, this does not generally apply to the road frontage lot, unless there is a special problem concerning available sight distance,
 - Turning facilities are to be provided within the terms of the access or within each lot, as determined by the Council. This is to be provided for in a Section 88B Instrument as required;
- New roads created by the subdivision shall be constructed and sealed according to Council's technical specifications;
- Council may require that a traffic study to be undertaken where there is a likelihood of a significant increase in traffic volumes resulting from the subdivision;
- Council may require that existing roads be upgraded to a suitable standard to cater for any expected increase in traffic;
- The following services shall be provided to each lot at the subdivider's cost:
 - reticulated water (if a Town Water Supply system is provided by Council),
 - electricity,
 - underground telephone/internet service,
 - the necessary underground conduits for the passage of future service lines,
 - any easements required to facilitate the provision of services and/or inter-allotment drainage;
- Council will carry out all works associated with connection to the existing reticulated water and sewerage network with full costs to be met by the developer;
- Proof of satisfactory arrangements concerning the provision of electricity and telephone/internet service shall be provided prior to issue of the subdivision certificate;
- The provision of kerbing and guttering is not required.

Alternative Solutions

Council may consider alternative approaches provided it can be demonstrated that they would meet the aims, objectives and performance outcomes of this Section.

Subdivision in Rural Residential Areas

Land that has been zoned for rural residential purposes (i.e. R5 Large Lot Residential) has been assessed as being generally suitable for such purposes. However, there are still a number of factors which must be considered before subdivision and further development of the land can proceed. This section addresses these factors.

Where this Section Applies

The Section applies to the following land use zone:

- R5 Large Lot Residential

Aims and Objectives

- To ensure that subdivision in Rural Residential Areas is appropriate within the landscape;
- To ensure that subdivision will not result in increased risk from bushfire or other environmental hazards;
- To ensure that the intensification of land use does not result in undesirable environmental consequences; and
- To implement the 'user pays' principle for the provision of services to the subdivision.

Performance Outcomes

- Minimum subdivision size is implemented as the Guyra LEP; and
- Subdivision design and construction meets Council's relevant engineering guidelines.

Acceptable Solutions

- In addition to meeting the lot size requirements of the Guyra LEP, any new lots created in a subdivision must provide at least one building envelope with the following attributes:
 - If bushfire prone land, there must be an existing cleared area or one which can be cleared (subject to restrictions in the *Native Vegetation Act 2003* and the *Threatened Species Conservation Act 1995*) that is suitable to provide an asset protection zone that meets the requirements of the NSW Rural Fire Services as articulated in *Planning for Bushfire Protection 2006*,
 - Should minimize the clearing of existing vegetation,
 - An existing all weather access or a feasible route for one to be constructed,
 - If bushfire prone land, the site may require a second alternative access route in accordance with *Planning for Bushfire Protection 2006*,
 - Not within a known or potential flood planning area;
 - Not contaminated land;
 - Must not be on a ridgeline visible from adjacent roads, and
 - Should have suitable locations for the disposal of septic tank overflow (or an alternative aerobic disposal system);
- New roads created by the subdivision shall be constructed according to Council's technical specifications;
- Council may require that a traffic study to be undertaken where there is a likelihood of a significant increase in traffic volumes resulting from the subdivision;
- Council may require that existing roads be upgraded to a suitable standard to cater for any expected increase in traffic;
- Property accesses must not be constructed at points which present traffic difficulties in terms of sight distance, or construction difficulties in terms of stable earthwork slopes in cut or fill batters. They must be constructed in accordance with Council's technical specifications and may require concurrence of the RMS in some circumstances;
- All prominent hilltops and ridges are to be preserved. Subdivisions should be designed so as to:
 - Exclude roads, powerlines and other services and amenities from hilltops,
 - Exclude dams and other earthworks from hilltops,
 - Any tanks and similar structures which are dependent upon gravity for their operation should be designed and located so as to blend in with the natural environment, and

- Any clearing of vegetation for fence lines, building site, access tracks and asset protection zones shall be undertaken to comply with the provisions of the *Native Vegetation Act 2003*;
- If bushfire prone land, the relevant provisions of *Planning for Bushfire Protection 2006* will need to be addressed, and particular attention is drawn to the following:
 - Rural-residential developments include blocks often associated with lifestyle choices rather than focusing on some form of primary production. Where agricultural pursuits are undertaken they are considered secondary to the residential component of the use of the land. Consideration should be given, where practical, to grouping of rural-residential buildings into clusters which allow for the establishment of APZs (asset protection zones) around a group of dwellings rather than having to ensure individual protection for a large number of scattered dwellings. The clustering of dwellings provides for better protection with reduced vegetation clearance and hence less environmental impact;

This approach would require the subdivision to be designed in a manner to facilitate the recommended location of dwellings.

- If the lot to be subdivided has an area greater than 1 hectare, or, together with any adjoining land in the same ownership, an area of more than 1 hectare, then the provisions of State and Environmental Planning Policy 44 Koala Habitat Protection apply. Among other things, this means that:
 - Council must satisfy itself that the land is not potential or actual koala habitat before giving consent to a development application,
 - Council may only satisfy itself based on information obtained from a person who is qualified and experienced in tree identification,
 - If the land proves to be core koala habitat, then a formal plan of management will need to be prepared by the application prior to development consent being granted.

Alternative Solutions

Council may consider alternative approaches provided it can be demonstrated that they would meet the aims, objectives and performance criteria of this Section.

Subdivision in Rural Areas

Subdivision in rural areas will result in the creation of relatively large lots with the minimum lot size constrained by the Lot Size Map which forms part of Guyra LEP. The minimum lot size is 200ha. As such, it is expected that suitable sites for dwellings would be able to be readily found, and undesirable impacts from land use intensification would be kept to a minimum. A fairly flexible approach can thus be taken to planning controls for subdivision in rural areas.

Where this Section Applies

The Section applies to the following land use zones:

- RU1 Primary Production

Aims and Objectives

- To ensure that subdivision in Rural Areas is appropriate within the rural landscape;
- To minimize fragmentation of agricultural lands;
- To allow for boundary adjustments and subdivision that facilitate flexibility in the arrangement of agricultural holdings;
- To ensure that subdivision will not result in increased risk from bushfire or other environmental hazards; and
- To implement the 'user pays' principle for the provision of services to the subdivision.

Performance Outcomes

- Minimum subdivision size and dwelling permissibility are implemented as per the Guyra LEP; and
- Subdivision design and construction meets Council's relevant engineering guidelines.

Acceptable Solutions

- In addition to meeting the requirements of the Guyra LEP, any new lots created in a subdivision where a dwelling would be permissible must provide at least one building envelope with the following attributes:
 - If bushfire prone land, there must be an existing cleared area or one which can be cleared (subject to restrictions in the *Native Vegetation Act 2003* and the *Threatened Species Conservation Act 1995*) that is suitable to provide an asset protection zone (including inner & outer protection areas) that meets the requirements of the NSW Rural Fire Services as articulated in *Planning for Bushfire Protection 2006*,
 - An existing all weather access or a feasible route for one to be constructed,
 - If bushfire prone land, the site may require a second alternative access route in accordance with *Planning for Bushfire Protection 2006*,
 - Not within a known or potential flood planning area,
 - Not contaminated land,
 - Must not be on a ridgeline visible from adjacent roads,
 - Should have suitable locations for the disposal of tank effluent (or an alternative aerobic disposal system), and
 - Should minimize the clearing of existing vegetation;
- Property accesses must not be constructed at points which present traffic difficulties in terms of sight distance (see chapter 8), or construction difficulties in terms of stable earthwork slopes in cut or fill batters. They must be constructed in accordance with Council's technical specifications and may require concurrence of the RMS in some circumstances;
- All prominent hilltops and ridges are to be preserved. Subdivisions should be designed so as to:
 - Exclude roads, powerlines and other services and amenities from hilltops,
 - Exclude dams and other earthworks from hilltops,
 - Any tanks and similar structures which are dependent upon gravity for their operation should be designed and located so as to blend in with the natural environment, and
 - Any clearing of vegetation for fence lines, building site, access tracks and asset protection zones shall be undertaken to comply with the provisions of the *Native Vegetation Act 2003*;
- If bushfire prone land, other requirements in *Planning for Bushfire Protection 2006* may need to be implemented; and
- The provisions of State and Environmental Planning Policy 44 Koala Habitat Protection apply to development of rural land. Among other things, this means that:
 - Council must satisfy itself that the land is not potential or actual koala habitat before giving consent to a development application;
 - Council may only satisfy itself based on information obtained from a person who is qualified and experienced in tree identification;
 - If the land proves to be core koala habitat, then a formal plan of management will need to be prepared by the application prior to development consent being granted.

Alternative Solutions

Council may consider alternative approaches provided it can be demonstrated that they would meet the aims, objectives and performance criteria of this Section.

Subdivision in Commercial and Industrial Areas

Where this Section Applies

The Section applies to the following land use zones:

- B2 Local Centre
- B4 Mixed Use
- IN1 General Industrial
- IN2 Light Industrial

Aims and Objectives

- To provide safe, convenient and attractive employment land neighbourhoods that meet the diverse and changing needs of the community by:
 - Offering a wide choice in land for commercial and industrial purposes,
 - Facilitating development that is consistent with the objectives for the Commercial and Industrial zones in the LEP;
- To ensure that the intensification of land use does not result in undesirable environmental consequences; and
- To implement the 'user pays' principle for the provision of services to the subdivision.

Performance Outcomes

- Subdivision design and construction meets Council's relevant engineering guidelines.

Acceptable Solutions

- Minimum dimensions for the size and shape of proposed allotments do not apply. However, a development application for subdivision must be able to demonstrate that the size and shape of the allotments are appropriate for their proposed use and are able to accommodate business premises, car parking, landscaping and other requirements of the proposed development;
- New roads created by the subdivision shall be constructed and sealed according to Council's technical specifications;
- Council may require that a traffic study to be undertaken where there is a likelihood of a significant increase in traffic volumes resulting from the subdivision;
- A single shared access for newly created lots fronting the New England Highway should be considered to limit the number of access points onto the highway. The need for a shared access will depend on factors such as the length of the frontages of the proposed lots and the location of the subdivision development. Access to the New England Highway will require the concurrence of the RMS;
- Council may require that existing roads be upgraded to a suitable standard to cater for any expected increase in traffic;
- The following services shall be provided to each lot at the subdivider's cost:
 - reticulated water,
 - a sewerage connection,
 - electricity,
 - underground telephone/internet service,
 - the necessary underground conduits for the passage of future service lines

- any easements required to facilitate the provision of services and/or inter-allotment drainage;
- Council will carry out all works associated with connection to the existing reticulated water and sewerage network with full costs to be met by the developer;
- Proof of satisfactory arrangements concerning the provision of electricity and telephone/internet service shall be provided prior to issue of the subdivision certificate;
- In general, for any new lot created by a subdivision, the applicant is to meet 100 percent of the costs of constructing kerbing and guttering and all necessary associated stormwater drainage infrastructure. A more detailed treatment of this is provided in Chapter 14 – Kerbing and Guttering; and
- For subdivision for the purposes of residential development in zone B4, the provisions about lot frontage, corner lots and hatchet-shaped allotments of the section Subdivision in Residential Areas shall also apply.

Alternative Solutions

Council may consider alternative approaches provided it can be demonstrated that they would meet the aims, objectives and performance criteria of this Section.

Chapter 3 Residential Development

About this Chapter

This chapter of the DCP has been prepared as a guide to applicants developing low and medium density residential development (Class 1, 2 and 3 buildings) in Guyra, Tingha, Ben Lomond, Black Mountain and Ebor. Together with the LEP, this chapter is intended to provide additional controls and guidance so that development within residential zones is appropriate and serves to enhance the overall character and amenity of neighbourhoods.

Where this Chapter applies

This Chapter applies to the following zones under Guyra LEP:

- R1 General Residential;
- RU5 Village

This chapter of the DCP uses ideas from the Australian Model Code for Residential Development (Edition 2) and the Department of Planning's Residential Development Controls No.1.

General Advice to Applicants for Residential Development

Aims:

The aim is to enhance and protect the amenity of the new and the existing residential areas by:

- Providing design controls for residential development; and
- Setting reasonable and attainable environmental standards for solar access, privacy, view, vehicular access, and parking and landscaping; while recognising that zones require controls that match the zone objectives, and that lower density development should be subject to less stringent controls as their amenity impacts are lower.

Vehicular access and parking requirements are outlined in Chapter 8.

Application of Controls

In assessing development proposals, Council must consider all the matters specified in Section 79(C) of the EP&A Act. Council may refuse a development, which does not comply with the Heads of Consideration under that Section or may seek to modify a non-complying development by imposing conditions designed to make it comply.

Site Design and Layout

Aims:

- To provide flexibility in the layout of buildings;
- To promote good site functioning;
- To minimise impacts on adjoining properties; and

Performance Outcomes:

- Site design integrates the controls within this chapter of the DCP to produce attractive and functional development; and
- Development respects neighbouring development, by arranging buildings and uses of areas so as to minimise amenity impacts on neighbours, including noise, overlooking and overshadowing.

Acceptable Solutions:

- For two or more dwellings on a lot, a site analysis diagram and design response statement are provided that demonstrate the way in which the site has been developed within the constraints and opportunities of the site;
- Dwellings at the street frontage “address the street” by presenting their front doors and windows to the street; and
- For developments of more than 3 dwellings on a lot,
 - Straight driveways longer than 10m without relief are avoided.
 - A single driveway access to serve two or more dwellings.
 - Walls longer than 10m are avoided.
 - Views down a driveway shall be to a landscaped area at the end of the driveway.

Alternative approaches and design suggestions:

Use of a registered architect or experienced designer of multi-unit housing is recommended for developments of 3 or more dwellings.

Setbacks and Building Envelopes**Introduction and General Provisions**

Setbacks are one of the key determinants of neighbourhood character. The setbacks in this chapter have been designed to reflect the character, aims and objectives of the various residential zones within Guyra Shire. Setbacks are to be measured against the walls of buildings 1.4m above ground level.

Aims:

- To minimise impacts on adjoining properties; and
- To maintain streetscape.

Performance outcomes:

- The streetscape is maintained with setbacks which are consistent with existing development;
- Buildings with wall heights over 3m have greater side and rear setbacks to improve amenity for adjoining properties; and
- Side and rear setbacks respect the density character of the zone to which they are applied;

Acceptable solutions:

- Setbacks are provided in accordance with table 3.1.

Table 3.1 Setbacks**Zone R1 – General Residential****Zone RU5 – Village**

Standard	Conditions
Street setback – at least the average distance of the setback of the two adjoining dwelling houses located within 40m of the lot on which the dwelling house is to be erected; or, where there are not two dwelling houses located within 40m of the lot, the front setback shall be a minimum of 4m.	Nil
Side and rear setback – Build to boundary	Walls less than 3.5m in height; Fire rated (e.g. brick or masonry); No windows; Not more than 10m along the boundary; Not more than 50% of the boundary length or the total length of adjoining wall built to boundary, whichever is the greater; Complies with overshadowing requirements of this DCP.
Side setback – 900mm	Walls less than 3.5 m in height
Side setback – 900mm + 0.5m for each metre wall is over 3.5m	Walls equal to or greater than 3.5 m in height
Rear setback – 2.4m	Walls less than 3.5 m in height
Rear setback – 2.4m + 0.5m for each metre wall is over 3.5 m	Walls equal to or greater than 3.5 m in height
Projection into setbacks – 450mm	Projection is one of the following: fascias, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas meters, aerials, antennae, pergolas, sun blinds, unroofed terraces, landings, steps and certain ramps. (As per Cl. 3.7.1.7 of the Building Code of Australia Vol. 2)

Open Space

Introduction and General Provisions:

Open space is required with all new residential development to enhance residents' amenity and shall be provided in accordance with the standards in this section. Areas used for driveways, car parking, drying areas and service areas shall not be included as landscaped areas or as part of the usable private open space.

Aims:

- To provide a landscaped setting for new development;
- To promote the planting of shade trees; and
- To provide for secluded private open space.

Performance Outcomes:

- New development is within a landscaped setting which is compatible with or improves the streetscape of the locality and which softens the appearance of new development;
- Landscaped areas provide for shade trees to enhance the character of the town and to improve solar performance of the development in summer; and
- Open space areas provide adequate area for secluded private open space for each ground floor dwelling and to provide functional private open space for upper floor dwellings. *Note: An upper floor dwelling is a dwelling which, apart from access or parking, is located above another dwelling.*

Acceptable Solutions:

- Minimum requirements for landscaped areas are provided in accordance with the NSW General Housing Code.

Secluded private open space

Introduction and General Provisions:

Secluded private open space is an expectation for every private dwelling. This chapter of the DCP outlines the requirements, which differ for ground floor and other dwellings.

Aims:

- Access to private open space meets the needs of the residents of the development.

Performance Outcomes:

Ground floor dwellings

- Secluded private open space is provided, with at least one usable area for each dwelling, which is directly accessible from a living area
- Secluded private open space addresses the performance outcomes for solar access in this DCP.

Upper floor dwellings

- Access to outdoor private open space is provided for each dwelling without ground level access.

Acceptable Solutions:

- Minimum requirements for secluded private open space are to be in accordance with the NSW General Housing Code, and must be located behind the front building line.

Alternative approaches and design suggestions:

Enclosing screen walls or fences should be designed to ensure privacy, both from adjoining communal open space or access ways, and from dwellings and their courtyards.

Secluded private open space areas should, where possible, make provision for canopy trees or other shade devices that permit access of winter sun to dwellings but limit summer sun. Where shade trees are provided (which is encouraged) these should be compatible with the building structure and services, when grown to their full size.

Landscaping of Open Space Areas

Introduction and General Provisions:

Landscaping should provide a softening of the development, maintain or enhance the streetscape, and assist to manage solar access. All parts of the site not built upon or paved shall be landscaped with grass, ground covers, shrubs and/or trees. Site design should not result in bare expanses of fencing or driveway with landscaping largely confined to private open space areas. Good quality presentation of public areas is required.

Aims:

- To provide an integrated approach to landscaping which achieves the following performance outcomes.

Performance Outcomes:

- To contribute to the “greening” of Guyra, in particular through the further development of the urban tree canopy;
- To enhance the streetscape by providing good quality presentation to public areas;
- To provide areas for infiltration of water, to minimise off-site drainage requirements; and
- To improve the microclimate around dwellings.

Acceptable Solutions:

A landscape concept plan (similar to the example given in Figure 3.1) is provided with the development application. A mix of exotic and native vegetation may be used noting that:

- Native trees (particularly ones from the local area) can help to enhance biodiversity and provide urban habitat for birds and other wildlife; and
- Exotic deciduous trees have an important role to play as part of managing solar access (i.e. shading in summer, and allowing sunlight to permeate in the winter)

Advisory Note

Local nurseries and/or tree groups can be consulted to determine suitable species for landscaping. Vegetation with root systems which could interfere with infrastructure (e.g. sewer, water, footpaths, roads, buildings) should be avoided.

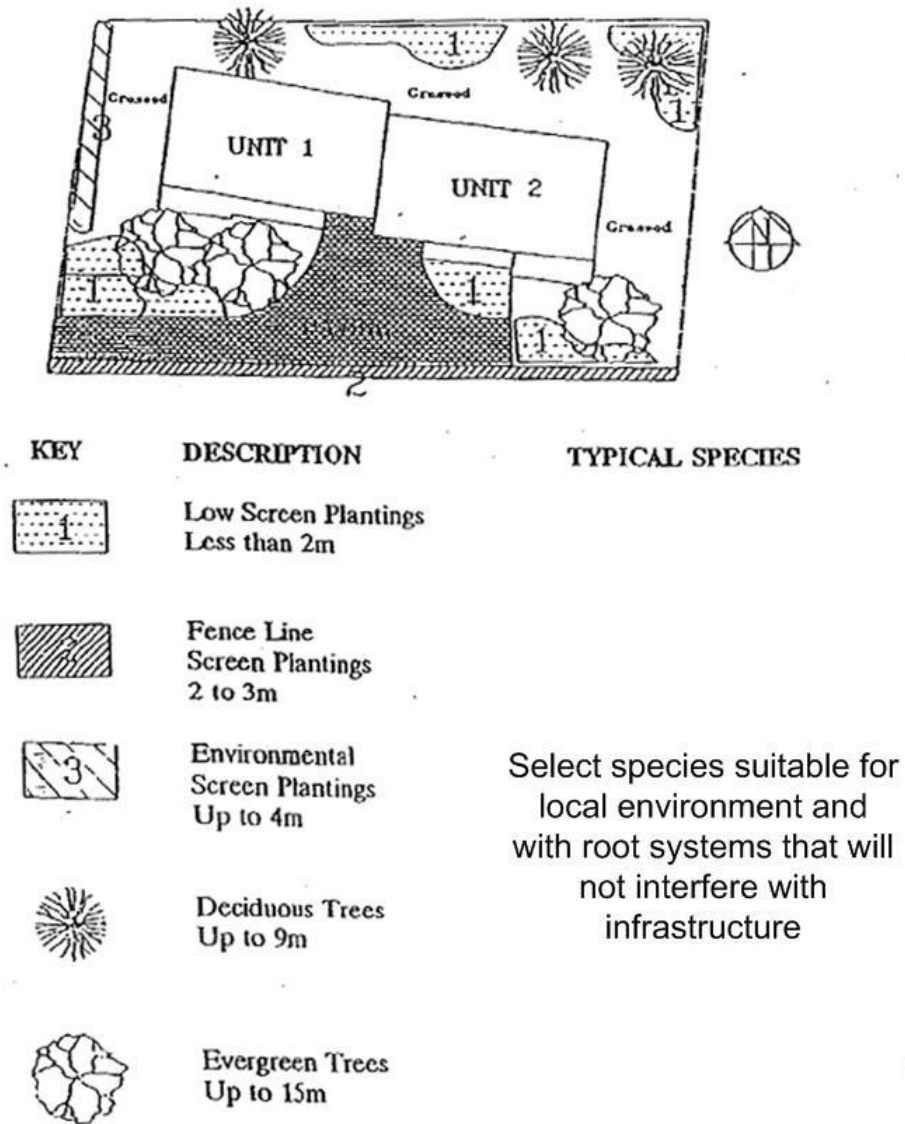


Figure 3.1 Example of Concept Landscaping Plan

Alternative approaches and design suggestions:

A landscape plan that has been prepared by a qualified horticulturalist with experience in the climatic conditions and soils found in Guyra Shire will be accepted as an alternative to the acceptable solution.

In established areas, landscaping should relate to the streetscape and the landscaping of adjoining development. Where possible, landscaped areas should adjoin the landscaped areas of adjacent allotments and should incorporate the drip-line of mature trees planted in adjoining properties.

Regard should be given to the use of sun protection devices (i.e. verandas, pergolas, deciduous trees, etc.) along western-facing walls to produce a comfortable microclimate in and around dwellings.

Careful consideration of the layout of external and internal living spaces can increase the occupants' enjoyment of their dwelling. For example, a deck, terrace or balcony could provide an outdoor extension to an internal living room.

Privacy

Introduction and General Principles:

Maintaining privacy within habitable rooms of dwellings and in secluded private open space is an important aspect of providing development that meets the occupants' needs. The requirements of this chapter should be regarded as minimum requirements, and wherever feasible higher levels of privacy should be provided.

Aims:

To avoid direct views into windows of dwellings and to ensure that ground level secluded private open space has adequate areas free of overlooking

Performance Outcomes:

- At least 75% of secluded private open space is free from overlooking.
- No direct views occur into habitable rooms of a dwelling.

Acceptable Solutions:

Direct facing windows or balconies of dwellings are not within 12m of windows, secluded private open space or balconies of other dwellings (at horizontal angles up to 45 degrees – see Figure 3.2).

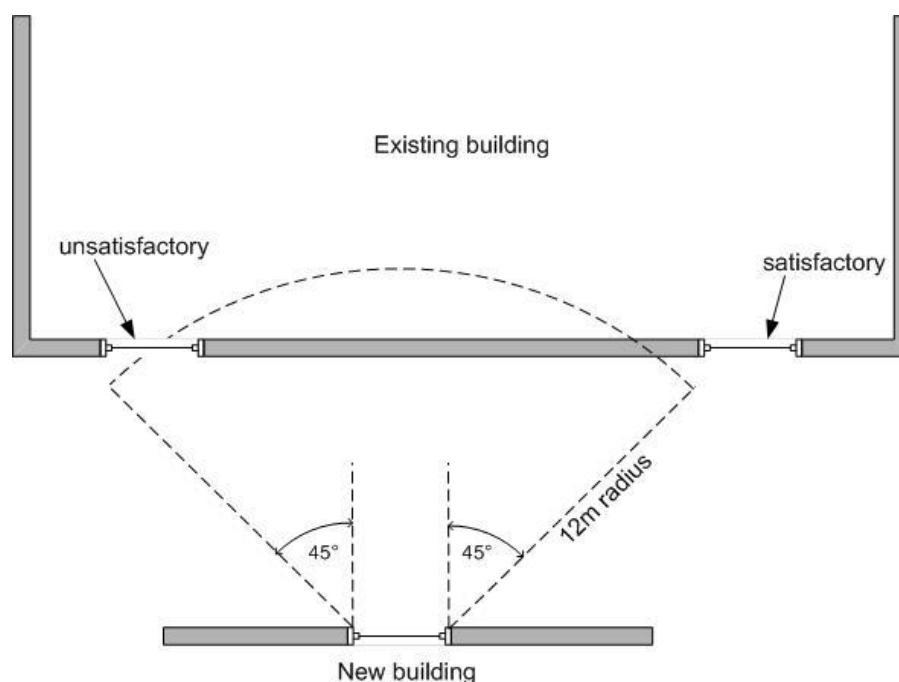


Figure 3.2 Avoid Direct Viewing of Adjacent Windows

Windows are not within 4m (horizontal distance) of a communal area.

Alternative Approaches and Design Suggestions

75% of the secluded private open space of a dwelling is not able to be overlooked (This applies to dwellings within the development and dwellings that may be overlooked by the development).

Screening of windows are to be provided where windows do not meet the acceptable solutions.

Screening can be provided in various ways. These include opaque glass, ensuring sill heights are greater than 1.7m, or the use of lattice or louvre screens attached to the side of windows

(maximum permeability of 25%). Screening to common areas and secluded private open space areas can be provided by hedges, fences, courtyard walls or the like.

Fencing

Introduction and General Principles:

Fencing of land provides the following benefits:

- It delineates the extent of the property;
- It serves to limit the passage of humans and animals thus enhancing security; and
- It can help to provide privacy.

Aims:

To ensure that fencing is appropriate to the streetscape and environment in which it is erected.

Performance Outcomes:

- Properties are suitably delineated;
- Privacy is enhanced where relevant;
- Fence construction materials and form are selected to be sympathetic to the location in which the fence is constructed and any neighbour impacts are minimised.

Zone R1 – General Residential & Zone RU5 – Village

Acceptable Solutions:

- The maximum height of a side or front fence between the front of the dwelling and the street shall be 900mm. Side or rear fences behind the front building line may be built to a maximum height of 1,800mm.

Zone R5 – Large Lot Residential

Acceptable Solutions:

- Fencing to be constructed of materials and height suitable to the local area.

Solar Access

Introduction and General Principles:

In the New England climate, managing access to winter sun is a major objective. This assists to maintain liveable dwellings and to reduce heating costs. Solar access should be considered as an integral and basic aspect of the design. Relatively high ultraviolet levels in summer also demand that adequate shading be provided where required.

Aims:

- To manage solar access so as to improve liveability in summer and winter, within the dwelling and in the private open space.

Performance Outcomes

- At least 50% of the secluded private open space receives sun between the hours of 10am and 3pm on 21 June.

Acceptable Solutions:

- Dwellings achieve the preferred solar orientation and placement on lots as shown in Figure 3.3 and Figure 3.4 below;

- Eaves and window heights achieve the design outcomes shown in Figure 3.5 below; and
- Secluded private open space is located on the north side of dwellings, and is provided with summer shade.

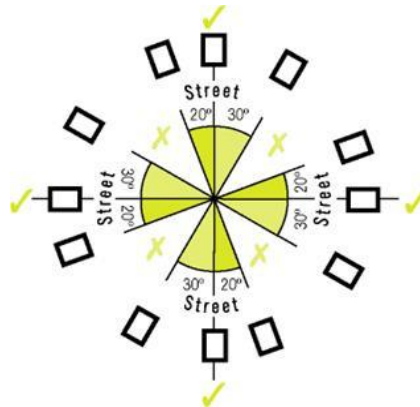
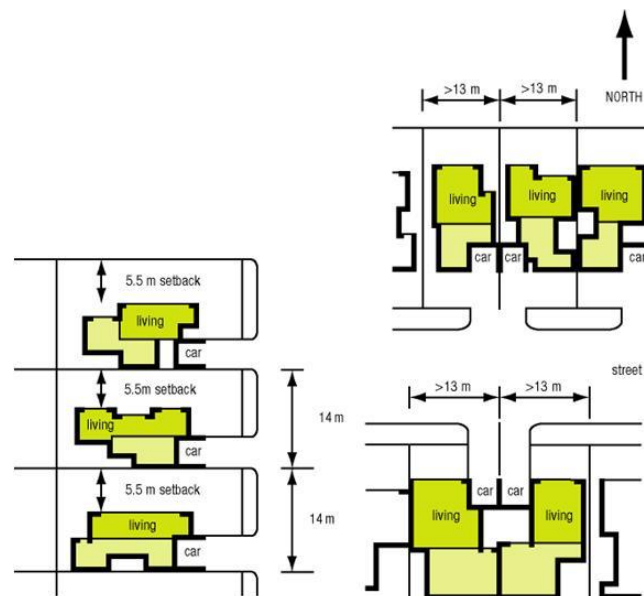
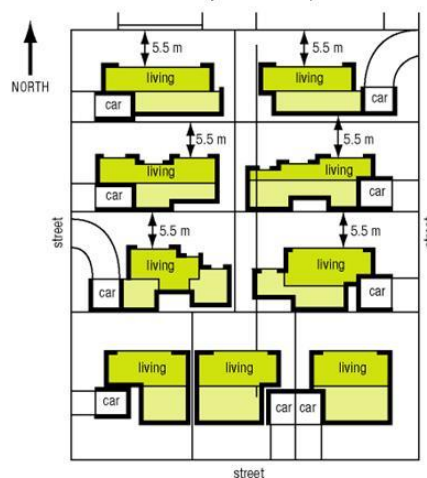


Figure 3.3 Acceptable Range for Solar Orientation

(source: www.sustainability.vic.gov.au/resources/documents/Siting_and_solar_access.pdf)



Blocks that run north-south and east-west can provide good solar access if minimum boundary widths are provided



Wise house placement close to east, west and south boundaries maximises solar access.

Figure 3.4 Placement on Lots for Best Solar Access

(source: www.sustainability.vic.gov.au/resources/documents/Siting_and_solar_access.pdf)

The indicated setbacks from the northern boundaries in Figure 3.4 have been calculated for Victorian latitudes where the minimum winter sun angle is about 30 degrees (for Melbourne). As Guyra is further north, it has a higher minimum winter sun angle of about 36 degrees, and the northern setbacks can thus be reduced to around 4.5 metres. This offset will not always guarantee good solar access, as site conditions such as slope, aspect, vegetation and adjacent structures will also have an impact. In order to achieve the best possible passive solar (and thus energy saving) design, a detailed site plan should be prepared which analyses all of these variables.

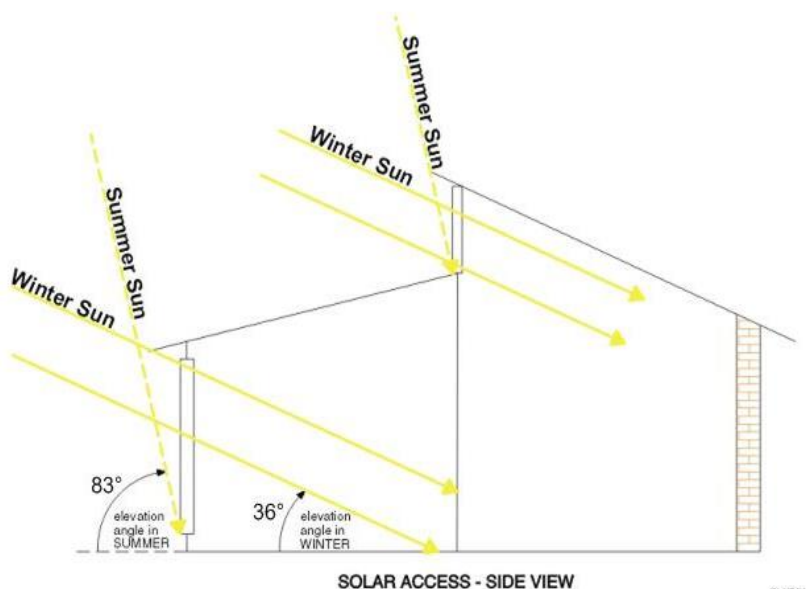


Figure 3.5 Windows and Eaves

(source http://www.bom.gov.au/climate/enviro/housedesign/solar_access.shtml)

Alternative Approaches and Design Suggestions:

- Utilise a combination of built elements (e.g. pergolas and eaves) and landscaping to achieve the performance outcomes.

Dual Occupancy

Introduction and General Principles:

Dual occupancy (2 dwellings on one lot of land) provides for flexibility in the provision of housing, and enables a higher intensity of use of a lot.

Aims:

- To ensure that dual occupancy developments are undertaken so as to provide for good liveability for both dwellings;
- To ensure that developments are undertaken so as to minimise impacts on neighbours; and
- To ensure that developments to be sympathetic to the existing streetscape.

Performance Outcomes

- Dual occupancy developments are undertaken in accord with the aims of this section.

Acceptable Solutions

- Dual occupancies in urban areas may be attached or detached;
- Must comply with all other requirements for dwellings within this Chapter of the DCP;
- Each dwelling shall be serviced by its own water supply and on-site management system or separately connected to Council's sewer mains;

- Where the development is connected to a reticulated water supply, separate water meters are to be provided to each dwelling and any common property;
- Car parking facilities shall be provided behind the building line for the allotment at a minimum rate of one space per dwelling and served by a driveway having a minimum width of 3 metres;
- A common laundry may be provided only where external access is possible;
- Where available, dwellings must be connected to services (water, sewer and electricity);
- In areas where kerb and gutter is proposed in the future, applicants will be required to provide concrete kerb and gutter to Council's specification for the full frontage of the lot;
- Each dwelling must have its own private open space area;
- The development shall blend and enhance the streetscape of the area; and
- The development must comply with the Building Code of Australia, NSW Housing Code, EP&A Act and the Guyra LEP.

Multi Dwelling Housing

Introduction and General Principles:

Multi dwelling housing (3 or more dwellings on a single lot) provides for flexibility in the provision of housing, and enables a higher intensity of use of a lot.

Aims:

- To ensure that multi dwelling housing developments are undertaken so as to provide for good liveability for all dwellings;
- To ensure that developments are undertaken so as to minimise impacts on neighbours; and
- To ensure that developments are sympathetic to the existing streetscape.

Performance Outcomes

- Multi dwelling housing developments are undertaken in accord with the aims of this section

Acceptable Solutions

- May be attached or detached;
- Must comply with all other requirements for dwellings within this Chapter of the DCP;
- Must be connected to a reticulated water supply and Council's sewerage system;
- Car parking facilities shall be provided behind the front building line for the allotment at a minimum rate of 1 covered space per dwelling, and served by a driveway having a minimum width of 3 metres. Also refer to Chapter 8 Access and Parking. Other specific engineering requirements may also apply (including the provision of parking for visitors);
- In areas where kerb and gutter is proposed in the future, applicants will be required to provide concrete kerb and gutter to Council's specifications for the full frontage of the lot;
- The development shall blend and enhance the streetscape of the area.
- Multi dwelling housing development may not be located on 'hatchet' or 'battle-axe' allotments;
- The development must comply with the Building Code of Australia, NSW Housing Code, EP&A Act and the Guyra LEP.

Chapter 4 Rural Development

About this Chapter

This Chapter addresses various aspects of rural development including biodiversity, bushfire management, access to rural properties and dwelling development.

Where this Chapter applies

This Chapter applies to land zoned in the Guyra LEP as

- RU1 – Primary Production
- R5 – Large Lot Residential; and
- E3 – Environmental Management;

Note: Development in the village zones is addressed in chapters dealing with Residential Development and Subdivision.

Biodiversity

Aims:

- To support Guyra LEP by providing additional detail and guidance on addressing biodiversity issues associated with development.

Performance outcomes:

- Biodiversity issues are addressed appropriately in development so that natural environment values are maintained or enhanced as a result of the development; and
- All requirements of relevant environmental legislation have been met.

Acceptable solutions:

- Proposals are reviewed against the provisions of the NSW *Threatened Species Conservation Act 1995* and the NSW Department of Planning publication “*Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 Guide to implementation in NSW May 2007*”, by an appropriately qualified and experienced ecologist or environmental scientist, and, if necessary, appropriate additional environmental investigations are conducted;
- Where proposals would significantly affect areas of native vegetation, a review of the potential impact on wildlife habitat and corridors is undertaken by an appropriately qualified and experienced ecologist or environmental scientist ;
- If the lot to be developed has an area greater than 1 hectare, or, together with any adjoining land in the same ownership, an area of more than 1 hectare, then the provisions of State and Environmental Planning Policy 44 Koala Habitat Protection apply. Among other things, this means that:
 - Council must satisfy itself that the land is not potential or actual koala habitat before giving consent to a development application;
 - Council may only satisfy itself based on information obtained from a person who is qualified and experienced in koala habitat identification;
 - If the land proves to be core koala habitat, then a formal plan of management will need to be prepared by the applicant prior to development consent being granted.

(Note: Under the precautionary principle, persons proposing development that would affect significant areas of native vegetation, including grasses, groundcovers, shrubs and trees should make preliminary enquiries with an appropriately qualified and experienced ecologist or environmental scientist prior to preparing and submitting a development application).

Bushfire management

Aims:

- To support the Guyra LEP by providing additional detail and guidance on addressing bushfire management issues.

Performance outcomes:

- Development of bushfire prone land is undertaken in accordance with the requirements of *Planning for Bushfire Protection 2006*.

Acceptable solutions:

- Proposals falling within *bushfire prone land* undertake a review in accordance with the provisions of *Planning for Bushfire Protection 2006* published by the NSW Rural Fire Services and provide the appropriate protection to comply with that document. (*Note: if there is uncertainty as to whether a property or proposal is affected, contact Council's Development and Environmental Services Department for further advice*).
- *Planning for Bushfire Protection 2006* identifies six key Bush Fire Protection Measures (BPMs) that must be implemented for developments on bushfire prone lands:
 - The provision of clear separation of buildings and bush fire hazards, in the form of fuel-reduced Asset Protection Zones (and their subsets, inner and outer protection areas and defensible space),
 - Construction standards and design,
 - Appropriate access standards for residents, fire fighters, emergency service workers and those involved in evacuation,
 - Adequate water supply and pressure,
 - Emergency management arrangements for fire protection and/or evacuation, and
 - Suitable landscaping, to limit fire spreading to a building;
- Details for each of the BPMs are provided in *Planning for Bushfire Protection 2006* which is available for download from the Rural Fire Service website (www.rfs.nsw.gov.au). Applicants will need to access this document and ensure that their development proposal implements the appropriate design and construction elements specified.

Alternative approaches and design suggestions

A report by a recognised bushfire planning consultant may propose alternative solutions to those identified in *Planning for Bushfire Protection 2006*. Such solutions should involve early consultation with the Rural Fire Service prior to submission of an application.

Rural Water Supplies

Aims:

- To support the Guyra LEP by providing additional detail and guidance on addressing issues relating to water supply.

Performance outcomes:

- That adequate water collection and storage capacity is provided consistent with domestic and bushfire fighting requirements.

Acceptable solutions:

Where a dwelling house relies solely on rainwater for domestic use:

- A total roof catchment area and a minimum water storage capacity or the nearest practical equivalent as set out in Table 1, tank capacity (M3) and roof area (catchment)(M2) will apply;

- If the dwelling-house contains more than one (1) bedroom, the standards given above are augmented by increasing the roof catchment area and the water storage capacity as set out in Figure 4.2, number of bedrooms and roof area (catchment)(m²); and
- Surface waters are not to be used for internal purposes other than for toilet flushing.

Where households use groundwater to satisfy or augment their water requirements:

- a reduction in the roof catchment to water storage relationships given for dwelling houses which rely solely on rainwater will be permitted only upon proven groundwater yield quality and dam capacity;

See Figure 4.1 - Tank Capacity (M3) v roof area (M2)

Figure 4.2 - No. Bedrooms v Roof Area (M2)

Figure 4.3 - Bedrooms v Litres/day (bore)

Figure 4.4 - No. Bedrooms Vs Dam Capacity (M3)

- The quality of water for internal use must satisfy the standards of *National Water Quality Management Strategy – Australian Drinking Water Guidelines 6 – 2011* by the National Health and Medical Research Council;
- The groundwater usage must not adversely affect existing groundwater users nor detrimentally affect either the supply or quality of water; and
- A certificate from the NSW Office of Water or a qualified groundwater consultant confirming suitability, availability, extraction rate and likely effects on existing users is required.

Firefighting Requirement:

- For the purpose of this clause, "fire fighting requirements" is defined as being for the protection of the dwelling(s) and adjoining structures/exposures.
- A minimum water storage requirement as set out in table 4.1 must be dedicated to firefighting except where:
 - a farm dam is available nearby and is in easy access of the dwelling-house; or
 - an independently powered water pump is able to supply groundwater at a rate not less than 10,000 litres per hour; or
 - a swimming pool is available within 10 metres of vehicular access which has a stored water capacity greater than the minimum requirements in table 4.1.
- Where aboveground storage is provided:
 - the tank and aboveground pipes are to be made of metal not plastic;
 - the outlet for domestic supplies must be located at a level above that of the minimum requirements list in table 4.1 reserved for firefighting requirements;
 - the outlet for firefighting purposes must be fitted with 65mm Stortz Landing Valve with a gate or ball valve. Such outlet is to have vehicular access.
 - the outlet must be located so that ready access for firefighting units is provided, either directly or via plumbing where direct access is not possible.
- Where below ground storage is provided, then an access inspection hole of 200mm suitable for extraction by firefighting units must be provided.

Note: See NSW Rural Fire service *Planning for bushfire Protection 2006* for more details

Table 4.1 – Minimum water required to be dedicated to firefighting purposes

Development type	Water requirement
Resident lots (<1,000m ²)	5,000 L/lot
Rural residential lots (1,000-10,000m ²)	10,000 L/lot
Large rural/lifestyle lots (>10,000m ²)	20,000 L/lot
Dual Occupancy	2,500 L/lot
Townhouse/unit style (eg flats)	5,000 L/unit up to 20,000 L maximum

Acceptance of Alternative Requirements

The Council may accept an alternative means of complying with the requirements detailed in this section provided satisfactory evidence is provided to support that alternative.

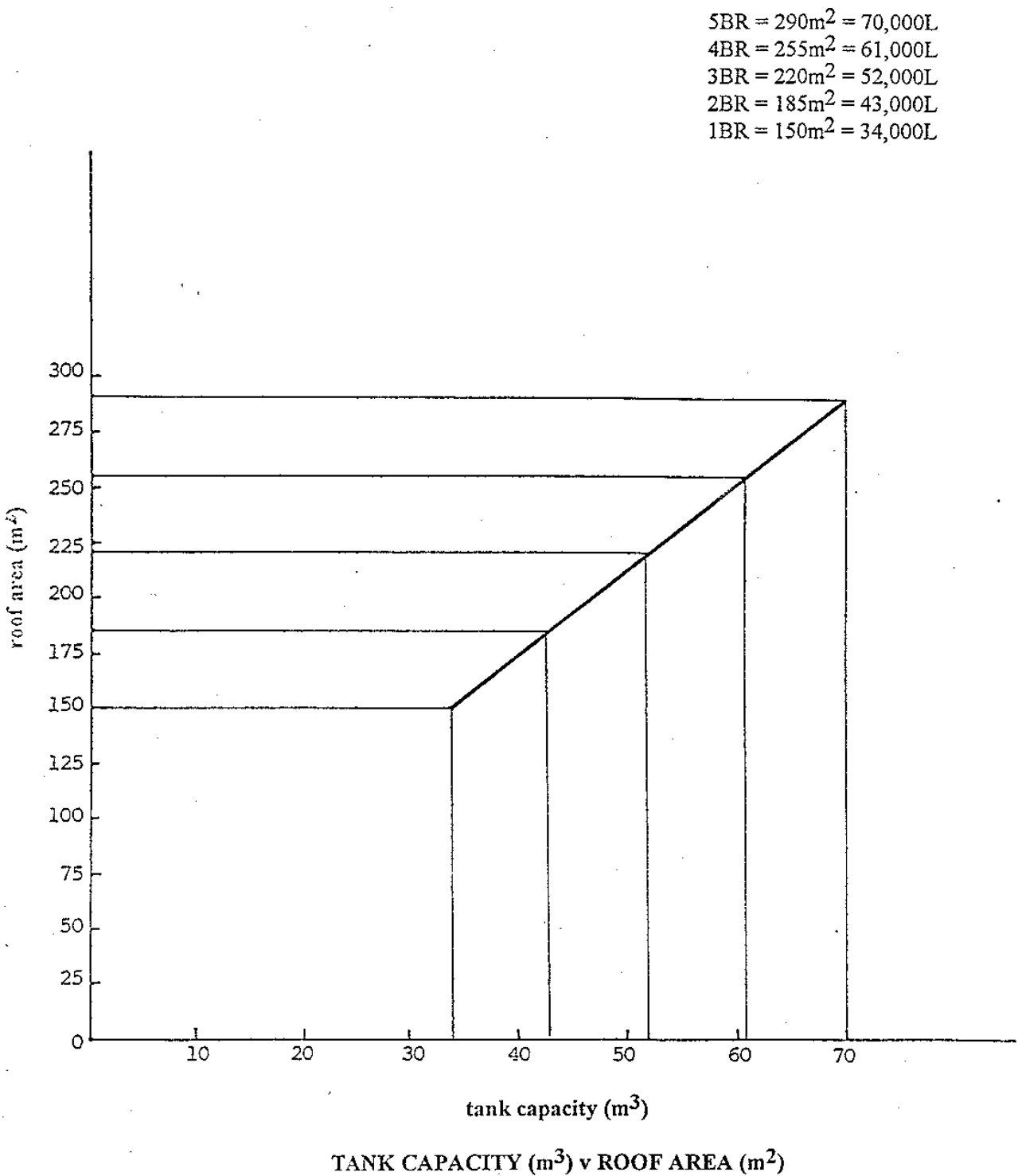


Figure 4.1 Tank Capacity (M3) v roof area (M2)

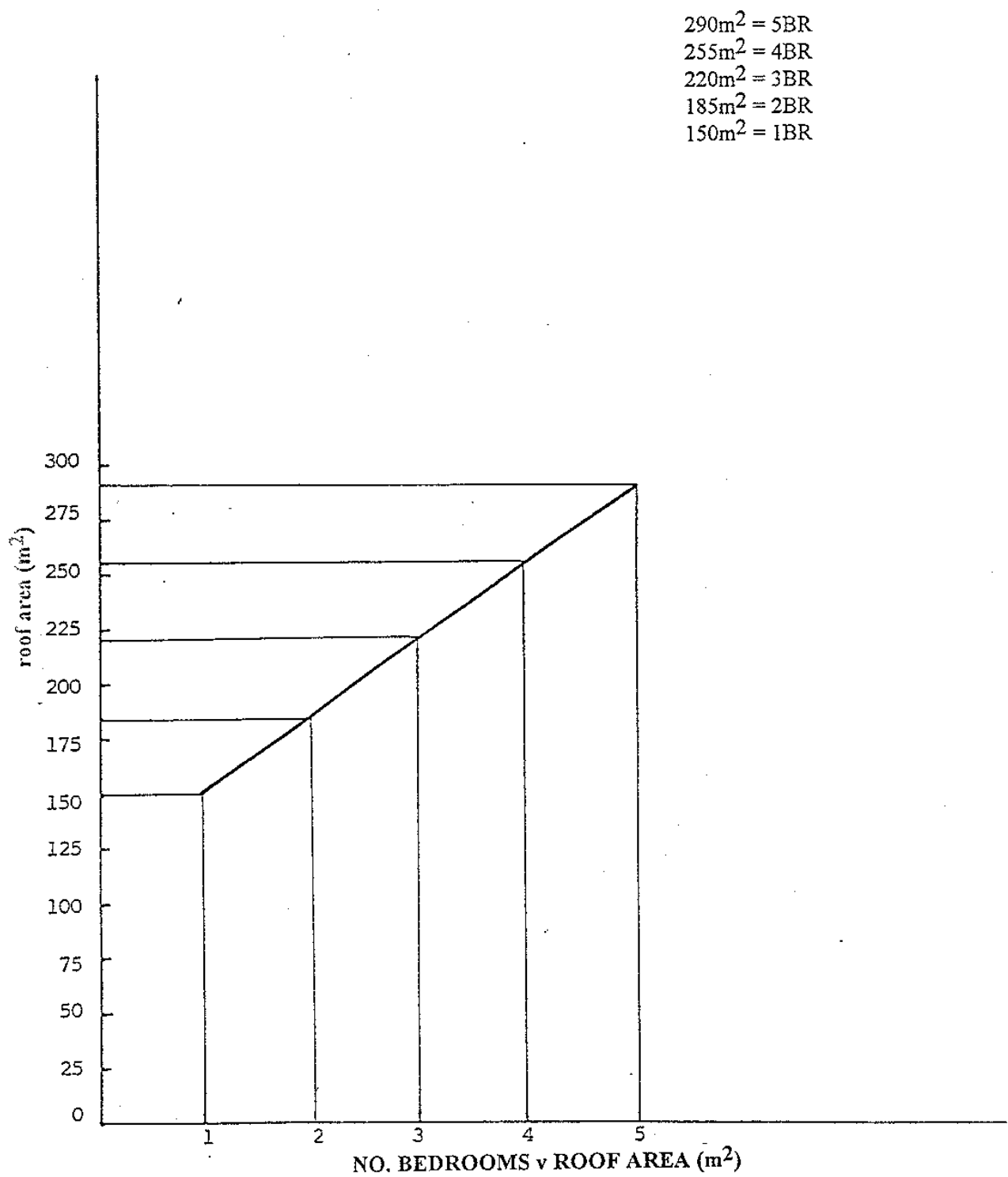


Figure 4.2 No. Bedrooms v Roof Area (M2)

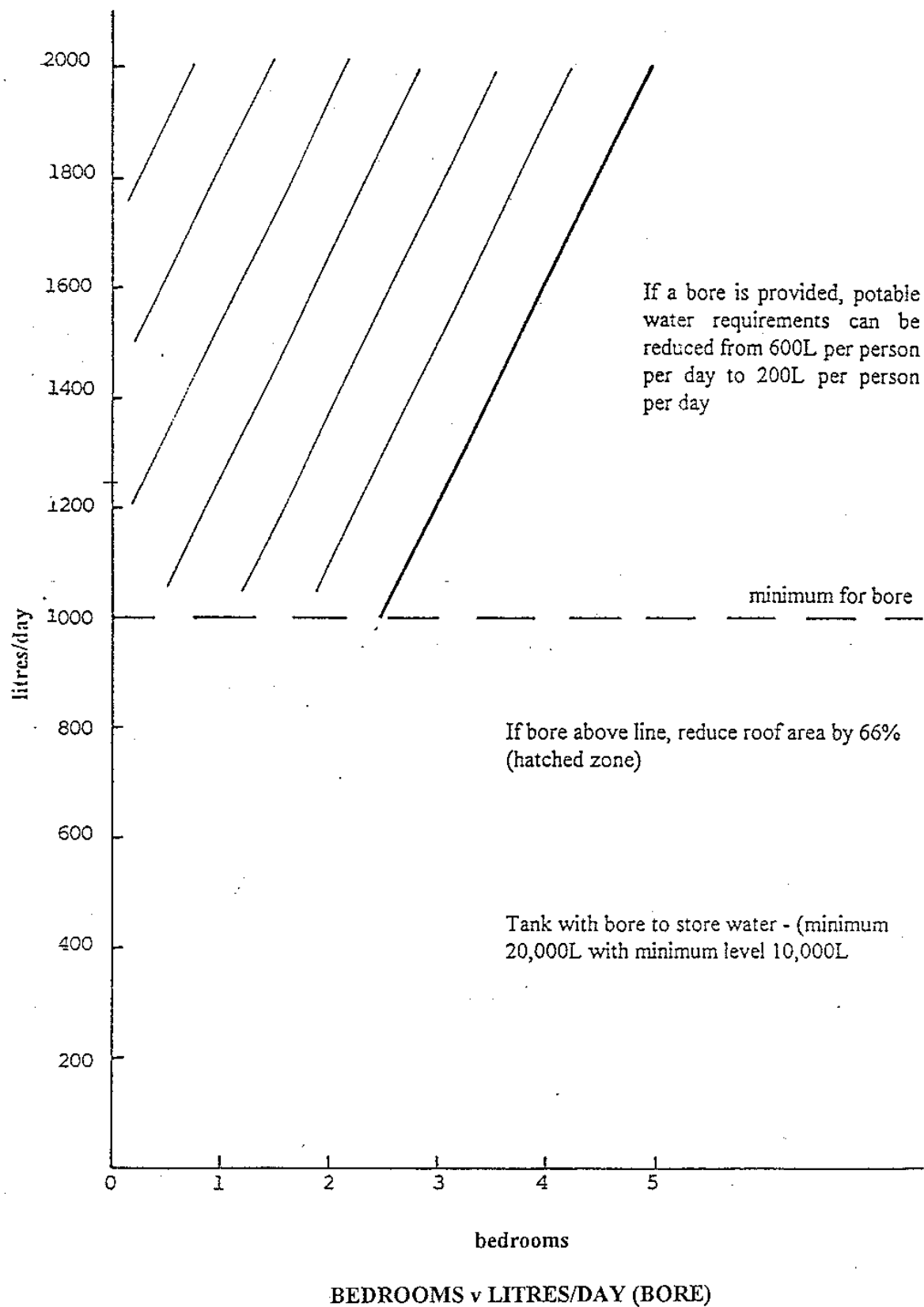


Figure 4.3 Bedrooms v Litres/day (bore)

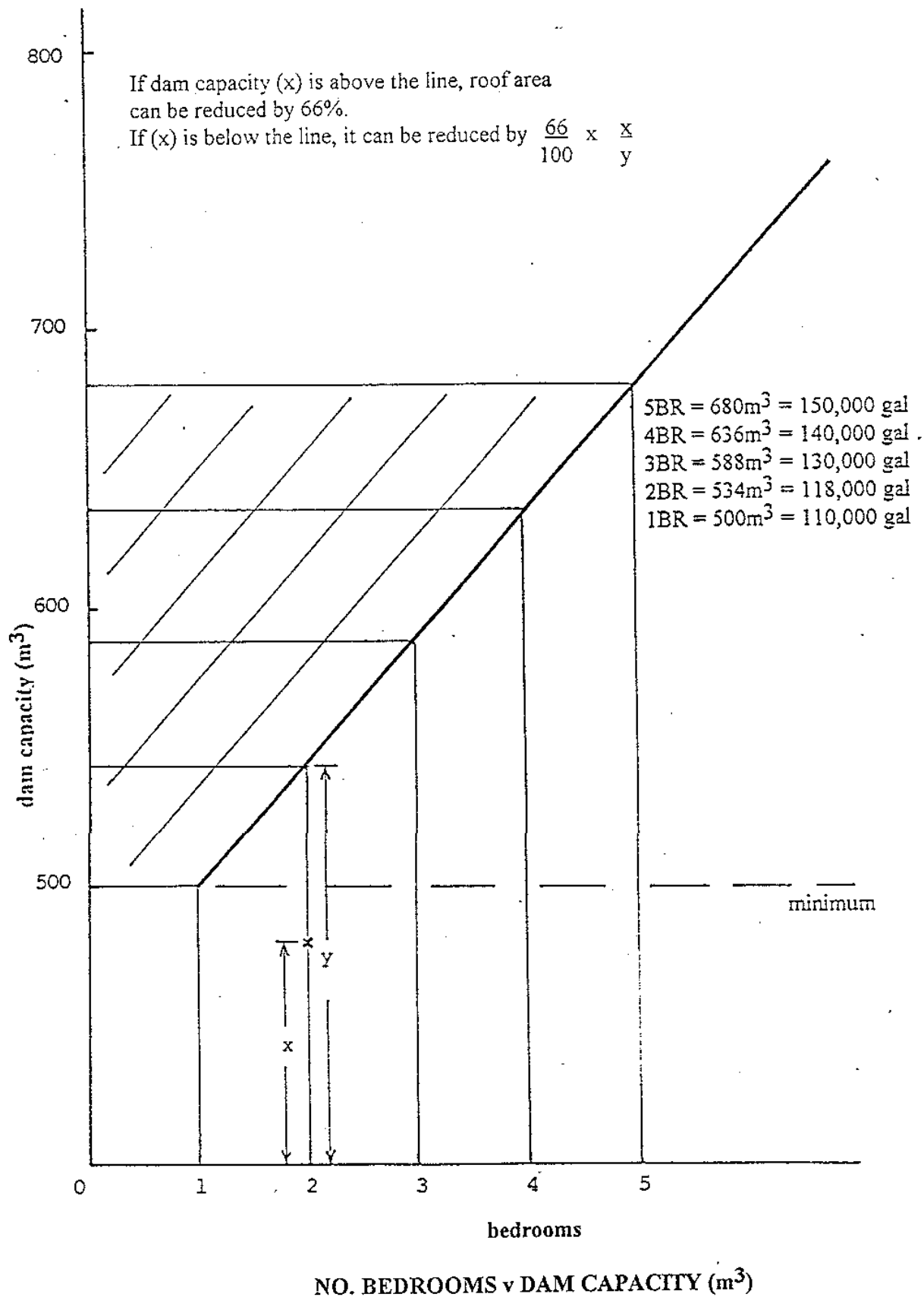


Figure 4.4 No. Bedrooms Vs Dam Capacity (M3)

Access to Rural Properties - General

Performance outcomes:

- The development provides safe, convenient and readily maintainable access from a public road.

Acceptable solutions:

- Access to rural properties is from a dedicated public road; and
- An access point is constructed at the time of creation of an allotment with such access consisting of a gate recessed 20m from the property boundary, together with a Table drain crossing in accordance with Council's engineering standards.

Access to Rural Properties – Land subdivided for agricultural purposes

General

Council acknowledges that a subdivision which creates land for sale to another owner may not, in some circumstances, warrant the construction of an independent access to that allotment in accordance with the provisions in this section. This is particularly the case when a subdivision is undertaken for agricultural purposes.

Performance Outcomes:

- All created allotments have legal access; and
- Adequate physical access is available to a new allotment, being an allotment created for agricultural purposes.

Acceptable Solutions:

- Each allotment created has legal access to a dedicated public road either through direct frontage, or by consolidation with an existing allotment that has such access;
- A covenant is provided on the title to any allotment created (that does not have constructed physical access provided or already available at the time of creation) to require the construction of such access at such time as the allotment is no longer in the same ownership as a directly abutting allotment; and
- Any such access is constructed prior to transfer of title, and in accordance with Council's Technical Specifications.

Rural Dwellings

General

Council will give consideration to applications for rural dwellings either as a "right to build" application, or a full application including full design details of the dwelling.

Note regarding permissibility

A dwelling must be permissible with consent under Guyra LEP on the land. This means the dwelling or the "right to build" application must either meet the minimum requirements for the size of land under the LEP or must be permissible with consent under the "existing holding" provisions in the LEP. Applicants are advised to seek legal advice that their proposal is permissible under the LEP prior to submitting an application.

Note regarding consultation

Prior to submitting an application, applicants are encouraged to consult with any neighbours regarding the proposed dwelling site.

Basic information to be provided – all applications:

The following information provides a guide to the minimum information requirements that Council will need to assess the application:

- An extract of a topographic (or similar) map showing the property (including the allotment proposed for the dwelling and any holding/overall property boundary), the location of the dwelling and the location of powerlines;
- Evidence of the size of the allotment, property and/or holding (e.g. copy of the Deposited Plan, title certificates or similar);
- The location of the proposed access road to the dwelling, and its proposed point of connection with the public road network. This point of connection must comply with the Guyra LEP and must comply with the access requirements for rural properties.
- A site location that is suitable for providing suitable asset protection zones and related Bushfire Protection Measures if the land is bush fire prone land; and
- The location of dams, streams and the like.

Additional information

- Details of the dwelling including plan and elevations, drawn to an appropriate metric scale, and indicating north point;
- Details of water supply including source of supply, and, where that is from a tank, details of calculations so as to ensure that water supply will be adequate to serve the dwelling. Water supply and storage information also needs to address Planning for Bushfire Protection 2006;
- Details of waste water disposal, including type of system; and
- Submission of a BASIX assessment.

Performance Outcomes:

- Dwelling sites are identified and are provided with safe connection to the public road network;
- Visual and other impacts on neighbours are minimised; and
- Adequate area exists for on-site waste water disposal.

Acceptable Solutions:

- The dwelling complies with the bushfire standards indicated elsewhere in this DCP;
- Access to the dwelling from the public road network complies with the provisions of this DCP relating to access to rural properties;
- The dwelling is located so that effluent disposal can be managed in an appropriate manner to ensure that on-site disposal of waste water – e.g. septic – is not located where there is a risk of contamination of waterways in accordance with *Environment & Health Protection Guidelines – On-site Sewage Management for Single Households* (see chapter On-site Sewage Management);
- The dwelling is not located adjacent to or within 25m of:
 - Old sheep and cattle yard sites,
 - Old livestock dip sites,
 - Orchard areas,
 - Disused mining areas; and
- The dwelling is not located adjacent to or within close proximity of an approved feedlot or other similar operation.

Alternative approaches and design suggestions:

- Variation to acceptable solutions would need to be supported by a comprehensive statement of environmental effects which addresses the performance outcomes sought for rural dwellings and which demonstrates that the acceptable solutions are unreasonable or unnecessary in the circumstances of the case.

Dual occupancies in Rural Areas

Additional considerations for dual occupancies:

- Only *attached* dual occupancies are permitted in the RU1 zone;
- Dual occupancies are *not* permitted in the E3 zone;
- No additional vehicular access point to the property is required;
- Provision is made on-site for all weather driveway and parking spaces to serve both dwellings;
- The development is adequately landscaped to protect the scenic amenity of the area;
- Any extensions to an original dwelling (to permit dual occupancy) shall have a design relationship with the existing dwelling house;
- Building materials and colours shall blend with any existing buildings and the natural features of the area and landscape;
- Details of water supply including source of supply, and, where that is from a tank, details of calculations so as to ensure that water supply will be adequate to serve both dwellings. Water supply and storage information also needs to address Planning for Bushfire Protection 2006;
- The proposed treatment of waste water is to be in accordance with *Environment & Health Protection Guidelines – On-site Sewage Management for Single Households* (see chapter On-site Sewage Management)
- The development must comply with the provisions of the Building Code of Australia.

Sheds in Rural Areas

Aims and Objectives

- To enable the erection of sheds to serve the needs of rural landholders in a way that compliments the rural character of the landscape and has minimal impact on the scenic qualities of the area. This will be achieved through siting of the shed, size, landscaping and/or the use of non-reflective materials where appropriate.
- To provide design principles for the erection of rural sheds including:
 - Siting and scale of building;
 - Colour of the building material;
 - Type of building materials; and
 - Landscaping

Siting

It is necessary to integrate rural sheds into the landscape so that they compliment the rural character of the area and are not visually dominant. The siting of a rural shed will be chosen to minimise unnecessary disturbance to the natural environment and not be visually prominent or intrude into the skyline.

- Sheds shall be located at least 20m from the primary road frontage of the lot and at least 10m from the other lot boundaries. Sheds should be no closer to the road than the existing dwelling house on the property, unless it can be demonstrated that the building must be located differently in order to meet the needs of rural industries;
- Sheds shall be not be located within 50m of a natural waterbody or dwelling on an adjoining property;

- Sheds shall not be erected on land having a slope in excess of 10 degrees;
- Cut and fill shall be limited to 2m of cut and 900mm of fill.

Size

- Sheds shall be no larger than 200m²;
- Shall not exceed a height of 7m above the natural ground level.

Colour

In an attempt to encourage attractive developments it is necessary to control the colour of rural sheds so as to blend in with the rural landscape and existing buildings on the property. The colour of sheds will enhance the appearance of the structure as an element of the rural character of an area. To achieve this:

- the colour of a rural shed will match or blend in with those of existing buildings;
- on vacant land the colour for rural sheds shall be taken from the natural environment;
- be non-reflective

Unless the property is in excess of 60ha in area, and it can be demonstrated that other coloured materials should be used to compliment rural industries and they can be masked by terrain or vegetation/landscaping.

Type of Building Material

To ensure that building materials and external finishes of sheds have no significant impact on the visual qualities of the landscape, the building materials and finishes shall enhance the visual amenity of an area.

- building materials used in the construction of rural sheds are to be pre-painted and non-reflective;
- the use of second hand corrugated iron will be considered subject to the size, height, design and location of the rural shed;

Landscaping

To enhance the natural and built landscape and ensure privacy between neighbours, the use of appropriate landscaping to screen or add scale to rural sheds may be required. Landscaping requirements apply where Council has approved a variation to the building line in accordance with Council's building line policy or for shed in highly visible locations. In the event that landscaping is required the following principles will apply:-

- Plantings are to be a mix of trees, shrubs and ground cover;
- Trees shall include trees that at maturity have a height above the ridgeline of the shed;
- Shrub mass shall provide adequate screening;
- Plants chosen are native and are to be endemic to the area.
- Consult the NSW Rural Fire Service – *Planning for bushfire protection 2006* to determine suitability of landscaping/vegetation type within bushfire prone areas.

Chapter 5 Development in Commercial and Industrial Areas

About this Chapter

Guyra town includes a number of areas that constitute 'employment lands' – i.e. areas that provide for job creation and ongoing employment within the town. These are zoned for commercial or industrial land uses, and are intended to support the development and operation of various business enterprises.

In conjunction with the Guyra LEP which provides details of the uses permitted and/or prohibited on employment lands areas, this chapter provides further guidance on how development should be conducted for these land use zones.

Additional planning requirements that must also be met in particular circumstances are provided in other chapters of this DCP. Therefore, this chapter should be read in conjunction with other chapters that are relevant for particular developments including: Subdivision, Access and Parking, Signage and Outdoor Advertising, and Commercial Use of Public Footways.

Where this Chapter applies

This chapter applies to land zoned Business (B2, B4) and Industrial (IN1, IN2) under the Guyra LEP.

General Advice to Applicants

Different land uses are permissible within the commercial/industrial land zones, and applicants are urged to check with Council's Development and Environmental Services Department about the permissibility or otherwise of a proposed development early in the project planning stages.

The employment land zones each have different objectives in terms of the type of enterprise that is appropriate, and developers are encouraged to consider how their proposed development will fit within these.

Aims and Objectives

This chapter is intended to achieve the following:

- To encourage the design of commercial and industrial developments to complement and conserve the existing streetscape character where there is an established character, and to contribute towards the creation of a desirable streetscape image where a streetscape character has not been established;
- To provide guidelines for elements, such as the external appearance of buildings and landscaping, which contribute towards the preservation or establishment of a streetscape character;
- To ensure that the design of developments provides ease of access for pedestrians, including people with disabilities;
- To ensure that business and industrial development is served by the necessary physical infrastructure, including reticulated water supply and sewerage and drainage systems;
- To ensure that adequate vehicular access and parking is provided so as to protect the safety of other road users; and
- To ensure that the provision of public services and amenities for commercial and industrial development does not place an economic burden on the community.

Performance Outcomes

- Development of existing and new businesses which contribute to the social and economic well-being of Guyra and which enhance the natural and built environments.

Acceptable Solutions

Change of Use

Developers are encouraged to consult with Council's staff prior to undertaking a change of use of premises in order to determine which of the following planning pathways would apply:

- Development consent is not required for a change of use of premises that is exempt development under the Codes SEPP (State Environmental Planning Policy (Exempt and Complying Development Codes) 2008). Although consent is not required for exempt development, it is still a requirement that Council is given written notification of the change of use.
- Change of use may also be permissible as complying development under the Codes SEPP. In this case, an application for a Complying Development Certificate will need to be lodged with Council.
- For a change of use of a premises that does not fall into either of the above categories, a Development Application will need to be lodged with Council.

Provision of Services

- Subdivision within the Commercial and Industrial areas of Guyra (see chapter 2 Subdivision) requires connection to water and sewerage, provision of appropriate stormwater drainage and a means of disposal of industrial waste in accordance with the requirements of Chapter 16. However, where any existing lots do not presently have connection to sewerage and water supply or appropriate drainage arrangements, then this will need to be brought up to standard approved by the Director of Engineering Services when any development of the lot is undertaken, irrespective of whether subdivision is involved or not.

Access for Persons with Disabilities

- Adequate provision is to be made to enable persons with disabilities to gain access to the development and to the land on which the development is proposed to be carried out;
- The development is to comply with the relevant Australian Standard for access for disabled persons applying at the time the development application is lodged; and
- The NSW *Anti-Discrimination Act 1977 No 48* provides the legal framework for the provision of access for people with disabilities to employees of, and people seeking goods from, business premises. Under this Act, in some instance it may be permissible to not meet the requirements for disabled access. In addition, considerations of 'unjustifiable hardship' (CI 49C) may mean that the requirements may be relaxed. Applicants would need to obtain independent legal advice as to whether 'unjustifiable hardship' would apply in any given case.

Access and car parking

These requirements are dealt with in the Chapter 8 Access and Parking.

On-site facilities

- On-site facilities for garbage bin and recycling storage and service meters are to be designed to be physically convenient, visually attractive and require minimal maintenance;
- Garbage and recycling bin storage is to be within the site and not located at the street frontage. Where collection is not on the street frontage, adequate loading and turning areas for service vehicles is to be provided within the development; and
- Adequate provision is to be made for the storage and handling of solid wastes generated by the development. The storage area is to be enclosed and the material stored is to be screened from public view.

Development on land adjoining land zoned R1 General Residential

Business development on land adjoining a residential zone should not have a significant adverse impact on the amenity of the residential areas in the vicinity. Adverse impacts which may arise include:

- Noise associated with the amount of traffic generated by the development;
- The type of traffic generated by the development (cars, delivery vehicles etc);
- Location of car parking and loading/unloading areas;
- Hours of operation;
- Headlight glare from vehicles within the site;
- Odour;
- Nuisance caused by illumination of the development for advertising and/or security reasons; and
- Visual impact associated with the setback of the development from the common property boundary and the design and scale of the development.

Possible adverse impacts on the locality, including the above factors, should be considered when choosing the site and designing the development.

Energy efficiency

Opportunities may exist to design layouts for a development which minimise winter heat loss and make use of solar energy. This may be achieved by:

- Locating main office and/or retail areas on the north side of the building. Storage areas, toilets and other rooms requiring minimum climate control could be located away from the north side;
- Walls set back sufficiently from the north site boundaries to enable winter solar access to the main north facing areas;
- Buildings to incorporate window shading devices, such as eaves, verandahs and blinds, to reduce exposure from hot summer sun, especially on the western side of the building; and
- Landscaping that incorporates good solar design principles.

Exempt and Complying Development

The Codes SEPP specifies a range of developments that can be undertaken as exempt and/or complying development. The following are of particular note for commercial and industrial buildings.

Change of use of premises can be undertaken as either exempt or complying development depending on the particular circumstances. If undertaken as exempt development, it is a Council requirement that written advice be lodged with Council detailing the change of use.

Other complying development that can be undertaken includes internal building alternations, mechanical ventilation systems, shop front and awning alterations, and skylights and roof windows.

Further information on the requirements to permit development to be undertaken as either exempt or complying can be obtained from the Codes SEPP or by contacting Council's Development and Environmental Services Department. The Codes SEPP can be downloaded via links provided at the Department of Planning's website (www.planning.nsw.gov.au).

Zone B2 Local centre – Specific Considerations

B2 Local Centre. This zone relates to the core of Guyra's business district. The objectives of the zone are:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area;
- To encourage employment opportunities in accessible locations;
- To maximise public transport patronage and encourage walking and cycling; and
- To allow for residential and other accommodation while maintaining active retail, business or other non-residential uses at street level.

It should be noted that there are restrictions on residential uses in this zone, with dwelling houses being prohibited. (Note: existing dwellings remain permissible under 'existing use rights' contained in clauses 106 to 109 of the EP&A Act.)

Heritage Considerations

The B2 zone in Guyra contains a number of listed heritage items. As such, any proposals for development within the B2 zone should be carefully checked to see whether heritage provisions will apply to the development.

As heritage considerations can place significant restrictions on the type of development that can be undertaken, it is strongly recommended that potential developers contact Council Development and Environmental Services Department early in the development process to discuss this.

Building lines and setbacks

This plan does not specify the setbacks of buildings from the property boundaries within the B2 zone. Each development will be assessed on its individual merits. The following criteria will be used to determine whether the building line and side and rear setbacks for a particular development are acceptable.

Front building line

The main criteria for determining the front building line for new development is the effect that it will have on the streetscape. A front setback of 0 metres would generally be appropriate given that this is the existing situation in much of the zone.

The front building line for each application will be assessed on its merits taking into account such factors as:

- Consistency or compatibility with the building line for adjoining properties;
- The length of the building and the overall layout of the development;
- The design of the building and the overall layout of the development;
- The purpose for which the development will be used;
- The impact on the streetscape quality of the locality;
- The maximisation of sight distances for drivers using the road, including visibility of points of access to the road;
- The minimisation of distraction to drivers using the road; and
- Any possible future need to alter the road alignment.

Development on corner lots should address both frontages and have regard to the character of the respective streetscapes.

Side and rear setbacks

The side and rear setbacks for a development will be assessed on their individual merits. In determining suitable setbacks for a development proposal Council will take into account:

- The likely impact on adjoining land;
- Fire safety requirements;
- The visual impact of the bulk and scale of the development; and

- The impact on the streetscape quality of the locality.

Zone B4 Mixed Use – Specific Considerations

The B4 zone is located adjacent to the B2 zone and provides for a more diverse range of uses appropriate to land not in the heart of the commercial centre. The objectives of the zone are:

- To provide a mixture of compatible land uses; and
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage development that supports or complements the primary office and retail functions of the local centre zone.

The permitted land uses in this zone are intended to be more flexible than those in the B2 zone, reflecting the presently more diverse existing land uses and encouraging further development of this area for a range of potential uses. Some relaxation of the restriction on residential uses compared to the B2 zone occurs in this zone, although dwelling houses remain a prohibited use. While there are a number of existing residential buildings in this zone, it is not intended that this becomes a predominantly residential area.

Building lines and setbacks

Front setbacks

As this is a mixed use zone including existing commercial and residential land uses along with a diversity of streetscape character, different requirements exist in the zone and development proposals will be assessed on their individual merits.

Side and rear setbacks

The side and rear setbacks for a development will be assessed on their individual merits. In determining suitable setbacks for a development proposal Council will take into account:

- The likely impact on adjoining land;
- Fire safety requirements;
- The visual impact of the bulk and scale of the development; and
- The impact on the streetscape quality of the locality.

Zone IN1 Industrial – Specific Considerations

The objectives of this zone are:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

Building lines and setbacks

All street frontages in the zone

Generally a front setback of 8m applies, although this can be varied subject to consideration of the factors specified for the front building line in Zone B2.

Side and rear setbacks

The side and rear setbacks for a development will be assessed on their individual merits. In determining suitable setbacks for a development proposal Council will take into account:

- The likely impact on adjoining land;
- Fire safety requirements;
- The visual impact of the bulk and scale of the development; and
- The impact on the streetscape quality of the locality.

Zone IN2 – Specific Considerations

The objectives of this zone are:

- To provide a wide range of light industrial, warehouse and related land uses;
- To encourage employment opportunities and to support the viability of centres;
- To minimise any adverse effect of industry on other land uses;
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area; and
- To support and protect industrial land for industrial uses.

Building lines and setbacks**All street frontages in the zone**

Generally a front setback of 8m applies, although this can be varied subject to consideration of the factors specified for the front building line in Zone B2.

Side and rear setbacks

The side and rear setbacks for a development will be assessed on their individual merits. In determining suitable setbacks for a development proposal Council will take into account:

- The likely impact on adjoining land;
- Fire safety requirements;
- The visual impact of the bulk and scale of the development; and
- The impact on the streetscape quality of the locality.

Chapter 6 Sediment and Erosion Control

About this Chapter

This chapter of the DCP establishes the minimum sediment and erosion standards that Guyra Shire Council expects from development sites. Combining both education and compliance, pollution caused by excessive sediment loads from the construction sites will decrease over time and lessen the impact that development has on the Shire's land and waterways. Guyra Shire Council has a commitment to minimising the amount of soil that is being removed from its catchment areas through stormwater run-off, by ensuring that the development activities within the Guyra LGA are approached in an ecologically sustainable manner.

Where this Chapter applies

This Chapter applies to all zones under the Guyra LEP.

Relationship to other Environmental Planning Policies and Authorities

This Chapter applies to all forms of development as defined under the Guyra LEP or otherwise defined under this plan and meets the objectives of the Protection of the Environment Operations Act 1997 (POEO Act). The part requires implementation at the Development Application stage, prior to commencement of work and during works.

Aims and Objectives

The objectives of this Chapter are:

- a. to educate the community;
- b. to minimise erosion and sedimentation arising from land uses and developments;
- c. to control surface water quantity and flow paths;
- d. to intercept and contain eroded material from building and development sites within the boundaries of a site;
- e. to ensure prompt and effective stabilisation of disturbed lands through rehabilitation and landscaping; and
- f. to improve sediment and erosion control practices within the Local Government Area and to enforce compliance of relevant standards.

Erosion and Sediment Control Plan (ESCP)

Development applications requiring disturbance to soil on sites with a gradient greater than or equal to 2% shall be accompanied by an Erosion and Sediment Control Plan (ESCP). Guyra Shire Council retains the discretion to decide when an erosion and sediment control plan is required.

Applicants are advised to use the services of a suitably qualified and experienced person to design their ESCPs. All submitted plans should bear the names and qualifications of such persons, acknowledging authorship.

- Where an ESCP is required, Council, or Private Certifier approval must be obtained prior to any soil disturbance occurring.
- ESCPs can vary depending on the complexity, scope and nature of the development. The plan can be in the form of a simple statement for minor proposals to detailed plans and associated documentation for major proposals.
- For major proposals that are staged over an extended time, an ESCP should be prepared and lodged prior to each stage.
- An ESCP must demonstrate that the appropriate controls have been planned and when implemented will be effective in minimising erosion and sedimentation,
- Unsatisfactory ESCPs will be rejected and Development Applications will not be approved until Council is satisfied with the amended plan.

An ESCP shall include, but not be limited to the following details:

- a recognised scale ie (1:100, 1:200);
- locality plan;
- contours;
- existing vegetation;
- existing site drainage;
- land slope gradient;
- location of stockpiles;
- erosion control measures;
- sediment control measures;
- location of roads, driveways, access-ways and all impervious surfaces;
- details of site revegetation program;
- outline of maintenance program for erosion and sediment control;
- details of method for pumping out/removal of excess water from the site; and
- name of person responsible for implementing ESCP.

Supporting information to be submitted along with the ESCP may include:

- A brief description of any areas on site that have the potential for serious erosion or sedimentation, together with the proposed management details;
- A maintenance strategy for all control measures, including the nomination of responsibility for the follow-up maintenance required;
- A brief description of the overall site rehabilitation program; and
- Stormwater management plan.

Construction drawings and/or written specifications must be provided for the structural erosion and sediment controls proposed.

Removal/Disturbance of Site

All soil/matter or substances arising from the removal of vegetation, clearing, levelling, filling, excavation and/or disturbance of any site, including the placement of any building material stock piles shall be wholly contained on the site and not be permitted to enter adjacent lands, street gutters, drains and/or waters.

Responsibilities

- a. The site manager or other person responsible for implementing and maintaining sediment and erosion controls shall:
 - Ensure compliance with any approved ESCP;
 - Implement erosion and sediment control measures specified in the development approval, Section 68 of the Local Government Act, 1993, or activity specification; Implement erosion and sediment control measures specified in this chapter;
 - Have appropriate training or demonstrated experience in erosion and sediment control;
 - Maintain the sediment and erosion controls;
 - Conduct modifications and changes as required and as directed;
 - Remove sediment controls when the site is no longer prone to erosion or sedimentation; and
 - Have the appropriate authority to make decisions on the site without further consultation.
- b. During the course of the development or work, control designs and measures may need to be amended and the approved ESCP reviewed. Any deviations from the original approved ESCP are to be approved by the appropriate authority.
- c. The approved control measures must be implemented prior to any land disturbance commencing and be maintained until the completion and/or effective establishment of stabilisation works. Once in place, the approved control measures shall be effectively maintained. Council staff are available to comment on whether controls are adequate or no longer required.

- d. The site manager is responsible for the temporary removal of any erosion and sediment control measures.
- e. Consider climatic and seasonal weather patterns before any vegetation is removed and/or soil disturbance occurs.
- f. Stockpiles of building materials shall not be stored on nature strips, footpaths, roadways, access ways, public lands or within drainage lines and easements. All stockpiles shall be retained wholly within the site boundaries and protected with appropriate sediment and erosion control measures.
- g. All disturbed areas are to be progressively stabilised and/or revegetated as soon as practicable.
- h. The stormwater guttering and downpipes are to be installed and connected to Council's approved drainage system. Connecting the stormwater early will improve site access and drainage and prevent erosion.

Typical Sediment/Erosion Control Actions

Sediment Fencing

A sediment fence is to be erected along or adjacent to the down-slope boundary(s) of the site and constructed from geotextile filter fabric to capture the sediment from stormwater run-off. Either ends of the fence should be keyed into the ground and turned up-slope. Excessive sediment build up behind the fence must be regularly removed in order for the fence to stay effective. In circumstances where the sediment fence is located adjacent to the street, the fence is to be erected on the development side of the turf filter strips and within the property boundary.

Sediment Traps

Sediment traps are to be located at all points where stormwater leaves the site and enters the street stormwater gutter or drainage system. There are various methods of sediment traps and the most appropriate method should be implemented. The sediment traps are to be cleaned regularly in order to maintain effectiveness.

Site Access

An all weather site access for vehicles is to be provided. All vehicles entering and exiting the site must be limited to a single controlled area so as to avoid excessive ground disturbance. Appropriate sediment controls must be implemented at the entry/exit point to prevent sediment being tracked off the site such as aggregate extending a minimum of 6m into the site for a shaker. The all weather access may require additional aggregate from time to time. All run-off from driveways, access ways and water used to clean sediment off wheels of vehicles must be drained into an approved sediment trapping device on site.

Turf Filter Strips

A strip(s) of turf 600mm wide, should be installed adjacent to the street gutter should the soil on the nature strip be disturbed. The turf aids in filtering stormwater run-off and prevents erosion of the site. Native vegetation of the nature strip should not be removed to make way for turf.

Checklist

A checklist of Erosion and Sediment Control measures for a development site is found in Table 6.1 on the following page.

Table 6.1 - Checklist of Erosion and Sediment Control Measures for a Development Site

Control Measure	Complied
Minimise area to be cleared and leave as much vegetation as possible.	
Install sediment fence(s) along low side of the development before work begins.	
Divert up-slope water around the work site and stabilise channels, but ensure that the neighbouring property is not flooded.	
Provide a single stabilised entry/exit point for the site that is clearly marked for deliveries to the site. Any additional vehicles are to park on the roadway and not on Council's footpath.	
Leave or lay a kerb side turf filter strip to slow the speed of water, minimise erosion and trap excess sediment.	
Stockpile soil and other materials within the sediment controlled boundaries.	
Sweep the road impacted by the development every day and dispose of waste materials on-site. Washing of roads, driveways and footpaths is forbidden.	
Provide guttering and downpipes, connected to an approved stormwater system once the roof framework has been completed.	
Maintain erosion and sediment control measures for entire period of construction including during the final rehabilitation period.	
Keep logs of maintenance and cleaning schedules and have them signed by the appropriate person at the end of each day.	
Protect all stormwater entry points with approved filtration device eg sand bags, geotextile fabric installed under the stormwater grate, hay bales wrapped in geotextile fabric.	
Ensure all staff on site are aware of their obligations under current environmental legislation and conditions of consent for the development.	

Chapter 7 On-site Sewage Management

About this Chapter

This chapter of the DCP has been prepared to provide more detailed information about on-site sewage/waste water management requirements within Guyra Shire.

Where this Chapter applies

This chapter applies to all areas in Guyra Shire where an on-site sewage management system is permitted to be used.

When this Chapter applies

This chapter's provisions apply when an application for development is received by Council that will involve the installation of a new or altered onsite sewage management facility. It does not apply in respect of development identified as complying or exempt development in an environmental planning instrument applying to the land.

Aims and Objectives

- To ensure that adequate consideration is given to the ability of a particular site, to dispose of the effluent generated by a particular development, at the Development Application stage.
- To confirm the key regulatory documents that will inform Council's assessment of site suitability and to reduce the duplication of regulatory controls.
- To confirm the level of information needed for Council to make informed assessment of development applications that will ultimately involve the installation of new or revised on-site sewage management systems.
- To prevent risks to public health and to protect waters and land resources from adverse impacts related to effluent treatment and disposal.

Relevant Regulatory Documents

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

Environmental Health and Protection Guidelines – On-site sewage Management for Single Households - which can be found on the NSW Department of Local Government website.

Australian/New Zealand Standard AS/NZS 1547:2012 On-Site Domestic Wastewater Management

Development Application Requirements – Single Dwellings and Ancillary Structures

In order for Council to make an informed assessment of the suitability of a dwelling site for On-site Sewage Management, the following information must be submitted to Council as part of the Development Application process:

- a. A detailed site plan identifying the location of all components of the proposed On-site Sewage Management System (OSMS). The site plan must also show the location of all of the following features on the site:
 - The distance of the OSMS to any waterway shown on the Natural Resources Water Map in BLEP 2010 or any dams or bores in the vicinity.
 - The slope of the land in the vicinity of the OSMS
 - Existing Vegetation in the vicinity of the OSMS
 - Any geological features such as rocky outcrops.
- b. An investigation of soil characteristics in the proposed location for the OSMS, carried out in accordance with the provisions of Table 5.1 of AS/NZS 1547:2012, found in Table 7.1.

- c. The required information need not be submitted by a suitably qualified person, provided that the level of detail is sufficient to inform Council's consideration of the Application.
- d. Upon consideration of the required information, Council may proceed with making a determination of the application or may determine that additional information is required to properly determine whether the site is suitable for the development as proposed.

Table 7.1 – Determination of Soil Category in the Proposed Location of the OSMS

Soil category (see Notes 1 and 2)	Soil texture	Structure	Indicative permeability (K_{sat}) (m/d) (see Note 2)
1	Gravels and sands	Structureless (Massive)	> 3.0
2	Sandy loams	Weakly structured Massive	> 3.0 1.4 – 3.0
3	Loams	High/moderate structured Weakly structured or massive	1.5 – 3.0 0.5 – 1.5
4	Clay loams	High/moderate structured Weakly structured Massive	0.5 – 1.5 0.12 – 0.5 0.06 – 0.12
5 (Note 3)	Light clays	Strongly structured Moderately structured Weakly structured or massive	0.12 – 0.5 0.06 – 0.12 < 0.06
6 (Note 3)	Medium to heavy clays	Strongly structured Moderately structured Weakly structured or massive	0.06 – 0.5 < 0.06 < 0.06
<p>NOTES:</p> <ol style="list-style-type: none"> 1 Soil category determination shall take into account the soil horizons within the depth range into which effluent is absorbed (see 5.2.3). Figure B1 may be used to report on the overall soil category determined from the inspection of the individual soil layers. Table E1 should be used to assist in determining soil category from soil texture assessment. 2 The values of indicative permeability K_{sat} are based on the movement of water, not effluent, through the soil. They are estimates only and shall be used with caution in assisting the determination of the soil category. In the field, soil permeability is strongly influenced by the presence of biological channels such as old root holes, termite, ant and worm passages, as well as shrinkage cracks, and not merely by soil texture. A virgin clay-based soil under native bush could easily be ten times as permeable as the same soil under frequent cultivation or compacted by heavy traffic. More accurate estimates for effluent K_{sat} values may be obtained by modifying the characteristics of the test water to better match that of effluent, particularly the salt composition. See Appendices F and G. 3 For clay-dominated soils having dispersive (sodic) or shrink/swell behaviour, specialist soil advice and special design techniques will be required to enable their use for land application systems. Generally these soils will have very poor soil drainage. 			

(Source: AS/NZS 1547:2012 – Table 5.1)

Alternative Solutions

Council may consider variations to the standards required of development in this chapter when the overall aims of this chapter and any specific aims that may be detailed for that particular standard can be achieved.

Chapter 8 Access and Parking

About this Chapter

This chapter of the DCP been prepared for the assistance of prospective developers and the guidance of Council's staff as a guide to Council's requirements in connection with the provision of car and bicycle parking, access and loading facilities as part of development works within the Guyra Shire. This chapter supports desired growth while protecting traffic and pedestrian flows.

Where this Chapter applies

This Chapter applies to all zones under the Guyra LEP.

Aims and Objectives

To provide a guide for the provision of access and parking associated with development in Guyra Shire, the aims and objectives of this chapter are as follows:

- To ensure that adequate provision is made for off-street parking of passenger and service vehicles, commensurate with the volume and turnover of all traffic likely to be generated by the development;
- To reduce dependency on kerb-side parking, particularly within the Guyra township, to assist in safe pedestrian and vehicle movement;
- To ensure that parking areas are safely and attractively constructed, designed and landscaped, to encourage their use by both vehicles and pedestrians;
- To apply parking standards, so as to recognise historic deficiencies in the provision of off-street parking on individual sites;
- To encourage the provision of facilities for parking of vehicles, used by people with disabilities and of cycles, within appropriate developments;
- To encourage the use of bicycles as a healthier and more environmentally friendly and sustainable means of transportation;
- Parking areas, once established, are maintained in an adequate condition that continues to provide facilities that comply with those required when development consent was granted; and
- To provide developers with convenient, clear and precise information of Council's requirements for off-street parking.

Proposals Requiring Development Consent

General Principles

In determining the parking and traffic requirements for a development proposal, Council will take into account the following matters;

- the likely demand for off-street parking generated by the development;
- the availability of public transport and public parking facilities in the vicinity to service the proposed development;
- the probable mode of transport of the users of a development;
- the likely peak parking demand of a proposal;
- the existing traffic volume on the surrounding street network and where relevant, the potential future traffic volumes;
- the desirability of rationalising on-site parking within commercially zoned areas.

Each development application will be treated on its merits in relation to the general principles listed above and the heads of consideration, under Section 79C of the Environmental Planning and Assessment Act, 1979.

Applicants are advised to consult with Council staff at a preliminary stage prior to submitting development applications, particularly for major developments, or where departures from the Plan

are proposed. Council offers a Pre-Application Assessment Service for such proposals involving senior officers of Council, who should be contacted to arrange a mutually convenient time for such a meeting.

Development Applications should be submitted on Council's current application forms in accordance with the instructions accompanying those forms. A standard fee based on the estimated cost of work will be charged.

A summary of Council's requirements for documentation to accompany applications, is available from the Council's planning staff. Council may not accept an application which it regards as inadequate or incomplete and may seek additional information. Applications should deal with all aspects of off-street car parking proposed in connection with a development, including:

- calculations of car parking requirements under this Plan;
- location and dimensions of parking spaces, aisles and driveways;
- pavement construction/treatment and drainage;
- landscaping proposals, including the type and mature height of species to be planted;
- any changes of level within a site (both existing and "finished").

Council may require additional information necessary, to allow staff to properly assess an Application.

Major traffic-generating development requires referral to the Roads and Maritime Services under the provisions of State Environmental Planning Policy (Infrastructure) 2007. In these cases, a professionally-prepared traffic study is required. The RTA publication, "Guide to Traffic Generating Developments" provides relevant information, particularly where large parking areas are involved. Applicants are strongly advised to use the services of architects, design draft-persons, landscape architects, surveyors, environmental planners and engineers, as appropriate within their field of expertise, to design their parking areas.

Access and Traffic Generation

The potential of a development to create additional traffic loads on the road network needs to be assessed. For smaller developments, there is unlikely to be any appreciable impact, and it will be sufficient to ensure that safe access (road connection and footpath crossing) is provided as required.

For more significant developments, Council may require a Traffic Impact Study to be undertaken in order to address the following matters:

- The rate of traffic generation associated with the proposed development;
- The impact(s) the traffic generated by the development will have on traffic efficiency, amenity, safety, and road pavement life;
- The cost impacts of traffic generated by the development and how those costs are to be met; and

In addition, consideration must be given as to whether the development constitutes 'traffic generating development' (as per Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007), and thus whether it must be referred to the RMS for comment.

Parking Requirements

General

- The provisions of this chapter will be applied to new development. The provisions of this chapter will also be applied to the extension of an existing building or works as if it were an independent development;

- Off-street parking provision now provided to existing developments shall be retained. Additional parking spaces required for any new development or redevelopment shall comply with the provisions of this chapter;
- In the case of a change in the use of an existing building, Council will apply the provisions of this DCP if it considers that the proposed new use will produce a substantially different parking requirement than those attributable to the existing use; and
- The total number of on-site parking spaces provided in association with new development shall be in accordance with the recommended ratios set out in Appendix A, subject to any qualifications or exceptions which may be applicable in the circumstances of the case. In this regard parking proposals that provide less parking than required by this Chapter shall be supported by a parking study.

Provision of Parking Spaces

Aims:

- To provide accessible car and cycle parking; and
- To provide sufficient car and cycle parking to serve the needs of particular developments.

Performance Outcomes:

- New parking bays are sufficient in number and design to provide appropriately for the needs of new developments;
- Adequate provision is made for parking for people with disabilities; and
- All parking bays must be readily accessible and an adequate area is provided for the turning and manoeuvring of vehicles.

Acceptable Solutions:

- Council will require the provision of on-site parking as set out in APPENDIX A of this chapter for any particular type or category of development;
- Parking is provided on the site of the development;
- the design and layout of on-site/off-street car parking facilities are based upon AS/NZS 2890.1-2004 "Parking Facilities Part 1 Off Street Car Parking";
- Provision of car parks for people with disabilities shall be in accordance with AS 2890.6 (2009);
- Driveways shall be located so that stopping sight distances are adequate for the design speed of the adjacent road. Sight distance should be in accordance with Section 3 of *AustRoads – Guide to Road Design Part 4A – Unsignalised and Signalised Intersections*.
- All required parking areas, driveways, turning areas and loading areas are paved in either a bitumen seal coat, asphaltic or bituminous concrete, cement concrete, concrete paving blocks, or brick paving blocks. *Note: The standard of paving required will be dependent upon the type of development proposed, with regard to traffic loadings including turning movements of heavy vehicles;*
- In villages and rural areas paving to driveways, turning areas, loading areas and parking areas shall be all-weather;
- All parking spaces shall be suitably marked by lines, or indicated by other approved means;
- Parking areas should take into account the likely visual impact of these areas in the context of the surrounding development and streetscape through incorporation of landscaping (see figure 8.1) to "soften" the appearance of large paved surfaces and multiple rows of vehicles, as well as provide shade for users and assist with surface water runoff while not prejudicing safety aspects such as visibility and user security - for further information see the NSW Police Guidelines – Safer by Design (2001);
- That the planting of trees and shrubs be considered for landscaping to improve the appearance of car parks and enhance user amenity through sun control such as through the planting of deciduous trees advantageous for the prevailing climatic conditions in the Northern Tablelands. Species should also be selected and located to avoid maintenance problems such as interference with overhead wires, underground conduits, damage to

paved areas by root systems, and leaf and branch litter. Individual trees/shrubs have different functional and aesthetic characteristics and Council aims to provide a balance between native and exotic species (see table 8.1); and

- Free and uninterrupted access to car parking areas shall be maintained at all times.

Note: When assessing car parking spaces provided, no account shall be taken of spaces which do not have direct access to a driveway, or which are double banked (except where specific provision is made for tandem or "stack" spaces) or obstructed in any way.

Figure 8.1 – Tree Protection In Carparks

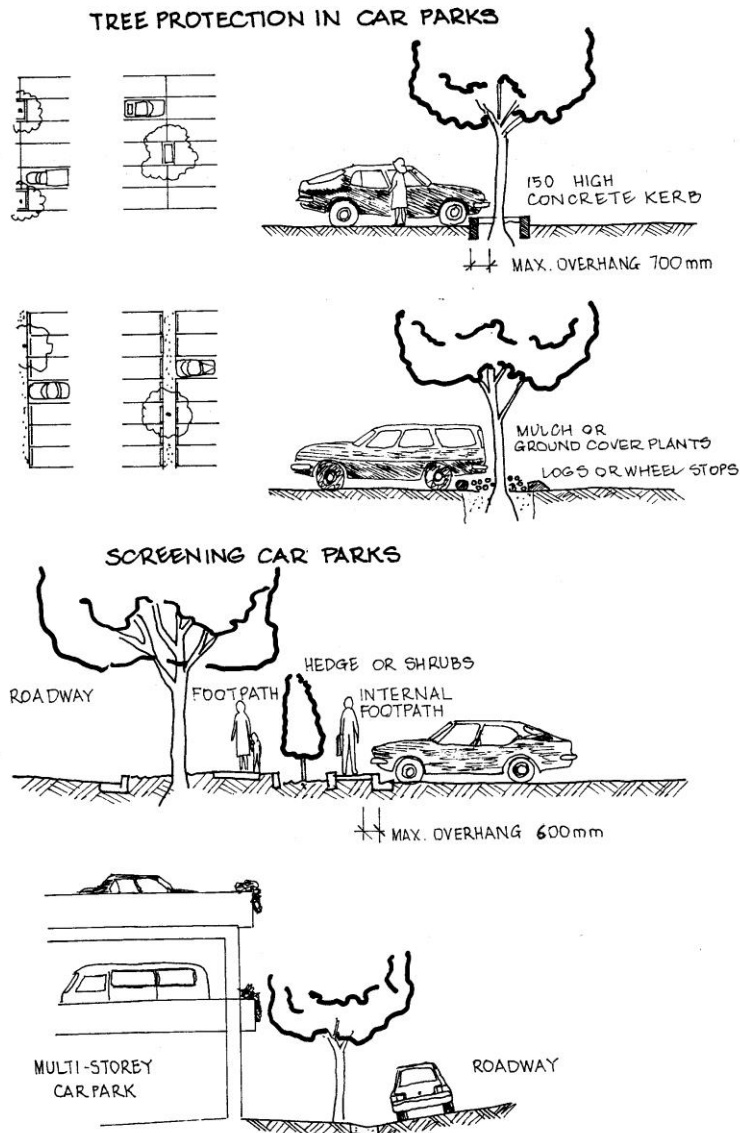


Table 8.1 - Preferred Species List For Street Trees*Scientific Name Common Name Approx Mature HEIGHT (metres)*

SCIENTIFIC NAME	COMMON NAME	APPROX MATURE HEIGHT (metres)
Acer buergerianum	Trident Maple (D)	17
A. platanoides	Norway Maple (D)	15
A. saccharum	Sugar Maple (D)	45
A. japonicum	Japanese Maple (D)	4-6
Aesculus hippocastanum	Horse Chestnut (D)	15
Allocasuarina littoralis	Black She Oak (E)	12
Callistemon rigidus	Erect Bottlebrush (E)	4.7-6
Callistemon viminalis 'Hannah Ray'	Weeping Bottlebrush (E)	8
Chionanthus retusus	Chinese Fringe Tree (D)	10
Eucalyptus michaeliana	Hillgrove Gum (E)	10-15
Eucalyptus pauciflora	Snow Gum (E)	20
Eucalyptus scoparia	Wallangarra White Gum (E)	10
Fraxinus excelsior 'Aurea'	Golden Ash (D)	10
Ginkgo biloba (Male Trees Only)	Ginkgo (D)	15
Koelreuteria paniculata	Golden Rain Tree (D)	7
Lagerstroemia indica	Crepe Myrtle (D)	7
Liquidambar styraciflua	Sweetgum (D)	25
Malus ioensis 'Plena'	Crab Apple (D)	3
Nyssa sylvatica	Sour Gum (D)	15
Pistacia chinensis (Male Trees Only)	Chinese Pistacia (D)	12
Platanus x hybrida	London Planetree (D)	15
Populus x canadensis 'Aurea'	Canadian Poplar (D)	15
Prunus cerasifera 'Pissardii Nigra'	Blood Plum (D)	4
Prunus x blireana	Flowering Plum (D)	4
Prunus serrulata	Japanese Cherry (D)	12
Pyrus calleryana	Callery Pear (D)	15
Pyrus salicifolia var pendula	Weeping Silver Pear (D)	4
Pyrus ussuriensis	Manchurian Pear (D)	10
Quercus coccinea	Scarlet Oak (D)	20
Quercus palustris	Pin Oak (D)	25
Quercus rubra	Northern Red Oak (D)	25
Robinia pseudoacacia 'Frisia'	Black Locust (D)	15
Sorbus aria	Whitebeam (D)	25
Sorbus aucuparia	Rowan Tree (D)	10
Ulmus glabra 'Lutescens'	Golden Elm (D)	8
Ulmus procera 'Louis van Houtii'	English Elm variety (D)	12
Zelkova serrata	Japanese Zelkova (D)	12

Alternative approaches and design suggestions:

A design that complies with the relevant Australian Standard, AustRoads guidelines and/or any relevant State Environmental Planning Policies will be considered.

While the Council would normally expect the provision of car parking to be on the site of the development, Council is prepared to consider the provision on other land owned or leased by the developer provided that the alternate location is convenient to the subject development, and an appropriate legal mechanism is put in place to ensure the ongoing availability of the off-site parking for the life of the development.

Where developers are unable to meet the requirement to provide on-site parking, Council may require a cash contribution in lieu. Contributions will be based upon the number of spaces, rate of total parking demand, cost of provision and Council's ability to provide parking.

APPENDIX A

Minimum Off-street Car, Service Vehicle and Bicycle Parking Provision for New Development

The standards presented in this section are intended as a guide. Council will assess the extent and size of the service vehicle parking areas to be provided, having regard to the nature of a particular development and its likely servicing requirements.

In cases where provision of separate off-street loading/unloading areas may prove difficult, Council may consider requests from applicants to allow:

- ◆ Shared parking and loading areas, with limitations on the hours during which vehicular loading / unloading may take place; or
- ◆ Creation of kerbside loading zones.

The bicycle parking standards used in APPENDIX A have been derived from the NSW Department of Infrastructure Planning and Natural Resources '*Planning Guidelines for Walking and Cycling* (2004)' and the *AustRoads/Standards Australia 'Guide to Traffic Engineering Practice – Bicycles, Part 14 1999'* and are intended as a guide. Council will assess the extent and size of the cycle parking areas to be provided, having regard to the nature of a particular development and its likely requirements.

CAR AND CYCLE PARKING PROVISION - ACCEPTABLE SOLUTIONS

Land Use	Minimum Parking Spaces required (Note: GFA = Gross Floor Area)	Minimum Service Vehicle Parking Spaces required Note: Council will assess the extent and size of the service vehicle parking area to be provided having regard to the nature of a particular development and its likely servicing requirements.	Minimum Bicycle Parking required	
			Staff (Long-term Use, Secure parking, lockers and shower required)	Customer/Visitor (Short-term Use, see Figure 3 for design details)
Car Repair Stations, Car Tyre Retail Outlets, Service Stations	6 Spaces per work bay plus separate provision for any service station shop at 1 space per 40m ² GFA of that shop.	See Note above		
Caravan Parks	1 space per site plus 1 visitor space per 10 sites.			
Churches/ Places of Public Worship	1 space per every 3 seats. Note: If church and church hall are situated on the same site, provision need only be made for whichever building generates the higher parking requirement.	See Note above	1 per 1500 m2 GFA	2, plus 1 per 1500 m2 GFA
Commercial Premises and Public Buildings (including offices and showrooms)	1 space per 40m ² GFA.	One space per 4,000m ² GFA or part thereof for areas up to 20,000m ² ; thereafter, One space per 8,000 ² GFA or part thereof (50% of spaces adequate for trucks).	Offices: 1 per 200m2 GFA	Offices: 1 per 750 m2 GFA, once GFA exceeds 1000m2
Doctors and Dentists Surgeries	See "Medical Centre"			
Educational Establishments (not including tertiary education hostels - see "Other Residential Buildings")	a) School: 1 space per full-time staff member plus 1 space for every ten Year 11 and 12 Students, plus bicycle storage, plus pick up / set down area. b) Adult Education: 1 space per 2 staff members plus 1 space for every 5 students not resident on campus, plus bicycle storage. c) Pre-Schools and Child Care Centres: 1 space per employee plus pick up / set down area.	See Note above	1 space per 100 full-time students (tertiary) 1 space per 5 pupils (primary and secondary)	

Land Use	Minimum Parking Spaces required (Note: GFA = Gross Floor Area)	Minimum Service Vehicle Parking Spaces required Council will assess the extent and size of the service vehicle parking area to be provided having regard to the nature of a particular development and its likely servicing requirements.	Minimum Bicycle Parking required	
General Stores	See "Retail Shops"			
Hospital, Nursing Homes, Convalescent Homes, etc. (Excluding Aged or Disabled Persons Housing see "Residential Development)	1 space per 5 beds plus 1 space per 3 employees and resident doctors, plus 1 space suitable for ambulance (minimum)	See Note above		
Hotel, Motels, Taverns, Reception Rooms and Clubs (licensed)	1 space per residential unit/room plus 1 space for any residential manager, and 1 space per 2 non-resident employees. 1 space per 6m2 of customer service area for function / restaurant / bar and reception room areas (not required if access to such areas is only available to residents). Provision for coaches to pick up and set down may also be required for large establishments.	Hotels and Motels: One space per 50 bedrooms or part thereof or bedroom suites for the first 300 bedrooms or bedroom suites or part thereof, and one space per 100 bedrooms or bedroom suites thereafter, plus one space per 1,000m ² GFA or part thereof of public area set aside for bar, tavern, lounge and restaurant (50% of spaces adequate for trucks or coaches).		
Industry/Factory	1 space per 100m ² GFA. Note- Provision must be made for service vehicle parking at a rate of 1 space per 800m ² or part thereof and thereafter will be assessed on merit			
Medical Centre or Clinic (including Professional Consulting Rooms) where health care professionals practice.	4 spaces for the first practitioner then 3 for each additional practitioner. Allowance will be made where different practitioners' hours of operation are not concurrent.	See Note above	1 per 400 m2 GFA	
Mortuary / Funeral Parlours	1 space for every 3 seats.	See Note above		

Land Use	Minimum Parking Spaces required (Note: GFA = Gross Floor Area)	Minimum Service Vehicle Parking Spaces required Council will assess the extent and size of the service vehicle parking area to be provided having regard to the nature of a particular development and its likely servicing requirements.	Minimum Bicycle Parking required	
Motor Showrooms (including new and used car yards)	1 space per 130m ² display site area plus additional parking for workshop or service facility at Car Repair Station rate.	See Note above		
Places of Public Assembly (includes public stadiums, halls, theatres, cinemas, etc)	1 space per 3 seats.	See Note above	2, plus 1 per 1500 m ² GFA	2, plus 1 per 1500 m ² GFA
Recreation Facilities (including indoor and outdoor sporting venues)				
Amusement Parlours	1 space per 40m ² GFA plus bicycle parking.	See Note above		Indoor recreation facilities: 1 per 200 m ² GFA Outdoor recreation facilities: staff - 1 per 1500 spectator places, customer/visitor - 1 per 250 spectator places
Bowling Alleys, Squash and Tennis Courts, Golf Courses, Swimming Pools	3 spaces per lane, court or green.	See Note above		
Bowling Greens	30 Spaces for the first green, and 15 spaces for every green thereafter.	See Note above		
Football, Cricket Pitches, Netball Courts	Minimum of 10 spaces per pitch or court.	See Note above		
Gymnasiums, Fitness Studios, etc	1 space per 40m ² GFA.	See Note above		
Other Facilities	At Council's discretion	Road Transport Terminals, Bus Stations, and Liquid Fuel Depots and the like: One space per car/truck/van/bus at the time of estimated peak parking accumulation.		

Land Use	Minimum Parking Spaces required (Note: GFA = Gross Floor Area)	Minimum Service Vehicle Parking Spaces required Council will assess the extent and size of the service vehicle parking area to be provided having regard to the nature of a particular development and its likely servicing requirements.	Minimum Bicycle Parking required	
Disabled / Aged Persons' Housing	Refer to State Environmental Planning Policy (Seniors Living)	Residential flat buildings: Multiple unit developments with long access driveways to provide for access by furniture removal van, garbage collection and emergency vehicles.		
Residential Development	1 Covered Space for each unit of 1 to 3 bedrooms 2 covered spaces for each dwelling with 4 or more bedrooms. Note Visitors parking shall be provided at a rate of 1 space for every 3 dwellings or part thereof.			
Shared Accommodation Buildings (eg: tertiary education hostels, boarding houses, group homes and the like)	1 space for every 3 bedrooms, plus 1 space for any resident caretaker / manager.			
Restaurants / Refreshment Rooms				
In Commercial (Business 3) zone	1 space per 40m ² GFA.	Department stores: One space per 1,500m ² GFA or part thereof for the first 6,000m ² and one space per 3,000m ² GFA or part thereof thereafter (all spaces adequate for trucks). Supermarkets, Shops and Restaurants: Supermarkets, Shops and Restaurants: One space per 400m ² GFA or part thereof for the first 2,000m ² GFA and one space per 800m ² GFA or part thereof thereafter (50% of spaces adequate for trucks). Other: At Council's discretion, having regard to the estimated peak parking demand for the proposed use.	Warehouse, Industrial including, Automotive Industries, Bulky Goods Retail Outlets: One space for the first 800m ² GFA or part thereof and thereafter developments will be assessed on merit.	Shops/restaurants/cafes/hotels : 1 per 300m2 GFA Bulky goods showroom: 1 per 750m2 GFA Warehousing: 1 per 1000m2 GFA
Elsewhere	1 space per 6m ² customer service area.			
Drive-in Takeaway Food Outlets	1 space per 9m ² GFA, plus 1 space per 5 seats, plus queuing for 8 cars within the drive-through facility.			
Retail Markets	1 space per 40m ² of "Market Area" (see Definition in Item 1.5).			
Retail Plant Nurseries and other outdoor retail / display uses	1 space per 130m ² display area, plus 1 space per 40m ² GFA for any indoor retail areas.			
Road Side Stalls	Minimum of 4 spaces			
Shops (see also Retail Markets, Retail Plant Nurseries)	1 space per 40m ² GFA (plus Trolley storage areas where appropriate).			

Land Use	Minimum Parking Spaces required (Note: GFA = Gross Floor Area)	Minimum Service Vehicle Parking Spaces required Council will assess the extent and size of the service vehicle parking area to be provided having regard to the nature of a particular development and its likely servicing requirements.	Minimum Bicycle Parking required	
Bulky Goods Retailing	1 space per 300m ² GFA. 1 space per 100m ² bulky goods retail space. Note- Provision must be made for service vehicle parking at a rate of 1 space per 800m ² or part thereof and thereafter will be assessed on merit			
Warehouse / Bulk Stores	1 space per 300m ² GFA. 1 space per 100m ² bulky goods retail space Note- Provision must be made for service vehicle parking at a rate of 1 space per 800m ² or part thereof and thereafter will be assessed on merit			
Any other use/activity	At Council's discretion, having regard to the estimated peak parking demand for the proposed use.			

Chapter 9 Commercial Use of Public Footways

About this Chapter

This Chapter provides a framework for managing the commercial use of public footways.

Where this Chapter applies

This Chapter applies to land zoned Business (B2, B4) under the Guyra LEP.

General Advice to Applicants for Commercial Use of Public Footways

Aims:

- To support the Guyra LEP by providing additional detail and guidance on the regulation of the commercial use of public footways and public spaces; and
- To enable businesses to enter into a lease agreement with Council, for the use of public footways and public spaces within the business zones, for certain commercial purposes in the Guyra Local Government Area.

Objectives:

- To manage footpath use by private enterprise in a controlled and safe manner;
- To ensure the commercial use of footways does not compromise safety;
- To permit the provision of outdoor seating in the business zone;
- To minimise the risk of injury to the public;
- To ensure a free path of travel for all pedestrians;
- To ensure access to and from premises is not obstructed;
- To ensure people with a disability are not disadvantaged; and
- To provide additional colour and interest to the business areas of the shire.

Gaining Approval

The following approvals/consents are required to be obtained prior to the use of public footways for commercial purposes:

- Development Consent under Part 4 of the EP&A Act;
- Approval under clauses 125 and/or 138 of the *Roads Act, 1993*;
- Approval under clauses 68 of the *Local Government Act, 1993*.

Should Council determine to grant consent to an application for the commercial use of a public footpath, Council will obtain/issue the abovementioned approvals/consents as part of the development consent process.

Lease Agreement

As well as the abovementioned approvals the applicant shall enter into a lease agreement with Council for the area of public land used by the development. The term of any lease agreement shall not exceed the term of the development consent. The lease charges are detailed in Council's current Management Plan.

Public Liability Insurance

As a condition of any approval Council will request that at all times the applicant shall have in force a Public Liability Insurance policy in the sum of not less than \$10,000,000 or otherwise as specified by Council. The policy shall include the public area the subject of the development consent and

shall indemnify Council in the event of any claim. Council shall be named in the policy as an interested party.

A copy of the policy shall be lodged with Council prior to the release of the development consent and thereafter annually.

Hours of Operation

The hours of operation of any commercial use of a public footpath shall not exceed the hours of operation of the associated premises.

Footpath Clearance and Building Access

Introduction and General Provisions:

The layout of activities and outdoor furniture pertaining to any use of a public footpath should maintain unobstructed pedestrian flows and should not compromise the safety of the footpath's users. It should also enhance or complement the existing neighbourhood character.

Aims:

- To ensure the commercial use of footways does not compromise the access or safety of its users and pedestrians.

Performance outcomes:

- Commercial use of footpaths is arranged so that there is enough room for its users to move around without obstructing or endangering pedestrians;
- Unobstructed access along the footpath as well as to and from all premises is maintained at all times;
- The width of any required emergency exit is not diminished, obstructed or encroached upon by any use of the footpath;
- Vehicular traffic entitled to cross the footpath is not obstructed by any use of the footpath;
- Access for disabled persons is not obstructed by any use of the footpath; and
- Outdoor furniture or stands are stable and safe.

Acceptable solutions:

- Except for blisters (see Figure 9.3), commercial uses of footpaths must be located outside the associated premises. In this regard commercial uses of footpaths shall be set back 1 metre from the associated premise's projected side boundaries and 600mm from the kerb;
- A clear pedestrian pathway of at least 2 metres wide must be maintained along the footpath. This clear pathway must be kept clear of obstacles (including sandwich boards) at all times.
- Doorways and crossovers must be maintained clear at all times for a width at least equal to that of the doorway or crossover;
- Outdoor furniture/stands/umbrellas must be stable with no sharp corners, edges or projections;
- Outdoor furniture/stands/umbrellas must not be fixed to the pavement but care must be taken to ensure stability in windy conditions; and
- Freestanding umbrellas may be used in areas without shade only and they must not overhang any pedestrian corridor and must have a minimum clearance of 2.1 metres.

Note: 900mm high (canvas) screens and/or planter boxes of a high standard of appearance may be used to delineate dining areas subject to Council approval.

- Commercial uses along footpaths should generally be arranged as shown in Figure 9.1 through Figure 9.3.

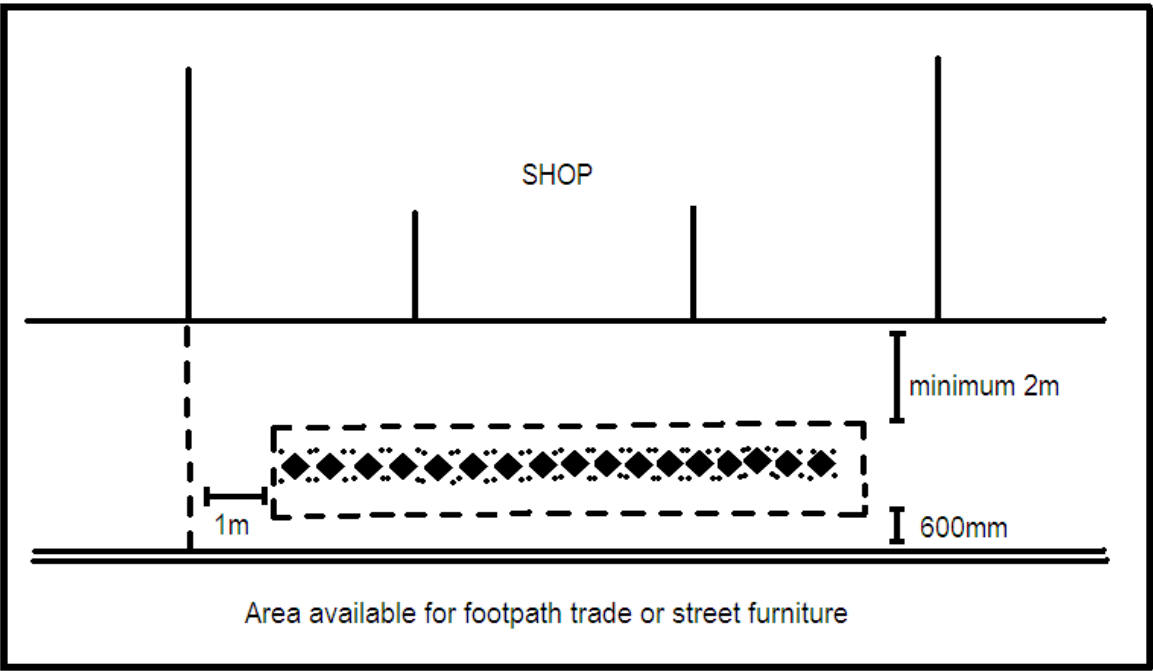


Figure 9.1 Footpath Lease Area Adjacent to the Kerb

Additional seating or display space may be available by placing the dining or display area towards the kerb. Where shopkeepers wish to use a combination of shopfront and kerbside dining or display areas, then a transition zone not less than three metres long shall be maintained where a deviation in the pedestrian thoroughfare is required. These facilities shall be located in accordance with Figure 9.2.

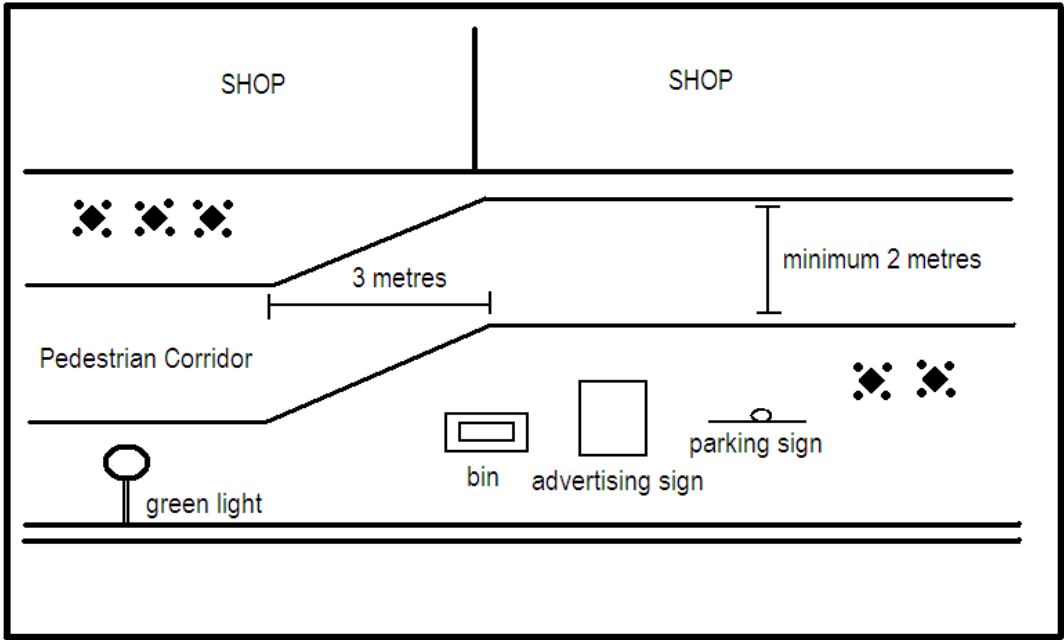


Figure 9.2 Alternative Footpath Lease Area Arrangements

Kerb blisters provide ideal areas for commercial activities to take place. Council may consent to the use of kerb blisters for footpath dining or other uses where the use extends in front of adjoining shops where no objection is raised by the adjoining shopkeeper. (Figure 9.3).

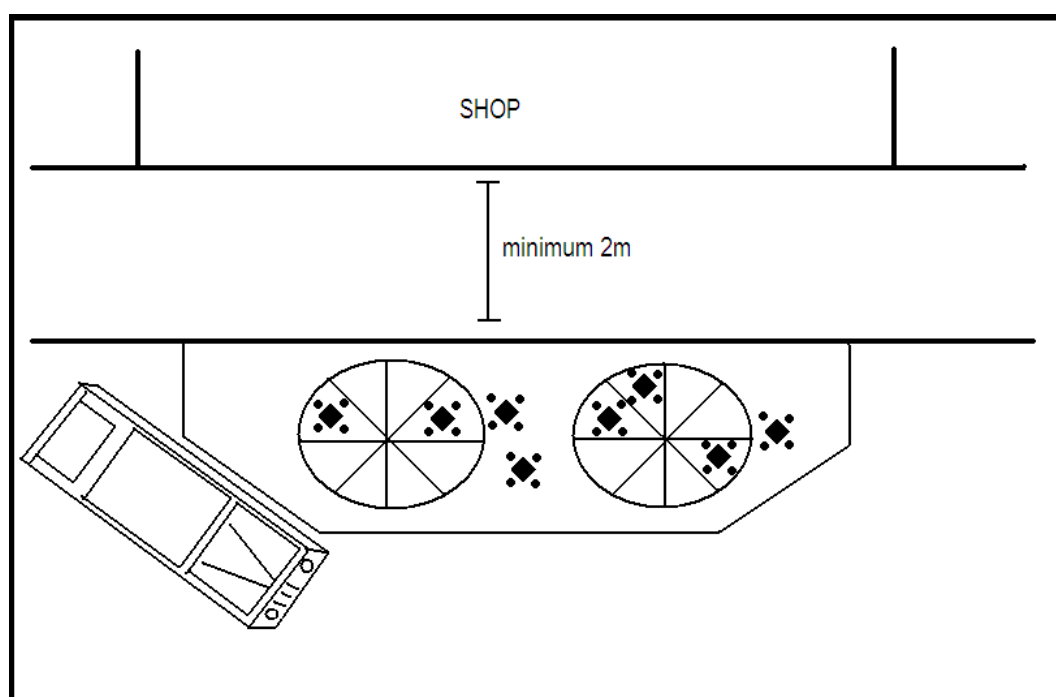


Figure 9.3 Blister Dining or Displays

Operation of Outdoor Dining Areas

Aims:

- To ensure outdoor dining areas maintain good levels of hygiene; and
- To ensure an outdoor dining area does not compromise the access or safety of its users and other pedestrians.

Performance Outcomes:

- Outdoor dining areas are to be kept clean and managed as Council approved food premises;
- Outdoor dining areas and their users should not obstruct or endanger pedestrians; and
- Outdoor dining areas should not detract from the existing or preferred neighbourhood character.

Acceptable Solutions:

- Outdoor dining areas are provided only in conjunction with Council approved food premises;
- The outdoor dining area is either in front or immediately adjacent to the food premises;
- Outdoor dining areas do not operate beyond the approved hours of operation for the associated food premises;
- Outdoor dining areas are only to be located on sealed surfaces that comply with all of Council's requirements. *Note: Should an applicant propose outdoor dining on an unsealed surface, the applicant will be required to pay the cost of construction for the required sealed surface;*

- Outdoor furniture, other facilities and the pavement are kept clean and free of food scraps or other droppings and litter at all times;
- The lessee provides and maintains litter bins in the dining area;
- An outdoor water point is provided, such being recessed into the wall of the associated food premises and is used for cleaning the outdoor dining area as required;
- The lessee steam cleans the pavement of the outdoor dining area and adjacent pavement immediately if directed to do so by an officer of Council;
- Outdoor furniture is maintained in an aesthetically pleasing condition; and
- Outdoor furniture is kept strictly within a bounding area in compliance with the requirements outlined above in the *Footpath Clearance and Building Access* clause.

Merchandise Displays on Public Footpath Areas

Aims:

- To ensure merchandise displays on public footpath areas do not compromise the access or safety of pedestrians.

Performance Outcomes:

- Displays shall not interfere with safe pedestrian use of the footpath.

Acceptable Solutions:

No Council approval is required for the placement of merchandise displays within the road reserve (footpath) provided that it complies with the following requirements:

- Merchandise from each business house must be located immediately in front of the subject premises only, and must not obstruct pedestrian or vehicular traffic unnecessarily;
- The merchandise must be located in accordance with Figures 9.1, 9.2 and 9.3 and shall be removed from the road reserve at night;
- The merchandise is to be anchored to the satisfaction of the Council, e.g. suitably designed 5kg weight or an approved recessed ring;
- Shopkeepers/proprietors are responsible for ensure adequate Public Risk Insurance coverage (to a minimum of \$10m) is taken out to indemnify Council against any claims for damages that may arise from claims of damage from the merchandise. A copy of the current Policy is to be submitted to Council annually; and
- A clear pedestrian pathway of 2m shall be maintained at all times between merchandise displays and any street furniture located wholly or partly within the clear pathway.

Sandwich Boards

Aims:

- To ensure that the placement of sandwich boards on public footpath areas do not compromise the access or safety of pedestrians.

Performance Outcomes:

- Sandwich boards are to be secured to ensure stability; and
- Sandwich boards shall not interfere with safe pedestrian use of the footpath.

Acceptable Solutions:

No Council approval is required for the placement of a sandwich board sign within the road reserve (footpath) provided that it complies with the following requirements:

- One (1) sandwich board type sign will be permitted for each business house, with business houses having a street frontage of 10 metres or greater allowed to have one additional sign (total of 2 sandwich board signs);
- The sign(s), when located on the footpath must not obstruct pedestrian or vehicular traffic and shall be located in front of the business premises to which they refer;
- A minimum 2 metre clear pedestrian pathway shall be maintained at all times along the footpath, and a clear space of 2m shall be maintained at all times between a sandwich board and any street furniture located wholly or partly within the clear pathway;
- The sign should not exceed 1m x 1m in size;
- Sandwich board signs must not be located at any time on roadside blisters;
- The sign must be removed from the road reserve (footpath) at night;
- The board is to be anchored to the satisfaction of the Council, e.g. suitably designed weight (minimum 5kg) or an approved recessed ring; and
- Shopkeepers/proprietors are responsible for adequate Public Risk Insurance coverage (to a minimum of \$10m) is taken out to indemnify Council against any claims for damages that may arise from claims of damage from the signs. A copy of the current Policy is to be submitted to Council annually.

Chapter 10 Signage and Outdoor Advertising

About this Chapter

The purpose of this chapter is to provide guidance about the permissible use of signage and outdoor advertising. It provides information from State Environmental Planning Policy 64 – Advertising and Signage, and State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 both of which apply to Guyra Shire.

If there is any inconsistency between the chapter and the above mentioned SEPPs, then the SEPPs take precedence.

Where this Chapter Applies

This Chapter applies to all zones under the Guyra LEP.

Aims and Objectives

- To provide guidance for development involving the erection of signs and advertising structures within Guyra Shire; and
- To ensure that the provisions of the relevant State Environmental Planning Policies are applied within the Guyra Shire.

Performance Outcomes

- Signs provide clear guidance about the type and nature of a business without imparting unacceptable adverse impacts on neighbours or the environment;
- Signs on or near heritage buildings are designed and located so as to minimise visual and other impacts on the heritage values; and
- Signs are to be of a type, size and location appropriate for the land zone and locale in which they are placed.

General advice to Applicants for Development

No Approval Required for Some Signs

Under SEPP (Exempt and Complying Development Codes) 2008, the following development is exempt development and thus no approval is required:

The replacement of:

- an existing building identification sign or the content of such a sign, or
- an existing business identification sign or the content of such a sign.

The standards specified are that the development must:

- replace a lawful sign, and
- not be greater in size than the sign that is replaced, and
- not be a sign that is flashing or animated, and
- not involve any alteration to the structure on which the sign is displayed, and
- not obstruct or interfere with traffic signs.

Note. The Summary Offences Act 1988 regulates or prohibits certain business signs.

Development Applications

- All advertising structures (except those listed above as not requiring approval) are subject to a development application prior to being erected;

- A development application fee is payable as specified in Council's current Management Plan; and
- The application shall indicate the sign's position and location, site, size, construction details, if double sided, distance from other signs, wording, and colour. (The sign must be non-flashing and not interfere with traffic.)

In determining an application for a sign, Council shall take into consideration the following matters:

- The aims, objectives and performance outcomes of this chapter;
- The need to limit the number of signs to any one business;
- Requirements for advertisers to maintain their signs in good order and condition as part of the visual environment;
- The need to define the various types of signs;
- The likely impact of the proposed advertising structure on the amenity of the neighbourhood;
- The likely impact of the proposed advertising structure on the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance and its setting as the case may be;
- The likely impact of the proposed advertising structure on traffic safety in the locality; and
- The likely impact of the proposed advertising structure on Guyra and Tingha heritage sites.

A development consent for a sign or advertising structure will usually have a maximum period of 15 years after which time the consent will lapse [as per CI 14 of State Environmental Planning Policy No 64—Advertising and Signage].

Maintenance

All signs must be professionally painted and maintained in good order and condition, to Council's satisfaction, at all times.

Signs that are not acceptable

The following types of signs are not considered acceptable:

- Signs which project from the building facade and obscure the view of neighbouring buildings or interrupt the perspective view of the streetscape;
- Signs which obstruct any other existing signs;
- Signs fixed to trees or light, telephone or power poles, etc;
- Signs which could reduce road safety by adversely interfering with the operation of traffic lights or authorised road signs;
- Any sign which would, in the opinion of Council, be unsightly, objectionable or injurious to the amenity of the locality, any natural landscape, public reserve or public place;
- Signs on or attached to parked vehicles directing attention to a nearby business or goods for sale;
- Numerous small signs and advertisements carrying duplicate information;
- Any sign not on the land to which it refers or relates within the urban areas (except for tourist / directional signs);
- Overhead banners and bunting, except for:
 - temporary signs related to local festivals, fairs or celebrations; or
 - the opening of a new business, for a duration not exceeding two weeks;
- Signs on bus sheds, seats and waste bins unless approved by Council or for community related purposes; and

- Any sign located over the footpath which is lower than 2.6m above the footpath.

Illegal signs

Council will seek removal of all illegal, redundant and poorly maintained signs as an essential part of the total effort to achieve an orderly and interesting display of signage in the Shire. Council may order the advertiser to alter, obliterate, demolish or remove an advertisement and any associated advertising structure where:

- The advertisement is unsightly, objectionable or injurious to the amenity of any natural landscape, public reserve or public place at or near where the advertisement is displayed;
- An unauthorised advertisement is displayed;
- An unauthorised advertising structure is erected; or
- Alternatively, where the condition of an advertising structure threatens the safety of the public, Council may order the advertiser to do whatever is considered necessary to remove the threat.

Should the advertiser not comply with the order, Council will undertake the work and charge the advertiser for the cost of the work. In such cases Council will also seek to have fines imposed on the advertiser.

Acceptable Solutions

Signs shall comply with the specifications in Table 10.1 and can only be erected where they are permissible as detailed in this chapter and Guyra LEP.

Signs on or near Heritage Buildings or in Heritage Areas

The only permissible signs for heritage buildings are the following:

- Business identification signs;
- Building identification signs; and
- Replacement of the above signs.

A development application must be lodged for any new business identification or building identifications signs. In addition to the general requirements for a development application for a sign as noted above, a DA for a sign on or near a heritage building must explicitly address how any undesirable impacts of the sign will be minimised. Additional matters that will need to be considered include:

- Proposed sign location;
- Proposed sign colours and size of lettering;
- Proposed size of sign; and
- Proposed illumination of sign.

The following guidelines, which primarily aim to protect the heritage value of individual buildings and conservation areas, should also be considered for development involving outdoor advertising:

- Applied signs should not obscure the building silhouette presented to the street;
- Original signs should stay insitu wherever possible;
- Where a sign is of cast letters forming part of the architecture of the building but is no longer applicable to the business, it may be painted to match the background colour of the building;
- Signs are not to be painted onto stone or brick walls;
- Signs should not cover architectural details, including windows, doors or cast iron balustrading;
- Signs on modern buildings may be illuminated but may only be lit with continuous light ie, not blinking or intermittent;

- A preferable alternative to electric signage on historic buildings is illumination of the building which advertises its business as well as its heritage qualities;
- Lettering styles should be sympathetic with the architectural style of the building on which the advertisement is to be placed, especially for signage on or above awnings;
- The number of colours should be restricted to the minimum and the colours used should relate to the general colour effect of the building, especially for signage on or above awnings;
- Signs should not be placed on parapets unless it is part of the original design;
- Advertising is permitted on blinds; and
- Signs are to be stationary ie. non-motorised.

Street seat and bus shelter advertising

- A seat and bus shelter including advertising sign when located within the road reserve (on footpath) must not obstruct pedestrian or vehicular traffic unnecessarily;
- The area of any sign will not exceed 1.4m²;
- The advertisement will apply to local business houses only; and
- Council will control the location and wording of each sign.

Sandwich boards

See Chapter 9 Commercial Use of Public Footways.

Tourist information/directional signs

Notwithstanding any other provision of this Policy, Council may authorise the erection of signs, indicating the location of attractions in the locality including:

- Places of historic, scientific, educational or public interest;
- Picnic areas, parks or rest areas;
- Public buildings, public utilities or essential services;
- Recreational, sporting, charitable or religious facilities, including facilities for the motorist, e.g. caravan parks, camping areas, hotel/motels, service stations, churches and sports clubs; and
- Tourist related facilities or undertakings.

Signs in Residential Zones (R1 & R5)

The only permissible signs for residential zones are the following:

- Business identification signs;
- Building identification signs; and
- Replacement of the above signs.

Signs other than these are prohibited by clause 10 of SEPP 64 Advertising and Signage.

Signs in Business and Industrial Zones (B2, B4, IN1 and IN2)

Development consent will only be granted in respect of an advertising structure or advertisement displaying notices relating to the purpose for which the land is used. Note explicit limitations for signage on heritage buildings noted above.

Area and height of signs

- No advertising structures will have a surface area greater than 10m² except where such signs are replacement signs. In this case, if the sign is larger than that allowed and was erected prior to the introduction of this policy, Council may approve it provided that the new sign is not larger than the sign it replaces;

- The height of any free-standing sign will not exceed 8m from the ground except where it replaces an existing sign, in which case Council may approve such sign provided that it does not exceed the height of the original sign;
- The height of signs erected on roof lines shall not exceed 1m between the roof line and the bottom of the advertising sign;
- All advertising signs approved by Council are to comply with State and regional electricity regulations in respect to safety distances from electrical power lines and installations.

Location

- An advertising structure within the Business or Industrial Zones shall be located at the discretion of Council within the boundaries of the same lot to which the sign refers; and
- The location of advertising structures shall also be in compliance with the RMS requirements in respect of classified roads and RailCorp in respect of railway land. The same conditions shall apply to Council roads to prevent a sign from obscuring or interfering with safety.

Number of signs

There is a limit of two advertising structures in the Business Zones and four advertising structures in the Industrial Zones to each advertiser.

Signs in Rural Zones (RU1)

Signs that are permissible within zone RU1 are set out in clause 15 of SEPP 64 Advertising and Signage. Signs other than these are prohibited by clause 10 of SEPP 64 Advertising and Signage.

The location of advertising structures shall also be in compliance with the RMS requirements in respect of classified roads and RailCorp in respect of railway land. The same conditions shall apply to Council roads to prevent a sign from obscuring or interfering with safety.

Controls for signs greater than 20m² in area.

Clauses 17, 18 and 19 of SEPP 64 contain specific provisions for signs with an area in excess of 20m². Applications for such signage will need to comply with these provisions.

Table 10.1 Signage

SIGN TYPE	DEFINITION	REQUIREMENTS
Advertising Panel	Any advertising structure, other than those described below, which is unilluminated, including a hoarding or bulletin board	<ol style="list-style-type: none"> 1. not to extend laterally beyond the wall/boundary 2. projection above the top of the wall not to exceed 2.4m
Awning Sign: under-awning	Sign attached to the underside of an awning (other than the fascia or return end)	<ol style="list-style-type: none"> 1. Shall not exceed 2.5 metres in length 2. Shall not exceed 0.5m in depth 3. Shall be erected horizontal to the ground at right angles to the building and no closer than 2.6 metres from the ground 3. Shall not project beyond the awning 4. Shall be securely fixed by metal support 5. Maximum of 1 sign per 6 metres of street frontage with a maximum of 2 signs per business. Signs shall be spaced at least 6 metres apart from other under-awning signs on the same or adjoining properties
Awning Sign: above-awning	Sign attached to the upperside of an awning (other than the fascia or return end)	This form of sign is considered unacceptable in all areas.
Fascia Sign	Sign attached to the fascia or return of an awning	<ol style="list-style-type: none"> 1. Shall not project vertically or horizontally beyond the fascia or return end of the awning to which it is attached 2. Shall not extend more than 300mm from the fascia or return end of the awning
Floodlit Sign	Illuminated (as to any part of the advertising area) by an external light source and whether or not included in any other class of advertising structure	<ol style="list-style-type: none"> 1. Maximum size to be determined by signage type 2. Lighting medium must be at least 2.6 metres above the ground if the sign projects over a footpath 3. Lighting must not create glare to vehicles or pedestrians. 4. Lighting must be located to avoid light spill into residential properties
Flush Wall Sign	Attached to the wall of a building (other than the transom of a doorway or display window)	<ol style="list-style-type: none"> 1. Shall not project more than 300mm from the face of the wall 2. Shall not project beyond the corner of the building or above the parapet or eaves 3. Shall be located to complement the architecture of the building 4. Shall not cover any window or architectural projections 5. Shall not have an advertising area greater than 4.5m² 6. Where the sign projects more than 50mm from the face of the wall, the sign shall have a minimum clearance of 2.6 metres from ground level to the underside of the sign 7. Shall not be illuminated internally

Illuminated Sign	Illuminated (as to any part of the advertising area) by an internal source of artificial light and whether or not included in any other class of advertising structure	<ol style="list-style-type: none"> 1. Maximum size to be determined by signage type 2. Lighting must not create glare to vehicles or pedestrians. 3. Lighting must be located to avoid light spill into residential properties 4. Must not be a flashing sign
Moving Sign	Attached to a building and capable of movement by any source of power (whether or not included in any other class of advertising structure)	This form of sign is considered unacceptable in all areas.
Painted Wall Sign	Painted on to a wall of a building	1. Shall not have an advertising area greater than 4.5m ² .
Painted Blind Sign	A sign painted on a blind attached to the fascia or front underside of an awning	<ol style="list-style-type: none"> 1. Shall not have an advertising area greater than 2.0m² 2. The blind must run parallel with the street frontage
Projecting Wall Sign	Attached to the wall of a building (other than the transom of a doorway or display window) and projecting horizontally more than 300mm	<ol style="list-style-type: none"> 1. Will not generally be permitted unless they can be demonstrated to be of an architectural style which is particularly suited to that building and to the design of that and adjoining buildings 2. Shall not be located above the awning of a building 3. Shall be erected horizontal to the ground at right angles to the building and no closer than 2.6 metres from the ground 4. Shall have a maximum width of 1.2 metres 5. Shall have a maximum depth of 0.5 metres 6. Shall not be within 0.6 metres of the vertical projection of the kerb 7. Maximum of 1 sign per 6 metres of street frontage with a maximum of 2 signs per business. Signs shall be spaced at least 6 metres apart from other under-awning signs on the same or adjoining properties
Roof Sign	Erected above the roof or parapet of a building	This form of sign is considered unacceptable in all areas.
Top Hamper Sign	Attached to the transom of a doorway or display window of a building	<ol style="list-style-type: none"> 1. Shall not extend below the level of the head of the doorway or window it is attached to 2. Shall be located on the ground floor and shall not project above the ceiling level 3. Shall not be more than 3 m² in area 4. Shall be painted or fixed flat to and not project more than 50mm from the surface of the wall 5. Shall not be internally illuminated

Chapter 11 Development and Heritage Conservation

About this Chapter

The intent of this chapter is to provide guidance about development within Heritage Conservation Areas or on Heritage Items. Heritage Conservation Areas and Heritage Items are listed in the Guyra LEP and their locations are recorded on the associated Heritage Maps. The Guyra LEP also states objectives for heritage conservation and explicitly addresses requirements for development in heritage areas or on heritage items.

This Chapter provides additional information about development and heritage conservation.

Where this Chapter applies

This Chapter applies to all land identified in the Guyra LEP and associated maps as having heritage significance.

General Advice to Applicants for Development

In order to help assist developers undertake developments that respect and enhance heritage values, Council has a heritage advisor who is available for consultation free of charge to potential developers. Council recommends that developers contact Council early in their design process and seek advice on heritage issues so that the design response can be more cost-effectively worked into the overall design solution.

Exempt Development

- Must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the Heritage Act 1977; and
- Development of a minor nature may be carried out in accordance with the provisions for Exempt Development in the Codes SEPP.

Note: only certain types of development are permitted to be undertaken as Exempt Development and these are specified in the Codes SEPP.

Complying Development

- Must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the Heritage Act 1977,
- Must not be carried out on a Heritage Item listed in the Uralla LEP;
- May be permissible within a Heritage Conservation Area, although not for development under the General Housing Code or the Rural Housing Code unless the development is for a detached outbuilding; and
- Certain development types are permissible under the General Commercial and Industrial Code in the Codes SEPP (see chapter Development in Commercial and Industrial Areas).

Performance Criteria

- Development that achieves desirable social and economic benefits as well as meeting the heritage objectives of the Guyra LEP.

Acceptable Solutions – Guyra Town Centre

Aims and Objectives

- The objective of conserving the character of the Heritage Conservation Area is to sympathetically accommodate development (change), not to prevent it. The area must be allowed to redevelop and grow to accommodate the needs of the commercial area.
- These development guidelines aim to promote development that is well sited and designed to be sympathetic with the character of the area.

Significant features

Features of significance should be conserved or reinstated. Any inappropriate alteration should be removed and the original feature re-constructed as well as possible. The heritage inventory form for the building will assist in identifying any significant features.

Material and external appearance

Insensitive application of new materials or finishes to an old building may ruin its appearance, for example face brickwork should not be painted or rendered.

Streetscape

Colour schemes

Only buildings with high heritage significance should be painted in their original colour schemes. Otherwise a traditional colour scheme which fits in with the street as a whole should be considered, especially for that part of the building from the awning soffit upwards. For different styles and periods of building there are alternative colour schemes available. Refer to two books by Evans, Lucas and Stapleton on Colour Schemes for Old Australian Houses (see reference list at end of this chapter).

Parapets, awning soffits and fascias that are continuous across more than one occupancy should be painted with the same colour(s) irrespective of the different signage.

Infill development

Infill buildings should not pretend to be heritage buildings but must be sympathetic to the period of the buildings surrounding it and fit into the streetscape. Materials for major building elements should relate to the common materials existing in the area. For development within a row of buildings, the new work should try to adopt the existing horizontal lines which run along buildings, such as roof ridges, parapets, gutters, window sills and awnings.

Window and door openings are a major part of a building's design. For infill development the proportions of the openings should be similar to those of adjoining buildings. Long facades should be broken up by windows or recesses, combined with verandahs, awnings or window hoods.

Verandahs and awnings

If a canopy is proposed or is to be altered to a building which originally had post supported verandahs or awnings it should aim to replicate the original style and details. Replacement of suspended awnings with original post supported awnings is encouraged. However, replacement of original suspended awnings with post supported verandahs is inappropriate.

New infill development and most new awnings may be built in the modern style of suspended steel. However, the dimensions and siting of the new awning should consider the pitch, height and depth of verandahs and awnings on neighbouring buildings.

Roofs

Many roofs on heritage buildings cannot be seen from the street because they are hidden by parapets. For new buildings, if the roof is visible the roofing materials and pitch should be sympathetic with neighbouring buildings.

Contributory buildings (includes Heritage items)

The following criteria should be used to determine the extent to which an existing building within a Heritage Conservation Area contributes to the heritage significance of the area, and thus the degree of conservation that is required. Generally buildings will fall into one of the categories outlined in Table 11.1.

Table 11.1 Heritage significance categories

Category	Description	Acceptable Solutions
Category 1: Heritage Items & Landmark Buildings	These buildings generally have a high degree of intactness and are significant both as an individual heritage item in their own right and for their high level of contribution to the character of the area. These buildings are often landmarks within the conservation area. The significance of these buildings should not be compromised.	Maintain heritage characteristics and all significant fabric and streetscape intactness.
Category 2: Significant Contribution	Buildings of form and character with a high degree of intactness which contribute significantly to the character of the area.	Maintain and where appropriate, restore heritage characteristics and streetscape intactness.
Category 3: Contribution Compromised	Buildings which contribute to the character of the area but whose significance has been reduced by loss of original materials/details (e.g. roofs, fences, verandas and unsympathetic changes) or inappropriate decorative treatment.	Reconstruct original features/ remove unsympathetic additions.
Category 4: Complementary In-fill or Neutral Impact Buildings	In-fill buildings which complement heritage characteristics and streetscape qualities. Buildings whose impact on the heritage character of the area is neutral.	Ensure buildings and/ or the site continues to complement its surrounding development with no adverse impact on the heritage significance of the area. Maintain the neutral impact of such buildings and improve as and when appropriate, by reconstruction of original features or removal of unsympathetic additions.
Category 5: Adverse Impact	Buildings which have an adverse impact on the precinct because of their scale, design, assertiveness, materials, or because their original qualities have been altered, removed or destroyed	Encourage the ultimate replacement of the building with one less assertive, or ameliorate their adverse impact by more appropriate colour scheme, etc.

Acceptable Solutions – Tingha Main Street

- The relevant parts of the Acceptable Solutions for the Guyra Town Centre shall apply for development along Tingha main street.

Alternative Solutions

Council will consider alternative approaches providing they meet the heritage objectives of the Guyra LEP and any other relevant legislation and/or planning policies and guidelines.

Reference

Evans, I., Lucas, C. and Stapleton, I. 1984. Colour schemes for Old Australian houses, The Flannel flower Press Pty Ltd, Yeronga.

Evans, I., Lucas, C. and Stapleton, I. 1992. More Colour schemes for Old Australian houses, The Flannel flower Press Pty Ltd, Yeronga.

Vines, E. 1996. "Streetwise. A practical guide for the revitalisation of commercial heritage precincts and traditional main street in Australian Country Towns", National Trust of Australia (NSW).

Chapter 12 Contaminated Land

About this Chapter

Development on land that is contaminated is a significant planning issue. At its worst, contamination can be a risk to the health of users of land and/or the environment and this risk can be exacerbated when a change of land use occurs. All development is subject to controls contained in the following documents:

- *Contaminated Land Management Act 1997*;
- State Environmental Planning Policy No 55 – Remediation of Land; and
- Managing Land Contamination – Planning Guidelines, SEPP 55-Remediation of Land.

This Chapter provides a summary of the planning controls relating to development activity.

Where this Chapter applies

This Chapter applies to all land within Guyra Shire.

General Advice to Applicants

There is a requirement that prior to issuing development consent for any development (including both Complying Development and Development Applications) that Council consider whether the land is (or might be) contaminated and, if it is, to ensure that appropriate investigatory and/or remedial action is undertaken prior to consent being issued.

The onus is on the developer of the land to take the necessary steps to determine whether the land is actually or potentially contaminated prior to lodgement of an application. Among other things, this will entail consideration of whether any of the land uses identified in table 12.1 have ever been undertaken on the subject land.

Table 12.1 – Potential Land Contaminating Activities

- o acid/alkali plant and formulation
- o agricultural/horticultural activities
- o airports
- o asbestos production and disposal
- o chemicals manufacture and formulation
- o defence works
- o drum re-conditioning works
- o dry cleaning establishments
- o electrical manufacturing (transformers)
- o electroplating and heat treatment premises
- o engine works
- o explosives industry
- o gas works
- o iron and steel works
- o landfill sites
- o metal treatment
- o mining and extractive industries
- o oil production and storage
- o paint formulation and manufacture
- o pesticide manufacture and formulation
- o power stations
- o railway yards
- o scrap yards
- o service stations
- o sheep and cattle dips
- o smelting and refining
- o tanning and associated trades
- o waste storage and treatment
- o wood preservation

The uses listed in Table 12.1 are those referred to in Table 1 of Managing Land Contamination-Planning Guidelines. The Guidelines make the following important note about this list:

It is not sufficient to rely solely on the contents of this Table to determine whether a site is likely to be contaminated or not. The Table is a guide only. A conclusive status can only be determined after a review of the site history and, if necessary, sampling and analysis.

Aims and Objectives

- To provide a consistent basis for Council in dealing with land use planning and development matters, as well as requests for information from the public, where land is, or may potentially be, contaminated as a result of existing or previous land use activities;
- To ensure that land use changes will not increase the risk to human health or to the environment;
- To minimise the potential for adverse social and economic consequences which may arise from a failure to identify and respond to issues of potential or actual contamination as part of the land use planning and development process;
- To avoid inappropriate restrictions on land use as a consequence of existing or previous land use activities;
- To ensure that Council fulfils its legal obligation of duty of care in relation to land contamination issues; and
- To provide effective risk management for Council and community by reference to the law, industry best practice literature and protocols, having regard in particular to the EP&A Act.

Performance Outcomes

- Contaminated lands are identified and remediated as required as part of the development process.

Acceptable Solutions

As noted above, Council is required to ensure that any contamination on land is appropriately addressed as part of any development process.

SEPP 55 Requirements for Development

The following is drawn directly from the relevant section of State Environmental Planning Policy No 55 – Remediation of Land:

1. Council will not consent to the carrying out of any development on land unless:
 - a. it has considered whether the land is contaminated, and
 - b. if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - c. if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
2. Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), Council will consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
3. The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to Council. Council may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

4. The land concerned is:

- a. land that is within an investigation area,
- b. land on which development for a purpose referred to in Table 12.1 is being, or is known to have been, carried out,
- c. to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:
 - i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 12.1 has been carried out, and
 - ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Local Provisions

Council Information System – Contaminated or Potentially Contaminated Lands

Council has developed an Information System for Contaminated or Potentially Contaminated Lands in accordance with Department of Planning guidelines. It has been prepared to assist council officers in addressing the issue of land contamination in land use planning and development matters and in providing information to the public, specifically through the provision of certificates under Section 149 of the EP&A Act.

The majority of the Information System relates to urban, commercial and industrial land. Rural land has been included where information is available to identify the existence of current and former activities that may cause potential contamination. Most of this land has not been specifically assessed to determine the actual existence of contamination, but rather included to identify the further investigation is appropriate in connection with development proposals, as a result of information of which Council is aware in relation to current or former land uses. Properties where Council is not (as yet) aware of any history of potentially contaminating land uses are not included in the Information System.

The list of sites in the Information System have been prepared in good faith in the interests of responsible planning and will be used as a first point of reference by Council staff. However, the Information system is not necessarily comprehensive and should therefore be viewed as one starting point for more detailed investigations and will necessarily evolve as more information comes to hand from third parties or from detailed investigations of particular sites – for example, in connection with a specific Development Application. Likewise, inclusion of a property does not necessarily imply the actual existence of contamination on the property. This can only be determined as a result of a sampling and analysis program carried out in accordance with appropriate protocols, depending on the expected nature of contamination.

If any person is concerned about the inclusion or omission of a site on Council's Information System they should be advised to discuss the matter in the first instance with Council's Development and Environmental Services department.

Duty to Disclose Information on Contamination

Section 60 of the Contaminated Land Management Act 1997 places a duty on tenants and owners of land to notify the Office of Environment and Heritage in writing if they become aware that activities may have contaminated that land so as to present a "significant risk of harm". Guidelines on what constitutes a "significant risk" are published by the OEH. If concerns are justified, Council would expect to be notified by the OEH so that the need for amendment to the Council's information System can be considered.

Responses to Requests for Information

Note: Verbal responses to enquiries in relation to potentially contaminated land should not be provided. All responses should be provided in writing.

Details of sites subject to notices and orders under the Contaminated Land Management Act 1997 and related previous legislation can be provided to any enquirer as a matter of public record.

Property owners, or persons authorized by the owners in writing, may be provided with information from the Information System, if there is any, in relation to their own property. In any case, owners of properties identified in the Information System should be aware of their use from previous correspondence or information provided in Planning Certificates under Section 149 EP&A Act, in relation to subsequent property transactions.

All other enquiries in relation to potentially contaminated land should be dealt with through the property enquiry system under Section 149 of the EP&A Act.

Consideration of Rezoning Requests, Development Applications and Remedial Proposals

Council will follow the process outlined in the DoP Guidelines and SEPP No 55 in relation to the assessment of rezoning requests, DA's and remediation proposals.

Development Proposals and Changes of Use

Council decisions on development control matters are operational decisions where a significant duty of care applies. In each case, staff involved in assessments will consult:

- ◆ Council's Information System in relation to the site or adjacent sites where the potential may exist for off-site migration of contaminants;
- ◆ Council property file records;
- ◆ Information supplied by Applicants or property owners with Applications;
- ◆ The Schedule of "Potentially Contaminating Activities" in Table 1 of the DoP Guidelines (reproduced in Table 12.1);

And if there is a potential identified for contamination:

- ◆ The list of potential contaminants for different land uses in Appendix A of the DoP Guidelines. This can then inform the required investigation and reporting process dealt with in Part 3.5 of the DoP Guidelines.

If there is no basis to conclude that contamination may be of concern, the assessment may proceed. If, however, potential for contamination has been identified, an investigation will be required before the determination of an Application to establish that the site is suitable, or can be readily made so, for its intended use in terms of the potential risk to human health and/or the environment. For further information, see Part 4.3 of the DoP Guidelines.

Consultant reports on individual sites – minimum requirements for consultant competency

Council staff do not hold suitable qualifications to carry out scientific investigations of contaminated or potentially contaminated land. Council requires that Category 2 work is undertaken in accordance with a proposal developed by a competent Consultant and the current EPA *Guidelines for Consultants Reporting on Contaminated Sites*.

Consultants undertaking investigations and providing reports to Council in relation to contaminated (or potentially contaminated) land must certify and provide details of qualifications and experience against the following:

- a) Demonstrated experience and expertise in the following:
 - i. Contaminated land assessment.
 - ii. Soil sampling, design and methodology.
 - iii. Groundwater sampling, design and methodology.
 - iv. Interpretation of analytical data.
 - v. Quality control/assurance procedures.

- vi. Assessment of contaminant exposure pathways and risks.
- b) Demonstrated understanding of the impact of contaminated land on the environment, public and workplace health and safety.
- c) Demonstrated understanding of NSW legislation relating to contaminated sites and environmental protection, and in particular, a good understanding of the current State planning guidelines regarding contaminated land.
- d) Demonstrated relevant expertise in the following areas:
 - i. Geotechnology/hydrogeology.
 - ii. Environmental chemistry.
 - iii. Soil science.
 - iv. Ecotoxicology.
 - v. Contaminant transport and exposure assessment.
 - vi. Sampling and analysis.
 - vii. Risk evaluation, and
 - viii. Remedial technologies and associated requirements.
- e) Provide evidence of full membership in an appropriate professional organisation, such as the Australian Contaminated Land Consultants' Association.
- f) Evidence of an ability to conduct contaminated land investigations and validations or associated reviews or audits in a logical fashion and able to critically review information and compile reports of a high scientific/engineering standard for contaminated land assessments.
- g) CVs for key project personnel (Project Director, Project Manager) and evidence that the individual approving issue of any report to Council is appropriately experienced and qualified, and has reviewed the report.
- h) Evidence in the form of a certificate of currency for professional indemnity and public liability insurance, for \$20 Million coverage, or such amount as may be advised from time to time by Council's Insurance Officer or by reference in the case of professional indemnity insurance to the NSW Government's current Guidelines under its Site Auditor Scheme pursuant to the Contaminated Land Management Act 1997.

The submission of reports by Consultants meeting the above criteria does not remove the requirement for Council staff to consider these submissions and ensure that they address relevant issues for each case. A fundamental requirement is that information provided by Consultants should be in accordance with current EPA guidelines for consultants reporting on contaminated land and / or site auditors.

In some cases, an independent audit or review of consultant work may be required by Council.

Alternative Solutions

Any alternative solutions must comply with the provision of:

- *Contaminated Land Management Act 1997*;
- State Environmental Planning Policy No 55 – Remediation of Land; and
- Managing Land Contamination – Planning Guidelines, SEPP 55-Remediation of Land.

Chapter 13 Kerbing and Guttering

About this Chapter

This chapter provides details about various requirements for kerbing and guttering.

Where this Chapter Applies

This chapter applies to the following land use zones within Guyra Shire:

- R1
- IN1 & IN2
- B2 & B4

Aims and Objectives

- To ensure that the 'user pays' principle is implemented in an appropriate manner
- To ensure that kerb and gutter infrastructure is provided for new developments in areas as shown on the map in figure 13.1 below.



Performance Outcomes

- Kerbing and guttering is provided as a routine component of subdivision developments

Acceptable Solutions

The following are particular provisions in relation to the costs of kerbing and guttering:

1. Where subdivision is not involved, owners are to contribute 50 percent of the total cost of the kerb and gutter when it is constructed as part of Council's Works Programme;
2. Where a subdivision creates any new allotment, the applicant is to meet 100 percent of the costs of construction of all kerbing and guttering and all necessary associated stormwater drainage;

3. Where a subdivision creates a drainage problem, the applicant is to pay 100 percent of the costs involved in rectifying that problem;
4. Where Council requires as a condition of approval to a subdivision that kerb and gutter must be constructed in order to achieve any of the following:
 - a. overcome a drainage problem,
 - b. connect to existing nearby kerb and gutter,
 - c. prevent a drainage problem,
 - d. overcome or prevent a traffic problem,
 - e. improve the amenity of the allotments created,
 the applicant is to pay 100 percent of the cost of the kerbing and guttering involved;
5. The subdivision of corner blocks can create confusion and the method of dealing with them needs to be clear. In such cases the need to construct kerb and gutter will be considered by Council for each of the road frontages as follows:
 - a. If the conditions in 4 above occur in either or both road frontages and Council consequently requires that kerb and gutter must be constructed, as a condition of approval to the subdivision, then the applicant is to contribute 100 percent of the cost of kerb and gutter in either or both frontages in which the need for the kerb and gutter is identified.
 - b. If the conditions in 4 above do not apply to both road frontages or only apply to one road frontage and Council does not require kerb and gutter to be constructed in one or both frontages, the applicant will contribute 50 percent to the cost of kerb and gutter when the work is included in Council's Works Programme, as per item 1 above.
 - c. Alternatively, if the applicant wishes kerb and gutter to be constructed in any case, then the conditions as per item 6 below apply;
6. Where a subdivision is involved and Council does not require kerbing and guttering to be constructed but the applicant wishes kerbing and guttering to be constructed, then the applicant shall make a 100 percent contribution to the costs of doing so;
7. Where a subdivision creates a situation which can best be solved by extending kerbing and guttering beyond the boundaries of the land to be subdivided, Council will consider meeting the cost of that extension in its works programme. If associated funds are not available to Council to solve the problem, the costs will need to be fully met by the applicant or the application may be refused;
8. In the above clauses a reference to the cost of kerbing and guttering refers also to the cost of associated road pavement, shoulder and sealing works and footpath construction works required to be undertaken as part of the kerbing and guttering works; and
9. Where an applicant is required to dedicate land to Council for public road or open space purposes, no special consideration is to be given in the matter of kerbing and guttering costs.

Exemptions

An applicant may be exempt from the requirement to construct kerbing and guttering if such construction is impractical because of site conditions. Any such exemption would be subject to Council approval.

Chapter 14 Other Matters

About this Chapter

This chapter provides information about additional matters not covered elsewhere in this DCP.

Temporary Dwellings

The following applies to the use of a building as a temporary dwelling while a permanent dwelling is being erected and where both dwellings are located on the same parcel of land.

Where it is proposed to reside in a moveable dwelling, such as a caravan, Council approval is required.

Occupation of a temporary dwelling cannot commence until:

- Development consent for the erection of the permanent dwelling and the use of a temporary dwelling has been granted;
- A construction certificate for the erection of the permanent dwelling has been issued; and
- A compliance certificate has been issued to confirm that washing, bathing, cooking and toilet facilities have been provided for the temporary dwelling.

If the temporary occupancy is undertaken without Council's approval, the dwelling must be vacated prior to consideration of the application.

The following criteria will be taken into account when Council's delegated officer determines whether to approve an application for temporary occupation:

- The circumstances of the case;
- The standard and type of temporary dwelling proposed and its location; and
- Matters relating to health and convenience.

The initial period of occupation of the temporary dwelling is to be no longer than twelve (12) months. Council will extend the period if:

- Satisfactory progress is being made in the construction of the permanent dwelling within the twelve (12) month period; and
- The circumstances of the case justify an extension to the period.

Upon completion and occupation of the permanent dwelling, the use of the temporary dwelling for residential purposes must cease.

Relocation of Buildings

The following provisions apply to the relocation of a building to land within Guyra Shire. A proposal to relocate a building requires development consent from Council and a construction certificate.

The development application is to be supported by a detailed report of an inspection of the dwelling to be relocated, including photographs. The inspection is to be carried out by a suitably qualified person such as an architect, building surveyor, building consultant or engineer.

In determining whether to grant development consent Council must take into consideration:

- The condition and acceptability of the building;
- The purpose for which the building is to be used;
- Compliance with the Building Code of Australia; and
- The suitability of the building for the proposed site and to adjacent development.

Within 12 months of the building being sited on the land, a compliance certificate must be applied for which confirms that the development has been completed and all conditions of the development consent have been satisfied. Where the development will not be completed within twelve (12) months, the applicant may apply, at least one month prior to the expiration of the 12 month period, for an extension of time to complete the development. The request is to be made in writing and give reasons for seeking the extension. Council will take these reasons into consideration in determining whether to extend the period for completion of the project.

Prior to the structure being relocated on the site a bond is to be lodged with Council. Lodgement of the bond is to ensure satisfactory completion of all external works within twelve (12) months, or later period if council has granted an extension, of the building being sited on the land. The bond can be a Deed, bank guarantee or joint account. The amount of the bond shall be determined as per Council's management plan.

A refund of the bond and occupation of the building cannot occur until a compliance certificate has been issued confirming that the development has been completed and all conditions of consent of the development have been satisfied.

Commercial Rabbit Farming

The following applies to the establishment of commercial (intensive) rabbit farming operations allowable within zones RU1 (Primary Production) and R5 (Large Lot Residential) in Guyra Shire. Intensive rabbit farming is defined as the keeping of:

- 150 or more breeding does, or 1800 rabbits, in the case of a non flushing or dry system; or
- 75 or more breeding does or 900 rabbits in the case of a flushing or wet system.

A Development Application is required for rabbit farming activities defined above as intensive. Even where development consent is not required rabbit farms must be operated in accordance with best practices in relation to odour, waste and effluent management and in the control of stock. *Rabbit Farming: planning and development control guidelines* as found on the NSW Department of Primary Industries website should be used by prospective rabbit producers to assist in the preparation of a development application. The guidelines outline the important legislative requirements, planning considerations, development controls, environmental assessment and environmental management issues and it can be found at the link below:

<http://www.dpi.nsw.gov.au/agriculture/livestock/rabbits/rabbit-farming-planning>

All rabbits are to be kept in accordance with the *Model Code of Practice for the Welfare of Animals: Intensive Husbandry of Rabbits* as amended from time to time produced by the Animal Health Committee for the Standing Committee on Agriculture and Resource management.

Consultation with Guyra Shire Council is recommended before undertaking the breeding of rabbits in any area.

Commercial Pig Farming

The following applies to the establishment of commercial pig farming operations (piggeries) allowable within zones RU1 (Primary Production) and R5 (Large Lot Residential) in Guyra Shire.

A piggery will require development consent under 'SEPP No 30 – Intensive Agriculture' if it has the capacity to accommodate 200 or more pigs or 20 or more breeding sow. Further to this, a piggery will be classified Designated Development under Schedule 3 of the EP&A Regulation 2000 and will require an EIS under the EP&A Act if it:

- a. accommodates more than 200 pigs or 20 breeding sows and is located:
 - within 200m of a natural waterbody or wetland; or
 - in an area of high water table, highly permeable soil or acid sulphate, sodic or saline soils; or

- on land that slopes at more than 6 degrees to the horizontal, or
 - within a drinking water catchment, or
 - on a floodplain, or
 - within 5 kilometres of a residential zone and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, traffic or waste, or
- b. accommodates more than 2000 pigs or 200 breeding sows.

Piggeries must be operated in accordance with best practices in relation to odour, waste and effluent management and in the control of stock. The *National Environmental Guidelines for Piggeries* provides recommended siting, design and management information and can be used to assemble the supporting information for a piggery development application. It can be found at the following link:

<http://australianpork.com.au/wp-content/uploads/2013/10/National-Environmental-Guidelines-for-Piggeries.pdf>

The NSW Department of Primary Industries website also provides useful information and guidance for pig farming and can be found at the link below:

<http://www.dpi.nsw.gov.au/agriculture/livestock/pigs>

All pigs must be kept in accordance with *Animal Welfare Code of Practice – Commercial Pig Production* found on the NSW Department of Primary Industries website.

Consultation with Guyra Shire Council is recommended before undertaking intensive pig farming operations.

Chapter 15 Waste Minimisation and Management

About this Chapter

Waste and resource consumption is a major environmental issue and a priority for all levels of government within Australia. This is particularly the case as landfill sites become scarce and the environmental and economic costs of waste generation and disposal rise.

Government and society alike are exposed to the issue of managing the increasingly large volumes of waste generated by our society.

Sustainable resource management and waste minimisation has emerged as a priority action area and a key in the quest for Ecologically Sustainable Development (ESD). Critical actions in this regard include the following (moving from most desirable to least desirable):

- avoiding unnecessary resource consumption;
- recovering resources for reuse;
- recovering resources for recycling or reprocessing; and
- disposing of residual waste (as a last resort).

The building and construction industry is a major contributor to waste, much of which is deposited to landfill. The implementation of effective waste minimisation strategies has the potential to significantly reduce these volumes.

Effective waste planning and management can also benefit the builder/developer. Some of the benefits of good waste planning and management include:

- reduced costs;
- improved workplace safety;
- enhanced public image; and
- compliance with legislation such as the *Protection of the Environment Operations Act 1997*.

Where this Chapter Applies

This chapter applies to all land within Guyra shire and development that proposes demolition, construction or change of use.

Aims and Objectives

This Chapter aims to facilitate sustainable waste management within the Local Government Area. The objectives of this Part are:

Waste Minimisation

- To minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources.
- To minimise demolition waste by promoting adaptability in building design and focussing on deconstruction.
- To encourage building designs, construction and demolition techniques in general which minimise waste generation.
- To maximise reuse and recycling of household waste and industrial/commercial waste.

Waste Management

- To assist applicants in planning for sustainable waste management, through the preparation of a Site Waste Minimisation and Management Plan.
- To assist applicants to develop systems for waste management that ensure waste is transported and disposed of in a lawful manner;
- To provide guidance in regards to space, storage, amenity and management of waste;
- To ensure waste management systems are compatible with collection services; and

- To minimise risks associated with waste management at all stages of development.

Performance Outcomes

- That the objectives of this chapter be met through the incorporation of requirements for Waste Minimisation and Management in the development assessment process. It will be a requirement of an applicant to address the aims, objectives and controls of this part.

Documentation to be Submitted to Comply with Chapter Requirements

Site Waste Minimisation and Management Plans (SWMMP)

A site waste Minimisation and Management Plan outlines measures to minimise and manage waste generated during demolition, construction and ongoing use. Each development proposal requires the applicant to provide a SWMMP which to address the following matters:

- Volume and type of waste/ recyclables to be generated;
- Storage treatment of waste and recyclables on the site;
- Disposal of residual waste and recyclables;
- Operational procedures for ongoing waste management once the development is complete.

To assist applicants in meeting these requirements, a SWMMP proforma is attached to Councils Development Application forms and will need to be completed prior to lodging the development application.

‘Appendix A Site Waste Minimisation and Management Plan’ provides an example of the form to be attached to each development application to fulfil the requirements of a SWMMP. The form has specific requirements for the varying development stages including demolition, construction and ongoing management. Depending on the application type not all parts of this form will need to be completed.

‘Appendix B Waste/Recycling Generation Rates’ should be used to assist completing the Site Waste Minimisation and Management Plan.

Material Reuse and Recycling

Table 15.1 provides a list of some potential reuse/recycling options. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.

The site waste minimisation and management plans provide opportunities to identify waste reuse for a particular development. It includes a schedule of wastes and how they will be disposed of reused/recycled.

Table 15.1 – Examples Of Demolition Materials And Potential Reuse/Recycling Opportunities (based on the *Combined Sydney Regional Organisation of Council's Model DCP 1997*)

Material	Reuse/Recycling Opportunity
Concrete	Reused for filling, levelling or road base
Bricks and Pavers	Can be cleaned for reuse or rendered over or crushed for use in landscaping and driveways
Roof Tiles	Can be cleaned and reused or crushed for use in landscaping and driveways
Untreated Timber	Reused as floorboards, fencing, furniture, mulched or sent to second hand timber suppliers
Treated Timber	Reused as formwork, bridging, blocking and propping, or sent to second hand timber suppliers
Doors, Windows, Fittings	Sent to second hand suppliers
Glass	Reused as glazing or aggregate for concrete production
Metals (fittings, appliances and wiring)	Removal for recycling
Synthetic Rubber (carpet underlay)	Reprocessed for use in safety devices and speed humps
Significant Trees	Relocated either onsite or offsite
Overburden	Power screened and used as topsoil
Garden Waste	Mulched, composted
Carpet	Can be sent to recyclers or reused in landscaping
Plasterboard	Removal for recycling, return to supplier

Acceptable Solutions

General

1. A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany a development application involving demolition, construction or change of use.
2. The SWMMP shall identify waste likely to result from the development, and opportunities for reuse of materials.
3. Pursue adaptive reuse opportunities of buildings/structures and excess materials where feasible;
4. Where Council considers a particular development may result in a significant quantity of recyclable or reusable materials Council may require separate collection bins or areas for the storage of waste. These bins or areas shall be 'signposted' for the particular waste they are to receive. Note: it is acknowledged that the majority of development uses pre-manufactured or prepared materials, such as prefabricated frames and factory prepared roof sheeting. Council's assessment of a particular development may establish that a significant quantity of recyclable or reusable material may result from a development. It is in these instances Council will require separate waste bins/areas to ensure waste is managed appropriately.
5. Evidence such as weighbridge dockets and invoices for waste disposal or recycling services are to be retained by the project manager.

Demolition

1. Applications for demolition shall facilitate reuse/recycling by using the process of 'deconstruction', where materials are carefully dismantled and sorted.

2. Applications for demolition shall require separate collection bins or areas for the storage of waste. These bins or areas shall be 'signposted' for the particular waste they are to receive.

Multi-Unit Dwellings (Town Houses, Flats and Villas)

1. Plans submitted with a development application must show:
 - The location of individual waste/recycling storage areas (such as for townhouses and villas) or a communal waste/recycling storage room(s) able to accommodate Council's waste, recycling and garden waste bins.
 - The location of any garbage chute(s) and interim storage facilities for recyclable materials.
 - The location of any service rooms (for accessing a garbage chute) on each floor of the building.
 - The location of any waste compaction equipment.
 - An identified location for individual compost containers or communal compost container.
 - An identified collection point for the collection and emptying of Council's waste, recycling and garden waste bins.
 - The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area).
 - The on-site path of travel for collection vehicles (if collection is to occur on-site), taking into account accessibility, width, height and grade.
2. The following minimum collection and storage facilities shall be provided:
 - Residential flat buildings must include communal waste/recycling storage facilities in the form of a waste/recycling storage room (or rooms) designed in accordance with the *Better Practice Guide for Waste Management in Multi-Unit Dwellings*.
 - Multi-unit housing in the form of townhouses and villas must include either individual waste/recycling storage areas for each dwelling or a communal facility in the form of a waste/recycling storage room (or rooms) designed in accordance with the *Better Practice Guide for Waste Management in Multi-Unit Dwellings*.
 - For multi-storey developments that include ten or more dwellings, a dedicated room or caged area must be provided for the temporary storage of discarded bulky items which are awaiting removal. The storage area must be readily accessible to all residents and must be located close to the main waste storage room or area.
3. The following design criteria shall apply to waste collection and storage rooms or areas:
 - There must be an unobstructed and Continuous Accessible Path of Travel (as per *Australian Standard 1428 Design for Access and Mobility - 2001*) from the waste/recycling storage area(s) or room(s) to the entry to any Adaptable Housing (as per *Australian Standard 4299 Adaptable Housing - 1995*) and the principal entrance to each residential flat building the point at which bins are collected/emptied. Note: In instances where a proposal does not comply with these requirements, Council will consider alternative proposals that seek to achieve a reasonable level of access to waste/recycling storage area(s) or room(s).
 - The location of individual or communal waste storage areas will have regard to potential amenity impacts.
 - Waste/ recycling storage area(s) or room(s) must be of a size that can accommodate and manoeuvre Council's required number of waste and recycling containers.
 - Each waste storage area must be well ventilated and well lit.
 - Waste Storage areas should have access to a cold water supply for the cleaning of bins and the waste storage areas. Storage areas should be constructed and designed to be weather proof and easy to clean, with wastewater discharged to sewer.
 - The design and location of waste storage areas/facilities should be such that they compliment the design of both the development and the surrounding streetscape.
4. Where site characteristics, number of bins and length of street frontage allow, bins may be collected from a kerbside location. In instances where kerbside bin collection is not appropriate, bins must be collected onsite. Bins that are collected onsite are to be collected

- either from their usual storage point or from an onsite temporary holding area located inside the property boundary and close to a property entrance.
5. Where bins cannot be collected from a kerbside location or from a temporary holding area located immediately inside the property boundary, the development must be designed to allow for on-site access by garbage collection vehicles. In these instances, the site must be configured so as to allow collection vehicles to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, from or within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles. In these instances access driveways and internal roads must be designed in accordance with *Australian Standard 2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities – 2002*.
 6. Developments containing four or more storeys shall be provided with a suitable system for the transportation of waste and recyclables from each storey to waste storage/collection areas.
 7. Garbage chutes must be designed in accordance with the *Building Code of Australia* and *Better Practice Guide for Waste Management in Multi-Unit Dwellings*. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use. Alternative interim disposal facilities for recyclables should be provided at each point of access to the garbage chute system.
 8. Agents of the owners' corporation must take responsibility for the management of waste and recyclable materials generated upon the site. Arrangements must be in place in regards to the management, maintenance and cleaning of all waste/recycling management facilities.

Commercial Developments and Change of Use (Shops, Offices, Food Premises, Hotels, Motels, Licensed Clubs, Entertainment Facilities)

1. Plans submitted with the SWMMP must show:
 - The location of the designated waste and recycling storage room(s) or areas, sized to meet the waste and recycling needs of all tenants.
 - The location of temporary waste and recycling storage areas within each tenancy. These are to be of sufficient size to store a minimum of one day's worth of waste.
 - An identified collection point for the collection and emptying of waste, recycling and garden waste bins.
 - The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area).
 - The on-site path of travel for collection vehicles (if collection is to occur on-site).
 - There must be convenient access from each tenancy to the waste/recycling storage room(s) or area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s).
2. Every development must include a designated waste/recycling storage area or room(s) (designed in accordance with *Better Practice Guide for Waste Management in Multi-Unit Dwellings*).
3. Depending upon the size and type of the development, it may be necessary to include a separate waste/recycling storage room/area for each tenancy or large waste producing areas.
4. All parts of the development must accommodate separation of recyclable materials from general waste and the movement of separated waste to the main waste/recycling storage room/area. For multiple storey buildings, this might involve the use of a goods lift.
5. The waste/recycling storage room/area must be able to accommodate bins that are of sufficient volume to contain the quantity of waste generated (at the rate described in 'APPENDIX B Waste/Recycling Generation Rates') between collections.
6. The waste/recycling storage room/area must provide separate containers for the separation of recyclable materials from general waste. Standard and consistent signage on how to use the waste management facilities should be clearly displayed.
7. The type and volume of containers used to hold waste and recyclable materials must be compatible with the collection practices of the nominated waste contractor.

8. Waste management facilities must be suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system.
9. Where possible, waste/recycling containers should be collected from a rear lane access point. Consideration should be given to the time of day at which containers are collected so as to minimise adverse impacts upon residential amenity, pedestrian movements and vehicle movements.
10. The size and layout of the waste/recycling storage room/area must be capable of accommodating reasonable future changes in use of the development.
11. Premises that discharge trade wastewater must do so only in accordance with the appropriate approvals from Council.
12. Premises which generate at least 50 litres/kg per day of meat, seafood or poultry waste must have that waste collected on a daily basis or must store that waste in a dedicated and refrigerated waste storage area until collection.
13. Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners must be aware of their obligations in regards to these matters.
14. Any garbage chutes must be designed in accordance with the requirements of the *Building Code of Australia* and *Better Practice Guide for Waste Management in Multi-Unit Dwellings*. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.

Mixed Use Developments (Residential/Non-Residential)

1. The controls in this section for Multi-Unit Dwellings apply to the residential component of mixed use development.
2. The controls in this Section to Commercial Developments apply to the non-residential component of mixed-use development.
3. Mixed Use development must incorporate separate and self-contained waste management systems for the residential component and the non-residential component. In particular, the development must incorporate separate waste/recycling storage rooms/areas for the residential and non-residential components. Commercial tenants must be prevented (via signage and other means), from using the residential waste/recycling bins and vice versa.
4. The residential waste management system and the non-residential waste management system must be designed so that they can efficiently operate without conflict. Conflict may potentially occur between residential and non-residential storage, collection and removal systems, and between these systems and the surrounding land uses. For example, collection vehicles disrupting peak residential and commercial traffic flows or causing noise issues when residents are sleeping.
5. The Residential part of this DCP contains separation requirements for waste management areas and residential development.

Industrial

1. The controls for Commercial Development apply to industrial development unless alternative controls are recommended.
2. The location of designated waste and recycling storage room(s) or areas sized to meet the waste and recycling needs of all tenants. Waste should be separated into at least 4 streams, paper/cardboard, recyclables, general waste, industrial process type wastes.
3. Development applications shall provide evidence of compliance with any specific industrial waste laws/protocols. For example, those related to production, storage and disposal of industrial and hazardous wastes as defined by the Protection of the Environment Operations Act 1997.
4. Production, storage and disposal of hazardous wastes (such as contaminated or toxic material or products) require particular attention. The appropriate laws and protocols should be complied with.

Alternative Solutions

It is accepted that waste minimisation and management will necessitate site specific and unique solutions. As a result, Council may approve on its merits applications that propose a variation to the controls, provided it can be demonstrated that the objective herein will be achieved.

APPENDIX A

Guyra Shire Council Waste Minimisation and Management Plan

The details on this form are the provisions and intentions for minimising waste relating to this project. All records demonstrating lawful disposal of waste will be retained and kept readily accessible for inspection by regulatory authorities such as Council, EPA or WorkCover NSW.

Demolition (All Development Types) - Indicate the total amount of waste expected to be generated by the demolition of the development in accordance with the table below.

Types of Waste Generated	Reuse Estimate Volume (m3) or Weight (t)	Recycling Estimate Volume (m3) or Weight (t)	Disposal Estimate Volume (m3) or Weight (t)	Specify method of on site reuse, contractor and recycling outlet and/or waste facility to be used
Excavation material				
Timber (specify)				
Concrete				
Bricks/pavers				
Tiles				
Metal (specify)				
Glass				
Furniture				
Fixture & fittings				
Floor coverings				
Packaging (used pallets, pallet wrap)				
Garden organics				
Packaging (cans, plastic, glass)				
Paper / cardboard				
Residual waste				
Hazardous/special waste eg asbestos (specify)				
Other (specify)				

Construction (All Development Types) - Indicate the total amount of waste expected to be generated by the construction of the development in accordance with the table below.

Types of Waste Generated	Reuse Estimate Volume (m3) or Weight (t)	Recycling Estimate Volume (m3) or Weight (t)	Disposal Estimate Volume (m3) or Weight (t)	Specify method of on site reuse, contractor and recycling outlet and/or waste facility to be used
Excavation material				
Timber (specify)				
Concrete				
Bricks				
Tiles				
Metal (specify)				
Glass				
Plasterboard (off cuts)				
Fixture & fittings				
Floor coverings				
Packaging (used pallets, pallet wrap)				
Garden organics				
Packaging (cans, plastic, glass)				
Paper / cardboard				
Residual waste				
Hazardous/special waste (specify)				

Ongoing Site Management (All Development Types) - Indicate the total amount of waste expected to be generated per week by the development after construction has been completed in accordance with the table below.

	Kitchen Foodwaste	Greenwaste	Comingled Recyclables	Mixed Waste	Other
Waste generated per unit/dwelling per week (litres)					
Council's kerbside or contracted waste collections					
Council's bin configurations (240 lt MGB's/660lt or 1100 lt bulk bins)					
Council's kerbside collection frequency	Weekly	Weekly	Fortnightly	Alternate Fortnight	N/A
Contractor bin configurations (nominate bulk bin size/litres)					
Nominate Contractor's collection frequency					

APPENDIX B - WASTE/RECYCLING GENERATION RATES

Construction Waste

Rule of Thumb' for renovations and small home building

- Timber 5-7% of material ordered
- Plasterboard 5-20% of material ordered
- Concrete 3-5% of material ordered
- Bricks 5-10% of material ordered
- Tiles 2-5% of material ordered

Source: *Waste Planning Guide for Development Application, Inner Sydney Waste Board, 1998*

Ongoing Operation

Premises type	Waste generation	Recyclable material generation
Backpackers' Hostel	40L/occupant space/week	20L/occupant space/week
Boarding House, Guest House	60L/occupant space/week	20L/occupant space/week
Food premises: Butcher Delicatessen Fish Shop Greengrocer Restaurant, Café Supermarket Takeaway food shop	80L/100m2 floor area/day 80L/100m2 floor area/day 80L/100m2 floor area/day 240L/100m2 floor area/day 10L/1.5m2 floor area/day 240L/100m2 floor area/day 80L/100m2 floor area/day	Variable Variable Variable 120L/100m2 floor area/day 2L/1.5m2 floor area/day 240L/100m2 floor area/day Variable
Hairdresser, Beauty Salon	60L/100m2 floor area/week	Variable
Hotel, Licensed Club, Motel	5L/bed space/day 50L/100m2 bar area/day 10L/1.5m2 dining area/day	1L/bed space/day 50L/100m2 bar area/day 50L/100m2 dining area/day
Offices	10L/100m2 floor area/day	10L/100m2 floor area/day
Shop less than 100m2 floor area	50L/100m2 floor area/day	25L/100m2 floor area/day
Shop greater than 100m2 floor area	50L/100m2 floor area/day	50L/100m2 floor area/day
Showroom	40L/100m2 floor area/day	10L/100m2 floor area/day
Multi-Unit Dwellings ¹	80L/unit/week	40L/unit/week

Sources: Adapted from the *Waverly Council Code for Storage and Handling of Waste*.

¹ APPENDIX A, *Better Practice Guide for Waste Management in Multi Unit Dwellings 2007*